

TULSA METROPOLITAN AREA PLANNING COMMISSION  
 MINUTES of Meeting No. 1402  
 Wednesday, April 14, 1982, 1:30 p.m.  
 Langenheim Auditorium, City Hall, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, April 13, 1982, at 11:00 a.m., as well as in the Reception Area of the INCOG Offices.

First Vice-Chairman Kempe called the meeting to order at 2:05 p.m.

MINUTES:

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to approve the minutes of March 24, 1982 (No. 1400).

REPORTS:

Receipts and Deposits:

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to approve the Report of Receipts and Deposits for the Month ended March, 1982.

SUBDIVISIONS:

For Final Approval and Release:

Yorktown 71 Addition (683) 71st Street and South Yorktown Avenue (OM)

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to table this item.

Preston-Eastin First Addition (1303) SW corner of 44th Street North and North Mingo Road (IL)

The Staff advised the Commission that this plat has met all conditions of approval and all release letters had been received. Final approval and release was recommended.

Preston-Eastin First Addition (continued)

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to approve the final plat of Preston-Eastin First Addition and release same as having met all conditions of approval.

Witt Center (2793) South side of Skelly Drive, South of 41st Street (CH)

The Staff advised the Commission that this plat has met all conditions of approval and all release letters had been received. Final approval and release was recommended.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to approve the final plat of Witt Center Addition and release same as having met all conditions of approval.

Spring Valley (2383) 9800 Block South 72nd East Avenue (RS-3)

The Chair, without objection, tabled this item.

CONTINUED ZONING PUBLIC HEARING:

Application No. CZ-45 Present Zoning: AG  
Applicant: Bob Miller Proposed Zoning: IL  
Location: SE corner of 126th Street North and North Garnett Road

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Date of Application: February 9, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 20 acres

Presentation to TMAPC by: Bob Miller  
Address: Rt. 1, Box 83 - Collinsville 74021 Phone: 272-2762

Special Discussion for the Record:

The Staff presented an overlay map showing the existing development, the Comprehensive Plans as they exist to date and some recommendations for possible changes and considerations. There have been several proposals for zoning changes along Highway #169. Eventually, the present highway will be Garnett Road and Highway #169 will be relocated to the east. The Staff has done research on the area because it involves two jurisdictions - Owasso and Collinsville.

Mr. Compton explained the fence lines dividing Owasso and Collinsville are at 126th Street North. Collinsville is proposing that there will be future industrial development between the railroad tracks and Garnett Road north of 126th Street. But Owasso has no industrial zoning south of 126th Street either in existence or planned. Because industrial was planned south from Collinsville but stopped between the two towns, the Staff feels an end of the industrial zoning should be planned at the 126th Street intersection and is proposing an industrial node at this intersection.

The Staff proposes expansion of the node at 116th Street and Garnett Road, commonly referred to as the German Corner to fit the existing zoning patterns. There was another commercial node planned to the south at 106th Street; however, there is residential development on one corner and given the fact that we have expanded the land allocated for commercial at the German Corner and also to the south at 86th Street, there is not a great deal of need for the node at 106th Street.

The Staff explained there is an area along the highway south of the southwest corner of 101st Street with several nonconforming commercial uses and suggested this strip be allowed to develop as commercial, but serve as a buffer to the residential that exists behind it. The Staff proposes to let the node at 96th Street remain the same. The City of Owasso granted commercial zoning slightly larger than proposed, but the developer of the land is looking for apartments in that particular area offsetting the need to expand the commercial.

To the south at 86th Street is the main commercial growth for the City of Owasso and the Staff proposes that the growth along the west side be matched up with property across Garnett Road on the east.

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property Residential, Rural Residential, and Agriculture. The IL District is not in accordance with the Plan Map.

CZ-45 (continued)

Staff Recommendation:

The subject tract is located south of the southeast corner of 126th Street North and Garnett Road or Highway #169. It is a vacant agricultural field, 20 acres in size, zoned AG, and the applicant is requesting IL, Light Industrial zoning. The land surrounding the tract is also zoned AG and is vacant, except for a single-family residence to the east and south. Farther to the north, at the northwest corner of 126th Street North and Garnett Rd. and within the Collinsville City Limits is an existing tract zoned for manufacturing uses.

Even though the Owasso Plan does not call for industrial uses south of 126th Street the Collinsville Plan designates the area north of 126th Street for industry and manufacturing creating a point of conflict. The Staff views the area north of 126th Street as good industrial land and see the intersection at 126th Street and Garnett Road as an industrial node, which would serve as the south end of the industrial zoning. In order to match property lines and have tracts that are a reasonable size for industrial development, the Staff is recommending an irregular shape node, which would extend 990' south of the centerline of 126th Street, 440' east of Garnett Road, and west to the railroad tracks. These dimensions are the result of a special zoning study along Garnett Road, between Collinsville and Owasso.

Based on the analysis of this information, the Staff recommends APPROVAL of IL on the northwest corner of the subject tract, 660' south and 440' east of the northwest corner, and DENIAL on the remainder of the tract.

Applicant's Comments:

Mr. Bob Miller lives in Collinsville a few miles from the subject tract. Owasso and Collinsville are merging and there is heavy manufacturing zoned land near the area. He has just completed two structures on a tract for Mistletoe Express and a drilling company. On a daily basis, there are over 10,000 vehicles on Highway #169. He realizes there is a planned highway that would be 3/4ths of a mile to the east and the residents are looking forward to its completion. The Atchison, Topeka and Santa Fe Railroad is close to the site and approximately 300 acres of land northwest of the tract was opened up as strip pits in the early 1900's. Collinsville and Owasso are currently looking at that land as a 20-to 30-year refuse dump.

The future of this surrounding land is for heavy manufacturing. The subject tract has 990' of highway frontage and would be split into three tracts, 330' x 880'. He has worked on this particular property for 3½ years and it appears compatible with the existing growth because of the stockyards, cement plant and boat manufacturing nearby.

If the property could be developed industrial, residents would be able to work closer to home instead of driving to Tulsa. Mr. Miller is agreeable with the Staff Recommendation and would be looking for light commercial zoning on the remaining portion. This tract has utilities and is one mile from the German Corner, which contains very intense uses.

Protestants: Ron Detherow  
John Wise  
Bob Campbell

Addresses: Rt. 3, Box 723 - Collinsville  
Rt. 3, Box 750 - Collinsville  
Rt. 3, Box 732 - Collinsville

CZ-45 (continued)

Protestant's Comments:

Mr. Ron Detherow wanted to know if the Staff had considered the bad curve between the German Corner and Collinsville. The Highway Patrol and City of Owasso have reported 49 accidents between 106th Street and 126th Street in the last year. This is a two-lane, no shoulder, access highway. Four deaths have been recorded at this bad curve. He is concerned about the additional traffic.

There is an existing water problem and his addition has water pressure problems. Additional strain on the water pressure is going to create more problems in his addition. Mr. Detherow presented a protest petition containing 23 signatures (Exhibit "A-1").

Mr. Detherow requested the Commission deny this application on the basis of the highway problems and the absence of sewer. This application was denied in March 1982, by the Owasso Planning Commission because they felt it was strip zoning.

Mr. Gardner explained that there have been several zoning applications recently that were denied by the Owasso Planning Commission, but approved by the County Commission. Therefore, the Staff studied the area to create a plan that would accommodate the extreme pressure points, but would not strip the street.

Mr. John Wise also represented his neighbors who live next to the subject property and stand to lose the most in property value. Mr. Wise lives across the road and would prefer this remain residential. If it cannot remain residential, then he requested the more intense use be confined to the corner. He agreed with the statement of water pressure problems.

Mr. Gardner explained to the applicant that his statement about commercial on part of the property is not what the Staff recommended. He then noted that Mr. Wise would be more than 300 feet from the southern boundary of the Staff Recommendation.

Mr. Bob Campbell advised that his water bill has increased from \$7.00 per month to \$35.00 in the last few years and cannot understand why the rural water district should be charging so much if they have excess water. Also, the water is murky and the residents have to install their own filtering system. The water pressure is very limited. He was also concerned with the traffic problems, since the highway narrows from four lanes to two lanes at the German Corner. He suggested the road be made safe before any zoning is approved and be assured the utilities can handle the increase.

Applicant's Comments:

Mr. Miller explained that there is a 1" water line with a 4" loop around the property. He has installed a water line for the Mistletoe building and the water pressure is good and the water is clear. The future of this property is not residential because of the railroad tracks and strip pits. He feels the proposed use is compatible with the area.

Special Discussion For The Record:

Commissioner Petty asked the Staff about the history of this application and Mr. Gardner replied the Owasso Planning Commission denied the application on a 3-0-1 vote. Commissioner Petty feels the application has merit, but is bothered by the fact the Owasso Planning Commission voted against the application. He thought Owasso should mend their own plan.

CZ-45 (continued)

Commissioner Rice advised that the property in question is not within the City Limits of Owasso, but is within the Owasso Fence Line. It is not known when Owasso will incorporate the area, but State law allows the Owasso Planning Commission to address and make recommendations in regard to the property, however the final authority rests with the County Commission. If the Commission is concerned with the traffic conditions along Highway #169, the proposed expressway will relieve a lot of that pressure.

Commissioner Young stated he would like to vote for denial of this application, but realizes the County Commission has overruled this Commission several times in the past. He feels the Staff has researched this extensively and thought the recommendation should be supported.

Instruments Submitted: Protest Petition containing 23 signatures (Exhibit "A-1")  
18 Pictures of the area (Exhibit "A-2")

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 5-1-0 (Gardner, Hennage, Kempe, Rice, Young "aye"; Petty "nay"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL on the northwest corner of the subject tract, 660' south and 440' east of the northwest corner, and DENIAL on the remainder of the tract, per Staff Recommendation:

The North 660 feet of the South 990 feet of the West 440 feet of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4, also being Lot 4, Section 5, Township Twenty-one (21) North, Range Fourteen (14) East of the Indian Base and Meridian, in Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

TMAPC Action: 6 members present:

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to limit all parties to 3 minutes and not have repetitive protests for this meeting only.

ZONING PUBLIC HEARING:

Application No. Z-5681 Present Zoning: RS-3  
Applicant: Hugh & Norma Boyd Proposed Zoning: OM  
Location: SW corner of 67th Street and Sheridan Road

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Date of Application: February 16, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 3.2 acres, more or less

Presentation to TMAPC by: R. W. Slemaker, Jr.  
Address: Route 2, Box 107 - Broken Arrow, Oklahoma Phone: 455-4231

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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

The subject tract is 3.2 acres in size and located at the southwest corner of 67th Place South and Sheridan Road. It is vacant, sloping from back to front, zoned RS-3, and the applicant is requesting OM office zoning. It is abutted on the east by a single-family subdivision zoned RS-3, on the north by a church zoned RS-3 single-family, on the west by vacant land zoned RS-3, and on the south by vacant land zoned OL.

Normally, based on the Comprehensive Plan and the surrounding physical conditions, the Staff could not support the requested OM zoning, however the subdistrict has been broken by a previous OL zoning approval on a tract several hundred feet to the north. Given this fact the Staff could support OL zoning on the east 450' (centerline), but not OM zoning. Allowing OM zoning north of the existing OL zoning to the south would be allowing a medium intensity use to jump over a low intensity buffer. In addition, since it would now seem impossible to develop the area in a Low Intensity -- Residential manner as designated by the Comprehensive Plan, the Staff feels that a Low Intensity Office use would be most consistent with the intent of the Plan.

Therefore, the Staff recommends DENIAL of OM and APPROVAL of OL zoning on the east 450 feet measured from the centerline of Sheridan Road.

Note: East 450 feet aligns with street and church property.

Applicant's Comments:

Mr. R. W. Slemaker, Jr., represented Mr. Hugh Boyd who could not be present. He was sure Mr. Boyd would accept the Staff Recommendation.

Protestants: Harold Furtney Addresses: 6640 S. Oxford Rd. - BA - 74133  
Ernest Moody 6308 E. 67th Place  
W. J. Pfiffner 6708 S. 66th E. Avenue  
John Desmukes 7530 S. 67th E. Avenue

Z-5681 (continued)

Protestant's Comments:

Mr. Harold Furtney canvassed the entire area and talked to 113 people and none of the residents were in favor of this application. He presented a protest petition containing 113 signatures (Exhibit "B-1"). This rezoning would be spot zoning; it is not in accordance with the District Plan; it would add to existing traffic snarls and congestion; OM density would minimize water retention; and, it would lower the property values of nearby quality single-family residences. OM zoning was denied by the City Commission on the property to the south of the subject tract and sought to protect the residential zoning by giving OL zoning as a buffer. Now that buffer would be lost. The area is prone to grass fires and increased traffic would make it difficult for emergency vehicles to get through.

Mr. Ernest Moody presented 7 photographs (Exhibit "B-2") and a copy of an editorial from the Tulsa newspaper concerning traffic on Sheridan (Exhibit "B-3"). The only street running west from Sheridan is 67th Street. The PUD that was approved west of the area is building beautiful homes. The street is narrow and the Warren Foundation property is intended to be a buffer to the residents and his plea to the Commission is to keep these facts in mind.

Mr. W. J. Pfiffner brought out the fact that this area has a unique topography. The Comprehensive Plan refers to this as a sensitive area and the City Commission has compromised on previous applications due to the topography. This request is speculative zoning.

Mr. John Desmukes represented the Southeast Homeowner's Association and presented a letter from the Association (Exhibit "B-4").

Chairman Kempe advised that a letter has been submitted by Bethany Christian Church stating they are opposed to any greater intensity than OL zoning permits (Exhibit "B-5").

Applicant's Comments:

The applicant had no further comments.

Special Discussion for the Record:

Commissioner Young asked if there would be any way OL could be denied between the tract zoned OL and the subject tract if OL is approved. Mr. Gardner explained that the church physically exists on the property north of the subject tract; however, if the church relocates, the property could be rezoned. He feels the northern end of the property already zoned OL is already committed. It has never developed. There is a sign on the property zoned OL stating they will "build to suit" and has been there for some time. The Staff has never recommended OL zoning but is now faced with the subject tract abutting OL property on the south, abutting a church on the north and in close proximity to additional OL zoning north of the church.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 3-0-0 (Gardner, Kempe, Young "aye"; Hennage, Petty, Rice, "nay"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to deny this application for OM zoning on the following described property. This application will be forwarded to the Board of City Commissioners with no recommendation.

Z-5681 (continued)

The South 218' of the East 656.26 feet of the NE/4 of the SE/4, LESS the East 24.75' thereof for road purposes, Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Instruments Submitted: Protest Petition containing 113 signatures (Exhibit "B-1")  
7 Photo's of the surrounding area (Exhibit "B-2")  
Copy of newspaper editorial (Exhibit "B-3")  
Letter from Southeast Homeowner's Assoc. (Exhibit "B-4")  
Letter from Bethany Christian Church (Exhibit "B-5")

Application No. Z-5682 Present Zoning: RM-2  
Applicant: B. N. Voss Proposed Zoning: IL  
Location: North and West of the NW corner of 2nd Street and Rockford Ave.

Date of Application: February 19, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: .47 acres, more or less

Presentation to TMAPC by: Bernie Voss  
Address: 5119 South Joplin Avenue Phone: 627-4451

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Industrial.

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 subject tract is located west of the northwest corner of Second Street South and Rockford Avenue. It is approximately 1/2 acre in size, zoned RM-2 and contains two dwelling units which are being demolished.

The tract is abutted on the north by the Crosstown Expressway, on the east by a bar and multifamily structure zoned RM-2, and on the south and west by single-family residences zoned RM-2. However, only one 50-foot lot separates this tract from existing IL zoning to both the east and west.

Given the Comprehensive Plan designation, location, and the existing land uses and zoning patterns the Staff recommends APPROVAL of IL zoning.

Applicant's Comments:

Mr. Bernie Voss would like to build on each of the lots one building, 32' x 60', that would have 640' of office space along with approximately 2,000' of warehousing and light manufacturing facility. The building would be placed 25' from the front of the property line and all but this 25' would be fenced with chain link with the entire area being paved.

Interested Party: Eugene Colleoni Address: 1534 South Delaware Avenue,  
74104

Interested Party's Comments:

Mr. Eugene Colleoni, Chairman of District 4, advised that the members of GTC support this case. They are trying to redevelop this area which is in a special industrial district. This was planned for about 6 years ago and the remaining houses, which are in decrepit condition, are surrounded by industry. District 4 recommends this application be approved.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lots 2, 20, & 21, Block 14, Lynch-Forsyth Addition, Tulsa County, Okla.

Application No. Z-5683 Present Zoning: RS-3  
Applicant: Judy Bryan (Westbrook) Proposed Zoning: IL  
Location: East of the SE corner of Pine Street and Garnett Road

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Date of Application: February 23, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: .46 acres, more or less

Presentation to TMAPC by: Judy Bryan  
Address: 14824 East 12th Street - 74108 Phone: 437-2197

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, Industrial Development encouraged.

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 subject tract is located east of the SE corner of Pine Street and Garnett Road. It is approximately 1/2 acre in size, zoned RS-3, contains a single-family residence, and the applicant is requesting IL zoning.

The tract is abutted on the north by a large OTASCO office and warehouse building zoned IL, to the east by a single-family residence zoned RS-3 and to the south and west by vacant land zoned IL.

The subject tract is designated for industrial development and surrounded by existing industrial land uses or zoning districts. Therefore, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Ms. Judy Bryan, representing Good Neighbor Real Estate, had no comments.

Interested Party: Michael Goldstein, OTASCO Address: P. O. Box 883 - 74102

Interested Party's Comments:

Mr. Michael Goldstein is an attorney for the OTASCO Real Estate Department and is present as an Interested Party, not to protest.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

A tract of land in the NW/4 of the NW/4 of the NW/4 of Section 32, Township 20 North, Range 14 East, County of Tulsa, State of Oklahoma, described as follows: Commencing at a point 50' South and 110' West of the NE corner of the NW/4 of NW/4 of NW/4 of said Section 32; thence South and parallel to the East line of the NW/4 of NW/4 of NW/4 of said Section 32 a distance of 183' to a point; thence West and parallel to the North line of the NW/4 of NW/4 of NW/4 of said Section 32 a distance of 110' to a point; thence North and parallel to the East line

Z-5683 (continued)

of the NW/4 of NW/4 of NW/4 of said Section 32 a distance of 183'  
to a point; thence East and parallel to the North line of the NW/4  
of NW/4 of NW/4 of said Section 32 a distance of 110' to the point  
of beginning.

Z-5684 Springer (Eimer) NW corner of Victor Avenue & Queen Street RS-3 to IL

A letter was presented from the protestant requesting this application be continued (Exhibit "C-1"). The applicant, Roy Springer, was present and had no objections to the continuance.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to continue consideration of this application to April 28, 1982, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5685  
Applicant: Mary Clift  
Location: 2216 North Atlanta Court

Present Zoning: RS-3  
Proposed Zoning: RM-1

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Date of Application: February 24, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: .22 acre, more or less

Presentation to TMAPC by: George Geesing  
Address: 3504 North Sheridan Road

Phone: 836-8212

Relationship to the Comprehensive Plan:

The District 3 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 RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located on the west side of Atlanta Court, between Woodrow and Xyler Streets. It is vacant, .2 of an acre in size, zoned RS-3, and abutted in all directions by single-family residences zoned RS-3. The applicant is requesting RM-1 zoning.

Based on the Comprehensive Plan, the existing land uses, and zoning patterns, the Staff would consider this application to be spot zoning and, therefore, recommend DENIAL of the RM-1 zoning request.

Applicant's Comments:

Mr. George Geesing represented his wife, Mary, who owns the two lots under application. There are numerous vacant lots in the area, which were developed many years ago before building codes. Most of the houses are sub-standard structures and would be considered as Urban Renewal property if situated in other areas of town. He requests the Commission approve this spot zoning on the grounds that these plots would not sell for more than \$2,000 because there is not a market for them. If this property were rezoned, the property values would be increased. He submitted 11 pictures of property in the area which demonstrate his comments (Exhibit "D-1").

<u>Protestants:</u>	Ted Cotton	Addresses:	1012 N. Delaware Place
	Roseanne Matlock		2150 N. Delaware Place
	Louise Lynch		2127 N. Atlanta Avenue
	Sarah Ford		2204 N. Atlanta Avenue

Protestant's Comments:

Mr. Ted Cotton is the Chairman of District 3 and he agreed the area contains low-cost homes. However, his feeling is the best home is one that is paid for. He has spoken to the residents and found no one in favor of this zoning change. A protest petition was presented containing 193 signatures (Exhibit "D-2"). The people have more of a right to keep the area as it suits them because they cannot do much more about getting out of the area. The GTC agrees the area should not be changed at this time and recognize that the residents should be listened to.

Ms. Roseanne Matlock advised this area is populated by mostly elderly people who cannot afford to do much remodeling. There is no road coming into

Z-5685 (continued)

this area through Apache and many times emergency vehicles get lost because of the dead-ends. Adding more buildings and families would be good, but there is no parking and there are problems with sewers. It would be extremely costly to improve the sewer system to accommodate an increase in density. If this application were approved, more applications would be forthcoming, compounding the problem. The residents would like to keep these single-family dwellings with yards where the children can play.

Ms. Louise Lynch has lived in the area about 30 years. There is no place for the children to play and parking would be a problem. Also, the schools would be inadequate.

Ms. Sarah Ford agreed there are too many children in the area now and nowhere for them to play. If this application were approved, the problem would be increased.

Applicant's Comments:

Mr. Geesing advised he is not proposing to tear down any houses. The house on the subject tract was demolished by the City because it did not meet standards. He is not driving anyone out of their neighborhood or forcing them out. The maximum number of units that could be built on this tract would be 7, one-bedroom apartments. However, he is planning only to build a four-plex. Off-street parking would be required for a four-plex under the ordinances. If the streets are full of children, he wondered why Springdale School was cut down to three grades. If the application is approved, he would restrict renters to adults.

Instruments Submitted: 11 Pictures of the area (Exhibit "D-1")  
Protest Petition containing 193 signatures (Exhibit "D-2")

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that rezoning on the following described property be DENIED.

Lots 95 and 96, Block 10, Tulsa Heights Addition, Tulsa County, Oklahoma.

Application No. Z-5686  
Applicant: Williams (McConoco)  
Location: NW corner of 67th Street and Utica Avenue

Present Zoning: RS-2  
Proposed Zoning: RM-1

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Date of Application: March 3, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 10 acres

Presentation to TMAPC by: Robert Williams  
Address: 4815 South Harvard Avenue, Suite 510 - 74135 Phone: 749-2424

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 RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is 10 acres in size and located at the NW corner of Utica Avenue and 67th Street South. It contains one single-family residence, is zoned RS-2 and the applicant is requesting RM-1 zoning. It is abutted on the north by former Mason Senior High School zoned RS-2, on the west by a developed residential area zoned RS-3, on the east by a duplex development zoned RS-3, and on the south by vacant land zoned as a PUD to be developed as zero lot-line homes.

The RM-1 could be in accordance with the Plan if existing conditions support its use. However, in this case it would allow densities that would be well over double the densities of the surrounding zoning. The Staff can not support a development of this intensity in the center of less intense area.

Therefore, the Staff recommends DENIAL of RM-1 and APPROVAL of RD.

Applicant's Comments:

Mr. Robert Williams is the attorney for A & R Investments which has an option on this property. He pointed out that the property immediately to the south is the Lift Apartments and immediately west is Brandywine, a condominium development. Also, the Cambridge condominiums are in the area. Therefore, he feels this application is compatible with the existing uses. Another point is that Utica is a dedicated street and will be used for access to the Mason High School structure. The City Engineer requires storm retention facilities or a drainage facility to Joe Creek. Approximately 600 feet would have to be transgressed to Joe Creek, which would constitute a substantial development cost. A low-intensity residential would not be feasible.

Protestants: None.

Special Discussion for the Record:

Commissioner Young asked the Staff how many units could be built with RD versus RM-1. Mr. Gardner replied 100 units could be built on this 10 acres with RD. RM-1 would allow 220 units. RM-0 or RM-T could be considered because they are less intense uses than RM-1.

Z-5686 (continued)

Commissioner Petty did not feel RM-1 was inappropriate and thought it would transition well from RM-1 to RD to RS-3. He mentioned Mason Senior High School has been closed and he did not feel the area will be utilized for residential homes.

Commissioner Young explained that RM-1 would be between two, RS-3 areas and has heard that Mason Senior High School might be used for a new 4-year college, which would increase activity in the area. Commissioner Rice felt there would be more of a need for suitable living places for students if this proposal is approved for the college.

Interested Party: John Sublett                      Address: One Williams Center

Interested Party's Comments:

Mr. John Sublett explained it is doubtful the college will be located in this area due to the lack of access.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 5-1-0 (Gardner, Hennage, Kempe, Rice, Young, "aye"; Petty "nay"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be DENIED RM-1 rezoning and that RD zoning be approved per Staff Recommendation:

The NE/4 of the NE/4 of the SW/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5687 Present Zoning: RS-3  
Applicant: Earl Cherry (Scaggs) Proposed Zoning: CG  
Location: NE corner of 11th Street and 123rd East Avenue

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Date of Application: February 26, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 3.8 acres, more or less

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

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is approximately 3.8 acres in size and located several hundred feet west of the northwest corner of 129th East Avenue and 11th Street South. It is mostly vacant, zoned RS-2, and the applicant is requesting CG zoning.

The subject tract is abutted on the north and northwest by single-family residences zoned RS-3, on the west by single-family residences zoned CS, on the south by East Central High School zoned RS-3, and on the east by vacant land zoned RS-2. Based on the Comprehensive Plan, existing land use, and zoning patterns, the requested CG zoning cannot be supported; however, CS zoning is consistent with the established zoning patterns in the area.

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

For the record, the applicant's intended use can be approved by the Board of Adjustment as a special exception use.

Applicant's Comments:

Mr. Roy Johnsen advised the Commission that this request was filed by the realtor for pending transaction. The CG zoning was requested because that would be the district that permits the proposed use by right, which is boat sales. He noted that the Comprehensive Plan does provide for CG and the applicant would prefer CG zoning instead of filing a Board of Adjustment exception. Other uses along 11th Street would be compatible with CG zoning. Mr. Johnsen does not intend to argue or insist on CG zoning, but feels there is some merit.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners to deny the requested CG zoning on the following described property and APPROVE CS zoning, per Staff Recommendation:

All of Block 3, Pennant Addition, Tulsa County, Oklahoma.

4.14.82:1402(18)

Application No. CZ-47  
Applicant: Bagley (Sumal)  
Location: West of the SW corner of 56th Street and 55th West Avenue

Present Zoning: RS  
Proposed Zoning: CG

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Date of Application: February 26, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 1.82 acres, more or less

Presentation to TMAPC by: David A. Bagley  
Address: 20th Floor, Fourth National Building - 74119 Phone: 582-9201

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is 1.8 acres in size, located southeast of the intersection of 56th Street South and I-44, zoned RS-3, and contains one single-family dwelling and a portion of an existing motel. The applicant is requesting CG zoning.

It is abutted on the northwest by I-44, on the north by a motel zoned CS, on the east by an industrial building and storage yard zoned IL, on the south by large lot single-family dwellings zoned RS-3, and on the west by a motel zoned CH.

The Comprehensive Plan supports the requested zoning, as do the existing zoning patterns and land uses. Therefore, the Staff recommends APPROVAL of the requested CG zoning.

Commissioner Rice asked if this could be zoned CS for motel expansion and Mr. Gardner replied CS would accommodate motel expansion, but was not sure the applicant could live with the floor area ratio required in a CS District. This area is designated industrial by the Comprehensive Plan and has high intensity CH and industrial on two sides.

Applicant's Comments:

Mr. Dave Bagley represented Sumal Corporation who own the Western Motor Inn. Lot 4, Block 1 of this addition presently contains a motel but is zoned RS-3. It has been in existence for 20 years. He is requesting this zoning be changed to comply with the Zoning Code and propose to add 40-some units, although that use is not completely confirmed. The applicant is satisfied that the proposed use is compatible with the surrounding area and requested this application be approved.

Interested Party: Juanita Gay Address: 4447 West 56th Street

Interested Party's Comments:

Ms. Juanita Gay had no qualms about the proposed use, but was concerned that another use would be developed instead of expanding the motel. Chairman Kempe advised Ms. Gay that the Commission can only allow zoning changes and the property can be developed as any use permitted within the approved zoning district.

CZ-47 (continued)

Applicant's Comments:

Mr. Bagley could not assure Ms. Gay that the property will be used for motel expansion; however, this is the most likely use of the property at the present time and in the future they have plans for expansion.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hinkle, Higgins, Parmele, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CG:

Lots 3 and 4, Block 1, Bozarth Acres Addition to Tulsa County, Okla.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Hinkle, Higgins, Parmele, Inhofe, "absent") to approve the request for early transmittal.

Application No. Z-5688 Present Zoning: RM-1  
Applicant: Adolph Williams Proposed Zoning: CG  
Location: SW corner of Queen Street and North Peoria Avenue

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Date of Application: March 2, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: .33 acre, more or less

Presentation to TMAPC by: Adolph Williams  
Address: 1546 North Peoria Avenue Phone: 487-4528

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Neighborhood Development Area I.

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

Staff Recommendation:

The subject tract is .33 acre in size and located at the southwest corner of Queen Street and Peoria Avenue. It contains two structures, is zoned RM-1 and the applicant is requesting CG. It is abutted on the north, west, and south by single-family structures zoned RM-1 and on the east by several retail commercial structures zoned CH.

The Comprehensive Plan's designation of Neighborhood Development Area I is based on Special Studies developed by the Tulsa Urban Renewal Authority, which indicates that the subject tract is in an area which is proposed for commercial and office uses. The structures on the site and to the north and south face Peoria, while the structures farther to the west face onto Queen Street making the west property line an acceptable point to stop commercial zoning fronting onto Peoria Avenue.

Based on the above facts, the existing land uses and zoning patterns support commercial zoning, however, CG zoning is too unrestrictive considering the proximity of the single-family homes. Therefore, the Staff recommends DENIAL of CG and APPROVAL of CS.

For the record, if the applicant's proposed car wash is appropriate for the area the Board of Adjustment can approve it by special exception.

Applicant's Comments:

Mr. Adolph Williams, the applicant, did not understand the CS zoning recommended by the Staff and Mr. Gardner advised that this is primarily a retail commercial as opposed to a business service. The applicant's intended car wash is an automotive business service activity and would require either general commercial zoning for use by right, or would require a Board of Adjustment special exception if it were zoned CS. The applicant stated the CS zoning was allright with him.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of

Z-5688 (continued)

City Commissioners that the requested CG zoning be DENIED and that CS rezoning be APPROVED on the following described property, per Staff Recommendation:

Lots 23 and 24, Block 4, Booker Washington Addition, Tulsa County, Oklahoma.

Application No. Z-5689 Present Zoning: OL, RS-1  
Applicant: Herrington (Cox, Wills) Proposed Zoning: CS  
Location: SE corner of 21st Street and Memorial Drive

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Date of Application: March 3, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 4.756 acres

Presentation to TMAPC by: John Sublett  
Address: One Williams Center Phone: 582-8815

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 -- No Specific Land Use.

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 located east of the southeast corner of 21st Street South and Memorial Drive. It is approximately 5 acres in size, zoned OL and RS-1, contains one single-family residence, and the applicant is requesting CS zoning.

The tract is abutted on the north by vacant land zoned OL, on the east by a single-family residence zoned OL, on the south by vacant land zoned RM-2 and a nursing home zoned RS-1, and on the west by a retail commercial structure zoned CS.

The tract is located beyond the Node making the requested CS zoning inconsistent with the Comprehensive Plan and adopted Development Guidelines. The land uses and zoning patterns surrounding the tract and established by previous TMAPC action do not support the CS zoning district. In addition, planned street improvement on 21st Street will include a non-access median which will restrict left turning movements into the tract making it physically and economically difficult to develop as a commercial use. The subject request represents strip commercial zoning which is contrary to all good planning practices and a regression to old harmful zoning practices. The existing OL zoning affords ample use of the subject property.

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

Applicant's Comments:

Mr. John Sublett represented the applicant. The subject tract is 625' x 210'. He felt this area needs development or redevelopment. It has been hampered for a number of years because of the Indian Acres development.

The area is surrounded by commercial uses. The line drawn for CS zoning in the beginning is arbitrary. A more realistic place to draw the line is 85th East Avenue. The land has been unused for many years and should be developed. The Board of Adjustment approved a two-story use in the OL portion and another application was approved for the expansion of the ground coverage from 25% to 40%. Therefore, there is already CS zoning by special exception in the OL district. There are several nonconforming uses in the area.

Z-5689 (continued)

Special Discussion for the Record:

Commissioner Young asked the Staff, under a node concept, what the acreage would be. Mr. Gardner replied it would be 660' x 660'. The Staff fully intended to recommend OL zoning on the portion marked RS-1, which is consistent with the Plan, and the Staff recommendation would be DENIAL of CS and APPROVAL of OL.

Commissioner Rice advised he lives in the area and personally agrees with the comments made by the applicant's representative, although he can understand the Staff's comments. The future of the area is CS.

MOTION was made by RICE, Second by Petty, to recommend CS zoning.

Commissioner Young did not want to rezone beyond the street and requested the motion state this. Chairman Kempe suggested a 3-foot strip. Commissioner Rice commented the land to the east is zoned OL and thought this would serve as a barrier. Commissioner Young agreed.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

The East 15' of Lot 3, Block 1, Memorial Oaks Addition; ALL of Lot 4, Block 1, Memorial Oaks Addition; East 178' of Lot 1, O'Conner Park 2nd Addition and the West 198' of the East 376' of Lot 1, O'Conner Park 2nd Addition. ALL in the NW/4 of the NW/4 of Section 13, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5690 Present Zoning: RS-2  
Applicant: Rouse (Deem, Gill) Proposed Zoning: OL  
Location: South side of 61st Street, West of Joe Creek

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Date of Application: March 4, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 1.3 Acre, more or less

Presentation to TMAPC by: McDaniel Company  
Address: 4517 South Harvard Avenue - 74135 Phone: 749-7515

Remarks:

Mr. Gardner thought this was to be continued because the applicant will be returning with a PUD application and the two cases should be heard together. However, since there were protestants in the audience, the Staff is prepared to proceed with the Staff Recommendation.

On MOTION of Young, the Planning Commission voted 5-1-0 (Gardner, Hennage, Kempe, Rice, Young, "aye"; Petty "nay"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to hear this application.

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located west of the southwest corner of 61st Street South and Lewis Avenue. It is slightly over one acre in size, vacant, zoned RS-2, and the applicant is requesting OL.

It is abutted on the north by a developed multifamily neighborhood zoned RM-1, on the south and east by Joe Creek, and on the west by a single-family dwelling being used as an office and zoned OL.

The surrounding land uses and existing zoning patterns support the Comprehensive Plan designation, therefore, the Staff recommends APPROVAL of the requested OL zoning.

<u>Protestants:</u>	R. C. Brown	Address: 2132 East 59th Place
	Sharon Gaither	6125 South Yorktown Ave. #58
	Janice Foshee	6125 South Yorktown Ave.
	Cynthia Semones	6125 South Yorktown Ave.
	John Babbitt	2126 East 60th Court

Protestant's Comments:

Mr. R. C. Brown lives in Garden Park Addition which consists of 83 private units of high-quality homes and the owners would like to keep their privacy, security and limited traffic. This particular tract of land has recently become usable because of the improvements to Joe Creek. The only access is 61st Street because Joe Creek forms a natural barrier on one side and a housing development is on another. The traffic on this street has increased substantially and has caused the development he lives in to close some exits onto 61st Street. Mr. Brown is an officer of the Garden Park Corp. and

has full authority to speak for the association.

Mr. Raymond King spoke for Sharon Gaither, Janice Foshee and Cynthia Semones who live in Pecan Creek Apartments. This development began as a condominium project; however, there was a problem in selling the units. The people he represents do own their homes and the majority of other units are rented. These condominiums abut the subject property and would be adjacent to parking or office space under the proposal which would limit privacy. When the residents bought their property, the land was zoned residential and they do not want a change. The property fronting 61st Street was probably satisfactory for OL zoning, but should not be deeper than 150 feet. He cannot see the reason for a zoning change when the property is abutted by residential. This proposal will reduce the value of the property in the area, will reduce the availability and use of the residential and is not being used as was intended in the first place.

Commissioner Petty asked Mr. King what his idea would be for the best use of the property, since he is in the development business. Mr. King replied residential, such as apartments and condominiums. He has not seen any PUD on the project, but there would still be a parking lot next to the residential. There is only one access, which will present a problem, unless traffic travels through the apartment project. There are no barriers to prevent such an infraction.

Mr. John Babbitt is also an officer of Garden Park Corp., Inc., and has the power to speak on behalf of the residents. There is OL zoning in the area, but this is across Joe Creek. The subject tract would be on the same side. His main concern is the trend to office and commercial zoning on 61st Street and where it will stop. He is requesting it stop at Joe Creek to preserve this area for residential. If Riverside is not extended beyond 61st Street and if it is made one-way, then 61st Street might become one-way in the morning and one-way in the evening. The bridge at Joe Creek had to be raised to avoid flooding which creates a traffic problem, since it is difficult to see from entrances into the development. He is requesting this zoning change be denied.

MOTION was made by HENNAGE to deny this application.

Mr. Gardner explained there is a PUD application for this subject tract and the portion west to Yorktown Avenue. This is a very fine plan and he has reviewed it. OL zoning is considered a buffer or transition. It is difficult to place next to detached, one-story, single-family residences and now they do not want it next to apartments. The zoning patterns are present and the Zoning Code equates the two. If a tract is zoned RM-1, a special exception can be granted by the Board of Adjustment for OL use if it is appropriate. He does not know why the applicant is not present and there is no letter requesting this be continued until the PUD is heard. Under the PUD, there will be a turn-around with two access points.

MOTION was second by YOUNG to deny this application.

Commissioner Petty thought the protestants have made some good points, but was concerned because the applicant was not present.

Z-5690 (continued)

Commissioner Rice toured the area the day before and everything the protestants have said is correct. He has a feeling that sooner or later the developer is going to put in office with Board of Adjustment approval. Mr. Gardner stated the Staff is hard pressed to see anything incompatible with this request.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 2-3-1 (Hennage, Young, "aye"; Gardner, Kempe, Rice, "nay"; Petty "abstaining"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that this application for OL zoning be DENIED.

Special Discussion for the Record:

MOTION was made by GARDNER to approve the Staff Recommendation for approval of OL zoning. Motion died for lack of a second.

Commissioner Young requested the motion be amended to end the OL to line up with the approved OL zoning to the west. Commissioner Gardner stated he would make that a condition to his motion.

MOTION was AMENDED by GARDNER, second by YOUNG, to approve OL zoning to line up with the approved OL zoning to the west.

Commissioner Rice asked the Staff if the southern portion of the triangle, the portion that would not be included in the motion, is also zoned RM-1 and Mr. Gardner replied it is zoned RS-2. Commissioner Rice did not want to leave so small a parcel RS-2. Commissioner Young explained his reason for requesting the amendment is because of the fact a PUD is being filed and did not want to see the whole tract zoned OL. This way would be a compromise.

TMAPC Action: 6 members present:

On MOTION of GARDNER, the Planning Commission voted 5-0-1 (Gardner, Hennage, Kempe, Rice, Young, "aye"; no "nays"; Petty "abstaining"; Freeman Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL to line up with the existing OL zoning immediately to the west:

Lot 3, Block 1, Pecan Acres, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5691 Present Zoning: RM-2, RS-3  
Applicant: Norman (FAI International) Proposed Zoning: CO  
Location: South side of East 71st Street, East of Mingo Road

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Date of Application: March 4, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 68.2 acres, more or less

Presentation to TMAPC by: Charles Norman  
Address: 909 Kennedy Building, Suite 1100 Phone: 583-7571

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 -- No Specific Land Use and potential Corridor District.

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

Staff Recommendation:

The subject tract is located south of 71st Street approximately 1/2 mile east of South Mingo Road and backing up to the proposed extension of Mingo Valley Expressway. It is 68 acres in size, vacant, zoned RM-2 and the applicant is requesting CO zoning.

The tract is abutted on the north by one commercial structure and several single-family residences zoned CS, on the east by vacant land set aside for the Mingo Valley Expressway and zoned a combination of CO and AG, on the south by vacant land zoned AG, and on the west by vacant land zoned a combination of RS-3, RM-2, and CO.

Based on the Comprehensive Plan designation, existing land uses, and zoning patterns, the Staff recommends APPROVAL of the requested CO zoning.

For the record, the Staff will not support high intensity uses under the CO zoning until such time as the expressway extension is assured.

Applicant's Comments:

Charles Norman was present for the applicant and requested the Commission approve the Staff's Recommendation. However, he wished to make one comment on the Staff's note at the end of the recommendation. This is the first time he has seen this note with respect to the planned expressway system. He questioned the definition of "high-intensity uses" as compared to "medium intensity". One of the reasons for seeking corridor zoning in accord with the Major Street and Highway Plan and the district plans is to give the property owner the option of submitting medium and higher intensity uses that are permitted in the Corridor District. If the Staff is taking the position that they would not react favorably until the expressway is assured, then we are changing the approach to the Development Guidelines. He could see no distinction between this comment and one for commercial zoning on the corner or industrial zoning in an appropriate location. There are many locations where expressways are planned, but construction is not assured. He asked if the Staff had any more comments about this because Corridor zoning is designated by the Comprehensive Plan for these types of uses.

Z-5691 (continued)

Mr. Gardner advised a good portion of this tract is zoned RM-2, which is medium intensity. The Staff is saying that to go higher than RM-2 densities would be a problem because the purpose of the corridor is to allow the increase in density based on the planned facilities. This particular leg of the Mingo Valley Expressway has an environmental public hearing scheduled. Extending the Expressway to 71st Street is planned in the near future. However, beyond 71st Street is sketchy. Several of the expressways in the Transportation Plan are being questioned. From a planning standpoint, these should remain on the map and should be built. If higher densities are planned near the expressways, they should be built. However, medium densities could be accommodated if the expressways are not built.

Commissioner Young asked if the right-of-ways have been purchased in this area and Mr. Norman replied they have not, but many places south of 51st Street all the way to Memorial have been reserved for right-of-way.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned C0, per Staff Recommendation:

Lots 1 and 2, LESS the North 640' thereof, and Lots 3 and 4, ALL in Block 1, and Lot 4, Block 2, Chancellor Acres Addition, an Addition to Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

Application No. Z-5692

Present Zoning: RS-2

Applicant: Joe Brown

Proposed Zoning: RM-1

Location: South of 11th Street, West of 121st East Avenue

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Date of Application: March 3, 1982

Date of Hearing: April 14, 1982

Size of Tract: .35 acre, more or less

Presentation to TMAPC by: Joe Brown

Address: 10536 East 4th Street

Phone: 437-3492

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 RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located 600 feet south of the southeast corner of 11th Street South and 120th East Avenue. It is approximately 1/3 acre in size, vacant, zoned RS-2 and the applicant is requesting RM-1 low intensity multifamily zoning.

The tract is abutted on the north by vacant land zoned RS-3, on the east by East Central High School zoned RS-3, on the south by a nonconforming mobile home park zoned RS-2, and on the west by several single-family residences zoned RS-2.

The only access to the subject tract is an unimproved street. The zoning and land uses surrounding the tract are low intensity in nature. Given these physical conditions the requested RM-1 zoning is spot zoning and is inconsistent with the Comprehensive Plan and cannot be supported by the Staff.

Therefore, the Staff recommends DENIAL of the requested RM-1 zoning and APPROVAL of RS-3.

Applicant's Comments:

Mr. Joe Brown was present and explained he had bought the land 20 years ago. This tract has not changed during that time. He plans to build one or two duplexes on the tract and the utilities will have to be provided. There is a small road in front that will have to be blacktopped.

Protestant: Bernie Clark

Address: 2810 East 49th Street

Protestant's Comments:

Mr. Bernie Clark is the owner of the residential homes immediately to the west of this property. There is no water supply, very limited access and no gas supply to the property.

The only dedication for the street is 20 feet. He has gone through the Board of Adjustment to put a mobile home on his property. There is a vacant lot beside the subject tract. He opposes any change from RS-2 because of the traffic and the limited facilities available to this property.

Z-5692 (continued)

Applicant's Comments:

Mr. Brown remarked that anything done to this property or the surrounding property would be an improvement. There are utilities close to the property and can be brought to the property. He intends to do nothing but improve the property.

Commissioner Gardner recognized Mr. Brown who stated there are no utilities north of his property, only to 120th East Avenue.

Commissioner Hennage pointed out that the Zoning Case Report stated all utilities are available to this tract.

Mr. Gardner advised RD zoning would be necessary to permit two duplexes. RS-3 zoning would allow only one duplex based on the size of the lot.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3, per Staff Recommendation:

The East 115' of the West 310' of the South 140' of the North 160' of the East-Half of the SE/4 of the NE/4 of the NW/4, Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Application PUD #190-B  
Applicant: Robert Nichols (Crews, Boyd)  
Location: 7400 Block of South Yale Avenue

Present Zoning: (RS-3)

Date of Application: March 4, 1982  
Date of Hearing: April 14, 1982  
Size of Tract: 10 acres, more or less

Presentation to TMAPC by: Bob Nichols  
Address: 111th West 5th Street

Phone: 582-3222

Staff Recommendation:

Planned Unit Development No. 190-B is part of PUD #190 and is located at the southeast corner of East 77th Street South and Yale Avenue. The applicant is requesting to transfer 120 dwelling units from the commercial area at 71st Street and Sheridan Road to the subject tract. The commercial area was allocated 168 dwelling units per TMAPC action on September 9, 1981.

The Staff has reviewed this request and the applicant's Conceptual Development Plans and recommend APPROVAL, subject to the following conditions:

- (1) That the applicant's Development Plans be made conditions of approval, as relates to balance of single-family lotting to the east.
- (2) That the maximum number of dwelling units allocated to the commercial area be 48.
- (3) Development Standards
  - (A) Area (Gross): 11.450 acres  
(Net) : 9.990 acres
  - (B) Permitted Use: Multifamily Dwellings
  - (C) Maximum Number of Units: 120 units
  - (D) Maximum Building Height: 30 feet
  - (E) Minimum Livability Space 2,000 sq. ft./Dwelling Unit
  - (F) Minimum Parking Spaces: 1.5 spaces per efficiency, or 1-bedroom and,  
2 spaces per 2 or more bedrooms.
  - (G) Minimum Building Setback:

From Centerline of Yale	95 feet
From Centerline of East 77th Street	50 feet
From East Property Line	20 feet
From South Property Line	10 feet
From Building to Building	10 feet
- (4) That a detailed Site Plan be submitted and approved prior to issuance of a building permit.
- (5) That a detailed Landscape Plan be submitted and approved prior to occupancy, including identification of which existing trees will be saved.

PUD #190-B (continued)

- (6) That a homeowner's association be created to maintain all common areas including private drives if units are sold now or in the future.
- (7) 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 the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Bob Nichols was present on behalf of John Boyd and Ira Crews, the developers of Minshall Park, PUD #190. He has no problem with the Staff Recommendation.

He has reviewed the original PUD filed in 1977 and there is a building height maximum of 35 feet for both multifamily and single-family units. It is his opinion that the 35 feet is appropriate for multifamily; however, he feels it was an error to allow the 35 feet for single-family units. At some point, they will be coming back with an amendment to the PUD conditions to this effect. The 35 feet requested in this amendment would be to the plate.

Mr. Gardner advised that the Staff Recommendation in that case would be a 30-foot restriction to the top plate, which would allow 3 full stories. Under the present apartment zoning, no more than 3 stories are allowed because it is 26 feet to the top plate. Mr. Nichols would have no problem with that condition. The reason for the request for 3 stories is due to the sloping terrain. Mr. Gardner explained the 30 feet would be per the definition of building height in the Zoning Code, which is the top of the top plate.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the Conditions set out in the Staff Recommendation:

A part of the NW/4 of Section 10, Township 18 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at the Southwest corner of the NW/4 of the SW/4 of Section 10, T-18-N, R-13-E, Tulsa County, Oklahoma; thence North  $0^{\circ}-01'-18''$  East along the West line of said NW/4 of the SW/4 a distance of 530.55' to a point 787.03' South of the Northwest corner of said NW/4 of the SW/4; thence South  $89^{\circ}-58'-42''$  East a distance of 90.00' to a point on the South Boundary of Lot 1, Block 1, of Ridge Park, an Addition to the City of Tulsa, according to the official Recorded Plat thereof; thence continuing South  $89^{\circ}-58'-42''$  East along the South Boundary of Block 1, Ridge Park a distance of 27.21' to a point of curve to the left; thence along said curve to the left having a central angle of  $55^{\circ}-01'-18''$ , a radius of 320.00', an initial tangent bearing of South  $89^{\circ}-58'-42''$  East, a distance of 307.30' to a point; thence North  $35^{\circ}-00'-00''$  East a distance of 126.00' to a point; thence South  $55^{\circ}-00'-00''$  East a distance of 367.61' to a point; thence South  $10^{\circ}-00'-00''$  East a distance of

PUD #190-B (continued)

331.40' to a point; thence South  $28^{\circ}-00'-00''$  East a distance of 135.00' to a point; thence South  $3^{\circ}-00'-00''$  East a distance of 115.00' to a point on the South line of said NW/4 of the SW/4; thence North  $89^{\circ}-55'-45''$  West along the South line of said NW/4 of the SW/4 a distance of 880.00' to the point of beginning and containing 498,746.01 square feet or 11.450 acres, more or less.

OTHER BUSINESS:

Minor Amendment: PUD #207 - Holmes - Lot 8, Block 3, Mill Creek Pond Addition

Staff Recommendation:

Planned Unit Development No. 207 is located approximately 1/4 mile north of the northwest corner of 101st Street South and Sheridan Road. The applicant is requesting a minor amendment to permit encroachment into the 15-foot building setback at the rear with the foundation, deck and roof overhang.

At the last meeting TMAPC approval was given to reduce the 25-foot front setback to 20 feet for a front opening garage. Since that meeting the applicant has found that he needed additional relief from the back yard setback requirements. The applicant is now asking for a 1-foot & 8 inch encroachment for a portion of the back foundation and an eight (8) foot encroachment for a deck with a roof overhang.

The Staff has again reviewed the case and can support the 1-foot and 8 inch encroachment of the back foundation and the eight (8) foot encroachment of the deck as minor amendments. However, we cannot support the encroachment of the roof overhanging the deck because in our opinion, it would be too easy to enclose the deck at a future date making the back yard only 7 feet in depth. The deck by itself will not restrict the visual open space needed to fulfill the intent of the back yard requirement.

Therefore, the Staff recommends APPROVAL of the 1'-8" foundation encroachment and an 8' deck encroachment into the back yard requirement, per the Plot Plan submitted, and DENIAL of the roof overhanging the deck.

Instruments Submitted: Letter from DuWaine Holmes requesting amendment  
(Exhibit "E-1")

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Hinkle, Parmele, Inhofe, "absent") to APPROVE the request for a 1'-8" foundation encroachment and an 8' deck encroachment into the back yard, per the Plot Plan submitted, and DENIAL of the roof overhanging the deck, based on the Staff Recommendation.

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

Date Approved \_\_\_\_\_

5-5-82  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary



TMAPC RECEIPTS  
MONTH OF MARCH, 1982

ZONING

Zoning Fees	(24)	\$2,378.00	
Fee Waived	( 0)		\$2,378.00

LAND DIVISION

Subdivision Preliminary Plats	( 7)	\$ 350.00	
Subdivision Final Plats	( 6)	386.00	
Lot-Splits	(25)	160.00	
Fee Waived	( 0)		\$ 896.00

BOARD OF ADJUSTMENT

Board of Adjustment Fees	(62)	\$3,140.00	
Fee Waived	( 1)		\$ 3,140.00
			\$ 6,414.00

DEPOSITORY TICKET

CITY RECEIPT

793	017481	\$ 1,943.00	
794	017207	1,019.00	
795	017516	2,028.00	
796	017908	1,014.00	
797	018136	415.00	
		\$ 6,419.00	
		*Less (5.00)	
			\$ 6,414.00

CITY BOARD OF ADJUSTMENT

\$ 2,485.00

COUNTY BOARD OF ADJUSTMENT

\$ 655.00

CITY SHARE

\$ 1,637.00

COUNTY SHARE

\$ 1,637.00

\*Less: Lot-Split Fee - Mrs. Clara Bacon - \$5.00  
Receipt #29313 - Deposit #015254

