

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1424
Wednesday, September 22, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall,
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Gardner Hennage, 2nd Vice- Chairman Higgins Hinkle Kempe, 1st Vice- Chairman Parmele, Chairman Petty, Secretary	Freeman Rice Young Inhofe	Chisum Compton Gardner Lasker Matthews Pinc Taylor	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, September 21, 1982, at 10:08 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:30 p.m.

MINUTES:

The Chair, without objection, tabled this item.

PUBLIC HEARING:

PUBLIC HEARING TO CONSIDER THE REPORT ON THE WATER DISTRIBUTION SYSTEM:
TULSA OKLAHOMA, TO BE INCLUDED AS A PART OF THE COMPREHENSIVE PLAN FOR
TULSA METROPOLITAN AREA AND THE JURISDICTIONAL AREA OF THE TULSA METRO-
POLITAN AREA PLANNING COMMISSION.

Mr. Gaylon Pinc, Chief of the Environmental Management Division of INCOG, submitted the report on the Water Distribution System for the City of Tulsa to the Commission (Exhibit "A-1"). The study was developed by a joint effort with the City Water and Sewer Department, the Comprehensive Planning Division of INCOG and the Environmental Management Division of INCOG. The Water and Sewer Department provided all the data and resources available in preparing the system for modeling, as well as identifying some of the improvements and past studies. The goal was to develop a computer modeling tool that the Water Department and the Staff could use to analyze the distribution system (pressures and flows in the lines) on a day-to-day basis to, (1) update the planning that has been done and (2) plan for future improvements. Information concerning the 12" and larger lines of the distribution system was compiled and input into the computer model. Field data was collected to calibrate the model. Once this had been completed, the model was ready to use for studying the problems and identifying improvements to the water distribution system. In order to do this and to plan for a distribution system that would meet future demands, the Staff took population and employment figures, historical water consumption information and projected the consumption City-wide for the average peak day and maximum hour consumption periods. The philosophy was, if a distribution system could be designed that would supply all the users needs during the peak hour

Public Hearing on Water Distribution System: (continued)

with no pressure problems, then lower rates of usage could be supplied. This is the basis for the improvements recommended in the plan. The peak hour consumption that was measured and used for calibration was estimated at 193-million gallons per day (MGD). The projected consumption on a peak day in the year 2000, using all data available, would be 460-million gallons per day. It is expected that the average day will increase from around 92 MGD in the calibration year to 185 MGD in the year 2000.

The total system-wide projection includes the municipalities served by the City and the five major industrial users, whether they were inside or outside the City Limits. The municipalities and the industries have been contacted in order to study any of their plans for future development. Flows used within the City Limits were disaggregated and over 300 usage points were assigned. This corresponds to the major development areas and this enabled the Staff to determine where consumption would occur in future years. Using this data for the years 1990, 1995 and 2000, the Staff was able to study different line configurations. Building upon the existing system, three alternatives for future improvements were shown on the map Mr. Pinc displayed. The only difference between Alternative 1(a) and Alternative 1(b) is the expansions of the two existing treatment plants. Alternative 2 has the same treatment recommendations as 1(a), which is expanding Mohawk to 30 MGD and A.B. Jewel to 50 MGD's. The routes for conveying the water would be the major difference between the Alternatives, but the cost is about the same.

Because the tools have now been developed that are easily updated and projections and methodology have been given to the Water and Sewer Department, Mr. Pinc hopes this report will periodically be reviewed to keep it in tune with the needs of the City. This plan is for the replacement or improvements of major lines and would have to be funded with Capital Improvements Programs, Bond Issues or Sales Tax. He does not believe there are presently funds available to build the major lines recommended in this report, except those designated for 1985.

Commissioner Petty asked what percent of water is used by the major industries and would it be possible for them to use untreated water. Mr. Pinc explained the report projects about 20% of the water on an average, daily basis. A lot of the water is used for cooling, make-up water and process water. Equipment is geared for using good quality water and would require more maintenance of equipment if river water were used.

Mr. Eric Pascal, 12420 East 14th Place, understands that electrolysis is one of the major problems with the pipes. He wondered how the designs have been changed to deal with this problem. Mr. Pinc replied that the scope of this project was to address distribution, not the details of materials to be used.

Commissioner Kempe commented that the Comprehensive Plan Steering Committee met last Wednesday to consider this report. A quorum was not present; however, it was the consensus of the members present to recommend that the Planning Commission approve this report.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to close the public hearing.

Public Hearing on Water Distribution System: (continued)

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to instruct the Staff to prepare a resolution adopting the Water Distribution System Report.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5730 Present Zoning: RM-2, RS-3
Applicant: Swenson (Vaughn, Taylor, Scholten) Proposed Zoning: CG
Location: North of the NE corner of Charles Page Blvd. and South Nogales Ave.

Date of Application: June 3, 1982
Date of Hearing: September 22, 1982
Size of Tract: irregular

Presentation to TMAPC by: Cheryl Bussell
Address: 1640 South Boston Avenue Phone: 583-2624

Staff Comments:

Mr. Gardner advised that the Planning Commission has heard this case twice. It was continued to this date in order for the applicants to make application to the Board of Adjustment for relief, which was done. The Board did deny professional office use on this property. Now the Commission is charged with the zoning matter. The only recourse is to consider the subject property as to zoning.

Relationship to the Comprehensive Plan:

The District 10 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 located north of the northeast corner of Charles Page Boulevard and Nogales Avenue. It is two small single-family lots with one vacant and one containing a single-family dwelling. It is abutted on the north and west by single-family dwellings zoned RM-2, on the east by the Inner Dispersal Loop, and on the south by a vacant lot zoned CS.

The area is designated for high intensity commercial uses by the Comprehensive Plan. It is obvious that the subject property is not well-suited for single-family residential, would not maintain itself at this location for the long term. However, the tract is abutted on two sides by an established single-family neighborhood and the Staff feels the plan is in error and that intensities of the uses allowed in the CG and CS Districts are incompatible with the area. Because the tract has good access to Charles Page Boulevard and because it is a small piece of land abutting the expressway system, the Staff can support OM Medium Office zoning. This zoning would serve as a buffer or transition district, would permit a high utilization of the land, and in our opinion, the best nonresidential for the property. OM zoning would also permit off-street parking, which may be needed to serve the CS zoning along Charles Page Boulevard without actually placing any commercial buildings or uses opposite the single-family.

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

For the record, an auto repair, bar and other similar uses permitted in CG and CS Districts would adversely affect the area.

Application No. Z-5730 (continued)

Applicant's Comments:

Ms. Cheryl Bussell represented the applicants. The Board of Adjustment did deny the request for the special exception. The Comprehensive Plan for the City of Tulsa designates this area for high intensity use, rather than residential, especially along Charles Page Boulevard. The Commission's consideration should not be for the land use, but be for the tract as it is situated now, cut off by the easement created by the expressway and adjacent to the Boulevard. However, if the Commission is still concerned with the existing use, Ms. Bussell remarked that there are two lots under consideration. The vacant lot south of the bonding use is for sale and the owner cannot sell it for residential use because of the size and location. She requested that, as an alternative, the vacant lot still be rezoned OL.

Protestants: James Armstrong
Rev. J. B. Shinn

Billie Armstrong

Addresses: 216 South Nogales Avenue
Nogales Avenue Baptist Church
102 South Nogales Avenue
216 South Nogales Avenue

Protestants' Comments:

Mr. James Armstrong lives directly across the street from the subject properties. He would like to see Charles Page Boulevard improved because it would increase the value of his property, but not on Nogales.

Rev. J. B. Shinn is pastor of Nogales Avenue Baptist Church. This business has been operating illegally for 1-1/2 years and is still operating. He wondered how long they can operate illegally. This is a residential neighborhood with elderly people who walk to town and young couples with children.

Mr. Linker pointed out that, if this is an illegal operation, the fact they have applied for rezoning does not give them the right to operate, unless there is an appeal from the Board of Adjustment. Mr. Linker advised that if they are violating the law sometimes the Building Inspector will hold back when there is an application before the Commission or the Board of Adjustment. Ms. Bussell advised they still have the 10 days time period from the Board of Adjustment and there will be an appeal to the Board of Adjustment decision.

Mrs. Billie Armstrong pointed out that the property on the south was just recently purchased by Mr. Scholten and was not intended for residential resale. It was the residents' understanding that an attorney was buying the house to live in and have a small office. They had no objection to that kind of use.

Applicant's Comments:

Ms. Bussell stated that the residents seem to have no problem with the office zoning, but do object to the existing use. There are numerous lots that are zoned commercial, including the lot across the street. Nogales Avenue Church is approximately two blocks away. Also two blocks away are a couple of taverns. Her clients plan on obtaining Lots 5, 6, 7 and 8, in order to develop a nice office building. The land would be improved. Office is appropriate, even by the protestant's own statement.

Z-5730 (continued)

Special Discussion for the Record:

Commissioner Kempe reminded the Board that the attorney representing the applicants at the previous meeting stated the use was the issue in this particular case. If there were some way the Commission could impose restrictive hours of operation, the zoning would be far more appropriate. The neighborhood is still primarily residential; and, while the plan calls ultimately for some change in that area, this is coming into the interior from the commercial area along Charles Page Boulevard.

Commissioner Petty thought the lines were definite and this would be an encroachment into residential. MOTION was made by PETTY, second by KEMPE, to deny this application.

Chairman Parmele sympathizes with the residents, but feels it is the duty of the Commission to consider land use only. The Comprehensive Plan calls for OM and the Staff recommends approval. Commissioner Hinkle agreed that it is difficult to deny an application just because of the use.

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 4-3-0 (Gardner, Higgins, Kempe, Petty, "aye"; Hennage, Hinkle, Parmele, "nay"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be DENIED rezoning to CG:

Lot 5, Block 1, and Lot 6, Block 1, Crosbie Heights Addition to the City of Tulsa, County of Tulsa, State of Oklahoma.

PUD #236-A Johnsen (Basta) 7500 Block of South Memorial Drive (RS-3, OL)

Mr. Roy Johnsen was present and advised the Commission that some neighborhood representatives had contacted him and requested a continuance in order to conduct another meeting. Mr. Wheatley, one of the representatives, was present.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to continue consideration of PUD #236-A until September 29, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5750 Pierson (Airport Hotel Group) NW/Quadrant of Intersection of Crosstown
Expressway and Gilcrease Expressway IL to CH

Mr. Roy Johnsen is representing the applicant and advised that representatives from the airport have been meeting with him. Both sides concur with a continuance to October 20, 1982, in order to resolve the problems.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to continue consideration of Z-5750 until October 20, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5751 Present Zoning: IL
Applicant: Triplett, Hale, Bice, McPartland Proposed Zoning: RM-2
Location: SE corner of 51st Street and Mingo Road

Date of Application: August 5, 1982
Date of Hearing: September 22, 1982
Size of Tract: 9.3 acres

Presentation to TMAPC by: Bob Triplett
Address: 5001 East 68th Street, Suite 500 Phone: 665-8181

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 I -- Industrial Development encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the RM-2 District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located just south of the southwest corner of East 51st Street and South Mingo Road. The tract is 9.3 acres in size, currently being used as a catfish farm, zoned IL and the applicant is requesting RM-2 Residential Multifamily Medium Density zoning. It is abutted on the north by two single-family dwellings and a greenhouse zoned RS-2 and IL, on the east and south by small warehouses zoned IL and on the west by a Quik-Trip and vacant land zoned CS.

The Comprehensive Plan is calling for the subject area to redevelop to industrial uses; however, the Staff recognizes that within such a large area there would be sub-areas or tracts that would be suitable for other uses. This tract can be considered a part of an intersection node. This node as it exists now, contains a variety of commercial and residential uses and zoning districts, including an area zoned RM-2. The subject tract is consistent in size with two other corners of the node and is abutted on the east and south by a "back-lot" orientation with existing small warehouses.

In addition, the Staff sees the mixing of commercial, multifamily, offices, and light industrial uses in this area as a means of transitioning from the existing single-family on the west to industrial uses on the east.

Therefore, the Staff can support and recommends APPROVAL of the requested RM-2 zoning.

Applicant's Comments:

Mr. Bob Triplett feels this is an important rezoning because the intent is to build family-oriented units. There is a tremendous need in Tulsa for these types of dwellings.

Protestants: None.

TMAPC Action: 7 members present.

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

9.22.82:1424(9)

Z-5751 (continued)

A part of the NW/4 of the NW/4 of Section 31, Township 19 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the Northwest corner of Section 31, T-19-N, R-14-E, Tulsa County, State of Oklahoma; thence South $0^{\circ}-08'-45''$ East along the West line of Section 31, a distance of 400.00' to a point; thence North $89^{\circ}-57'-57''$ East and parallel with the North line of Section 31, a distance of 50.00' to the point of beginning; thence continuing North $89^{\circ}-57'-57''$ East a distance of 140.00' to a point; thence North $0^{\circ}-08'-45''$ West and parallel with the West line of Section 31, a distance of 90.00' to a point; thence North $89^{\circ}-57'-57''$ East a distance of 81.11' to a point; thence North $0^{\circ}-08'-45''$ West a distance of 60.00' to a point; thence North $89^{\circ}-57'-57''$ East and parallel with the North line of Section 31, a distance of 374.83' to a point; thence North $0^{\circ}-04'-46''$ West a distance of 200.00' to a point, said point being 50.00' South of the North line of Section 31; thence North $89^{\circ}-57'-57''$ East and parallel with the North line of Section 31, a distance of 60.00' to a point, said point being the Northwest corner of Lot 1, Block 1 of Blocks 1 thru 5, Tulsa Southeast Industrial District, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence South $0^{\circ}-04'-46''$ East a distance of 958.60' to a point; thence South $89^{\circ}-58'-27''$ West a distance of 655.06' to a point, said point being 50.00' East of the West line of Section 31; thence North $0^{\circ}-08'-45''$ West and parallel with the West line of Section 31, a distance of 608.51' to the point of beginning, and containing 483,363.54 square feet or 11.0965 acres, more or less.

Application No. Z-5752

Applicant: Wilkins

Location: 1,300 feet West of Sheridan Road on 30th Street North

Present Zoning: IL and FD

Proposed Zoning: RMH and FD

Date of Application: August 12, 1982

Date of Hearing: September 22, 1982

Size of Tract: 31.3 acres

Presentation to TMAPC by: Bill Wilkins

Address: 7955 South 69th East Avenue - 74133

Phone: 496-0212

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and Development Sensitive.

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

Staff Recommendation:

The subject tract is located 1/4 mile west of the SW corner of 33rd Street and North Sheridan Road. It is approximately 31.3 acres in size, mostly vacant except for a few homes and stables in the SE corner, zoned IL and FD, and the applicant is requesting RMH -- Residential Mobile Home zoning. It is abutted on the north by a few single-family dwellings and vacant land zoned AG, on the east by vacant land zoned IL, on the southeast corner by a single-family neighborhood zoned RS-3, on the south by Zebco zoned IL, and on the west by the City of Tulsa Sewage Disposal Plant zoned AG.

Based on the Comprehensive Plan designations, the surrounding land uses and zoning patterns, and the physical features of the tract, the Staff recommends APPROVAL of RMH on that portion of the tract not subject to seasonal flooding and FD on the remainder.

For the record, the applicant or his engineer shall meet with the City Engineering Department and determine the final legal description of both the RMH and FD Districts if the FD is different than the present FD zoning boundary. During the platting process the question of sufficient access will be addressed and adequate roads provided.

Applicant's Comments:

Mr. Bill Wilkins stated there are mobile homes to the north of the subject property and along Sheridan Road. He plans on putting in detention or whatever is needed in order to make more of the FD-designated area usable.

Mr. Gardner wished to advise the Commission that there is no access permitted through the single-family subdivision southeast of the tract due to the density differences. There are other places for access on the north side of the tract. Therefore, the Commission should not rezone any of the property that touches the dedicated street or they would have legal access. Mr. Wilkins advised he had no plans for using that street anyway.

Protestants: Lana McGehee
Johnese Milton

Addresses: 3000 North Sheridan Road
3000 North Sheridan Road

Interested Party: Bill Stoskopf, 904 East 36th Street North

9.22.82:1424(11)

Protestants' Comments:

Ms. Lana McGehee lives approximately 1/2 mile from Sheridan Road, but her mailing address is Sheridan. The area flooded on June 7, 1977, because there is a creek running into the sewer plant. The creek comes to its banks everytime it rains. Any type of development in the area would cause flooding. Her property values would be lowered. The road is not wide enough for a lot of traffic and dead-ends. Mail boxes are on Sheridan because there are no street signs. The only fire hydrant is at the corner of 30th Street and Sheridan Road. There were many homes burglarized when the mobile home park on 36th Street North was open and these were traced to that park. There were four more protestants present who agreed with what Ms. McGehee had said.

Applicant's Comments:

Mr. Wilkins advised that the existing mobile home park at Sheridan and 31st Street does allow children and one at 46th Street North was shut down for other reasons besides vandalism. He is planning on installing fire hydrants and all the necessary improvements to develop a proper, updated mobile home park. No homes over 5 years old will be allowed. He will comply with all reasonable City requirements, such as roads.

Mr. Wilkins plans to install approximately 182 units, but the final number of units depends on how much of the area is in the floodplain. An industrial park had preliminary approval about four years ago. At that time, the detention allowed more usage of the floodplain area. He is including approximately 7.2 acres in detention. The property is presently zoned IL and he feels the requested rezoning would pick up the value of all the surrounding property. The trailers would run an average of \$21,000 each.

Commissioner Petty recognized Ms. Johnese Milton, a protestant, who did not want to increase the density because of the animals being kept on property in the area. People have broken into their home a couple of times.

Interested Party's Comments:

Mr. Bill Stoskopf formerly boarded his horse with the applicant and is familiar with the conditions in the area. He questions the residential zoning as being inappropriate located that close to an airport. The planes would take off and land at an altitude of about 500 to 1,000' in this area. The airport authority has had problems with other surrounding residents.

TMAPC Action: 7 members present.

On MOTION of HENNAGE, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH on that portion of the tract not subject to seasonal flooding and FD on the remainder with the deletion of the area abutting the dedicated street:

Z-5752 (continued)

That part of the SE/4 of Section 22, Township 20 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to wit:

Beginning at a point on the North and South Quarter Section Line 1,414.98' South of the center line of said Section, said point being the Northwest corner of ZEBCO ACRES ADDITION; thence North $01^{\circ}-20'-40''$ West a distance of 1,084.78' along the North and South Quarter Section Line; thence North $88^{\circ}-51'-37''$ East a distance of 633.5' and parallel to the East and West Quarter Section Line; thence South $01^{\circ}-20'-35''$ East a distance of 50.00'; thence North $88^{\circ}-51'-37''$ East a distance of 677.4' and parallel to the East and West Quarter Section Line to a point on the West Line of the (10') sanitary sewer easement; thence Southerly a distance of 940.24' along the West Line of Said Easement to a point on the North Line of ZEBCO ACRES ADDITION; thence South $88^{\circ}-47'-20''$ West a distance of 55.9' along the North Line of ZEBCO ACRES ADDITION; thence South $01^{\circ}-19'-15''$ East a distance of 65.00' along the North Line of ZEBCO ACRES ADDITION; thence South $88^{\circ}-48'-41''$ West a distance of 648.86' along the North Line of ZEBCO ACRES ADDITION; thence South $43^{\circ}-48'-52''$ West a distance of 40.16' along the North Line of ZEBCO ACRES ADDITION; thence South $88^{\circ}-48'-41''$ West a distance of 577.77' along the North Line of ZEBCO ACRES ADDITION to the point of beginning and containing 31.30 acres, more or less.

Z-5753 Johnsen (Cartage Service) SE corner of Apache Street and Garnett Road
IM to RMH

A letter was submitted from Mr. Roy Johnsen requesting this application be withdrawn (Exhibit "C-1").

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to withdraw Z-5753.

SUBDIVISIONS:

For Final Approval and Release:

Idyllwild II (3693) East of the NE corner of 61st Street and South 89th
East Avenue (RM-T)

The Staff advised the Commission that all approval letters had been received and final approval and release was recommended.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to approve the final plat of Idyllwild II and release same has having met all conditions of approval.

For Waiver of Plat:

BOA #12182 (Roy Johnsen) (1383) NE corner of 91st Street and Memorial
Drive (AG)

This request involves a temporary construction facility office at the northeast corner of 91st Street and South Memorial Drive. It was automatically made "subject to platting" by changes in the ordinance which require a plat for Area-Wide Special Exceptions, Use Unit #2.

This is for an office for the contractor doing work on the South Memorial widening project, and was approved for one year by the Board of Adjustment. The land is still zoned AG so any permanent uses will require a zoning change and a plat. Right-of-way for the project is already being purchased where needed, so the Staff sees no reason for a plat at this time. It is recommended the applicant's request be approved.

On MOTION of HENNAGE, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to approve the request for Waiver of Plat on BOA Case No. 12182.

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development No. 88-B, Tracts I & II are located south of East 66th Street South and between Richmond Avenue and Toledo Avenue. The total area of both tracts is 10.56 acres and the permitted uses include townhouses, clustered patio homes or garden apartments with the customary accessory uses such as clubhouse, pools, parking, tennis courts, etc.

The Staff has reviewed the minutes of the meeting and compared that to the submitted Detail Site Plan and Covenants and find the following:

ITEMS	APPROVED	SUBMITTED
Net Area (Tract I):	7.06 acres	7.06 acres
(Tract II):	3.50 acres	3.50 acres
Permitted Uses:	Multifamily/Patio Homes and Accessory Uses	Same
Maximum Units (Tract I):	96 units	86 units*
(Tract II):	46 units	56 units*
(Total):	142 units	142 units*
Building Heights (RM-1):	26 feet	26 feet
Parking (RM-1):	249 spaces min.	273 spaces
Livability Space (RM-1):	1.96 acres min.	Exceeds Min.
Setbacks (from 66th Street):	35 feet	53 feet
(other public streets):	25 feet	25 feet**
(south perimeter Tract I):	20 feet	25.5 feet
(remaining perimeters):	10 feet	14.5 feet
(building separation):	10 feet	15 feet

*The Staff finds that the number of units in Tract II have been increased by 10 units above the approved 46 units, however, the Tract I unit count has been reduced by 10 resulting in the total for the combined proposed development remaining within the PUD conditions approved. The Staff can support this transfer of units as minor in nature.

**The Staff finds that Buildings eight (8) and nine (9) encroach into the Twenty-five (25) foot setback from a public street as was approved. The encroachment of Building 8 is only one corner and the Staff considers this to be minor. However, Building 9 has a significant encroachment (14 feet) into the setback from Toledo Avenue that the Staff cannot support as being minor.

Therefore the Staff recommends APPROVAL of the submitted Detail Site Plan, subject to the following conditions:

- 1) That the transfer of 10 units from Tract I to Tract II be considered minor in nature,
- 2) that the encroachment of Building 8 into the setback from 68th Street be considered minor in nature and approved; and,
- 3) that Building 9 be moved west, out of the 25' Toledo Avenue building setback.

PUD #88-B, Tracts I & II (Continued)

Applicant's Comments:

The applicant is in agreement with the modification but wished to present an alternative for relocating Building #9 so that final approval of the entire project could be made today. He is proposing to take a narrower unit off another building and switch with Building #9. There would still be an encroachment of a balcony and an exterior closet, however, the actual living unit would be off the setback.

Mr. Gardner advised this modification would be minor, and similar to Building #8 that barely encroaches into the setback and the Staff could support this modification with the requirement of a site plan that meets all the conditions, per the amendment.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Rice, Young, Inhofe, "absent") to approve the Detail Site Plan for PUD #88-B, Tracts I & II, subject to the conditions set out in the Staff Recommendation and the modifications submitted by the applicant.

Application PUD #215-B Present Zoning: (RS-3)
Applicant: Tannehill (Sotucum, Inc.)
Location: 91st Street and 77th East Avenue

Date of Application: June 2, 1982
Date of Hearing: July 28, 1982 & September 22, 1982
Size of Tract: 55 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1918 East 51st Street, Suite 2 W Phone: 749-4694

Staff Comments:

Mr. Gardner explained this item was heard by the Planning Commission on July 28, 1982 and referred back to the Planning Commission by the City Commission because the church, who owns property adjacent to the PUD, was not given notice by mail of the hearing. Each packet has a copy of the last Planning Commission meeting so he will only restate the final recommendation that the Staff had at that time, and sees no reason to change. The Staff recommends DENIAL of the request to increase the original PUD single-family allocations from 776 to 802, DENIAL of the Amended Site Plan for the area north of Reserve Area "C", and APPROVAL of the amended Site Plan south of the Reserve Area "C", subject to conditions.

Applicant's Comments:

Mr. Tom Tannehill stated that, since this had been heard before, he would yield to the protestants in order to hear any new evidence and would come back for rebuttal.

<u>Protestants:</u>	Jeffrey Wolfe	Addresses:	525 South Main, Suite 210 -74103
	Hayden Crawford		1st National Bank Building
	Larry Henry		6541 East 89th Street
	Rev. Kip Wright		7431 East 91st Street
	Jack Featherston		3707 East 47th Place - 74135
	Hugh Porter		5946 East 96th Court - 74136

Protestants' Comments:

Mr. Jeffrey Wolfe, attorney represented the United Methodist Church of Oklahoma, more specifically the District Board of Missions of the United Methodist Church. The Church did not receive written notification of the hearing before the Planning Commission meeting. The City Commission felt the Church's viewpoint should be considered; therefore, the matter was referred back to the Planning Commission. Mr. Wolfe presented a folder containing the reasons why the Church opposes this change in the PUD (Exhibit "D-1"). The Church is a direct buyer of the property from the owners and developers of the property. The land was purchased in 1978. At that time, the Church was looking for a site to develop a community-based church. Mr. Never Fail proposed they buy not only the Church site, but all of Block 40 for the purpose of platting the additional land into 23 lots for residences as an investment. Almost all of the District funds for future church development were used. They were assured the property surrounding the Church would be developed in the same character as the entire PUD or in an RS-2 fashion. The Church is faced with a substantial loss of money if the property across the street is reduced in size. The Church would either have to reduce their lot sizes or sell the existing lots at a reduced rate.

PUD #215-B (continued)

The folder submitted by Mr. Wolfe contains a copy of the dedication which stated that minimum house size would be 2,200 square feet.

The Staff Recommendation says that Reserve Area "C" is a 90-100 foot grassy buffer separating the internal area from the external border area. Mr. Wolfe does not feel this is true. There is no contiguous difference between the internal and external areas. Both are designed for residential development. Reserve Area "C" is merely a convenient point from which the Staff can delineate each area. There is no buffer between Block 40 and Blocks 32-34.

Mr. Tannehill had made the remark that Sotucum owns all the property south of Reserve "C", but Block 40 is owned by the Church which consists of 16 acres. Mr. Wolfe felt that approval of this amendment would cause a hodge-podge pattern of small and large houses that would be a financial detriment to the Church, as well as the surrounding property owners. The Church has been trying to sell the lots for the last 18 months at a price range of \$25-\$31,000, but has not sold any lots.

Chairman Parmele asked the Staff how many additional lots the Church would receive with the reduced lot size. Mr. Gardner explained there are eight dwelling units that have been approved in the PUD, but are unallocated. Mr. Wolfe did not think eight (8) more lots could be squeezed in, but Mr. Gardner explained that 2 or 3 lots could be gained on each side. Mr. Wolfe did not feel the Church should be forced to change the character of their property simply because the surrounding property owners are requesting a change.

Commissioner Higgins wondered if the Commission should be concerned with the contractual agreement between Never Fail and the Church in consideration of this case. Mr. Linker could not say this should not be a consideration.

Mr. Hayden Crawford represented the Neighborhood Homeowner's Associations of Southfield and Chimney Hills Additions. Mr. Crawford did not feel this hearing is to consider an increase in lots for the Church property, only. There are some new developments since the last hearing. One of which is the presence of the Church as protestants. Also, there have been several vacant lots within the PUD that are under construction, which shows that the potential is there to develop these lots as platted. Mr. Crawford proceeded to state his protest to the increase in density, by summarizing his statements of July 28.

Mr. Larry Henry was present at the last hearing and did not feel the applicant has given justification for this request. There are no definite plans for the area and the request is totally inconsistent with what exists. He did not think the Commission should consider decreasing the lot size of the Church property, but rather deny the application submitted.

Rev. Kip Wright is paster of Faith United Methodist Church. Also present were representatives from the Tulsa district of the United Methodist Church. This Church began services in 1978 and Rev. Wright is the founding pastor. The Church sites are selected with care. The only reason this site was selected was because the Board of Admissions that the PUD would give them protection. He would oppose the reduction of lot sizes on the property owned by the Church. The Congregation consists mainly of

PUD #215-B (continued)

young couples whose capitol is tied up in their home investments in the area. He does not want to be forced to see the Church lots developed in a way contrary to the hopes and wishes of the people they are serving. The two Church buildings on the site have been built in consistency with surrounding development at considerable cost. The Church relied on the protective covenants of the PUD.

Commissioner Petty asked if there is any master plan for development of the Church and Rev. Wright explained there is a plan on file. One of the directives was open space between the Church buildings and surrounding residential development. There will be access to the north into the residential development.

Mr. Jack Featherston is District Superintendent of the United Methodist Church in the Tulsa District. The District Board of Admissions has invested a substantial amount of their funds in this property as an investment in order to underwrite future projects. He requested the Board's consideration of these facts.

Mr. Hugh Porter with L & S Development Company, belongs to the Faith United Methodist Church. He feels 91st Street should be a division line between multifamily development to the south and existing single-family in the subject area.

Applicant's Comments:

Mr. Tannehill requested early transmittal on this case in order to present the case to the City Commission on September 28, 1982.

There was never anything concrete about the 776 units. The original PUD, #177, had 856 units approved. All 856 tracts were platted under the original PUD. When PUD #215 was applied for, the specific purpose was to eliminate the tracts containing the Church and the school. That was when the number was reduced to 776. The tract where the bulk of the homeowner protestants live was never a part of PUD #177 or PUD #215. The Church has not been able to sell a lot in 18 months. Other lots in the Chimney Hills Addition have sold even with this PUD amendment pending.

The entire tract under application is under one owner, Sotucum, Inc. Mr. Never Fail is a principal of the Company, but is not the only person involved in this corporation. He disagrees with the statements made as to representations Mr. Fail may have made that were relied on to the detriment of any homeowners. This has nothing to do with land use. Mr. Tannehill represented the Church when the property was approved and they wanted no PUD restrictions on this tract and there are none. It is excluded from PUD #215 and is not a part of any PUD at this time.

Mr. Tannehill has not seen any new evidence that should alter the Planning Commission's view of the Staff Recommendation, which would allow the Church more lots. No one can say there would be a drastic change in the quality of a \$90,000 house as compared to a \$140,000 house. Regardless of the outcome on this case, the restrictive covenants of Blocks 32-39 are going to be amended, smaller homes will be built and no one can change that because the blocks are under one ownership. The Church has suffered no detriment because they cannot sell the lots anyway as large lots. The proposed density is less than the RS-3 would allow.

Special Discussion for the Record:

Chairman Parmele requested the projected sale price of the smaller lots and Mr. Tannehill responded \$175,000 to \$20,000.

Commissioner Petty did not think economic considerations should play a part in land use decisions.

Commissioner Kempe recognized Jeff Wolfe, who commented that the Staff Recommendation divided the tract into two distinct sub-areas, above and below Area "C", which is not correct. The areas are contiguous and are to be developed in the same fashion. The Church has filed a site plan showing a maximum 23 lots.

Mr. Gardner explained there are several areas in Tulsa where large homes front smaller homes with no adverse effect. These two areas would have a backing orientation and be physically separated by 95' of open space. He did not feel the Church's access into the single-family area is good planning and would create more of an adverse affect than the additional lot. The reduction of the Church's single-family lots would be an asset to them and the location would be an appropriate place for the 8 additional lots; however, this cannot be done at this time. There is also a legal question as to who controls the unallocated lots. There are no houses existing or under construction that abut the subject property in any way.

Chairman Parmele was concerned that the Church lots face into the smaller lots. He thinks the Church should have the option of reducing their lots to increase marketability. Mr. Gardner explained if the Staff Recommendation is approved, the Church would have a good argument to reduce their lots. He thinks they are still a part of the PUD.

Commissioner Petty asked if the Church could extricate the lots from the PUD. Mr. Gardner explained there is no restriction on the lot size; the Church voluntarily made the lots bigger.

Commissioner Petty felt the Church should be considered and this amendment should not make them suffer. Chairman Parmele explained that this application is merely affirming the 776 units. The question is where they will be placed.

Commissioner Kempe explained that PUD's are amendable. She sees no changes in the facts as presented in the first hearing and the Church does have some options. Commissioner Kempe therefore moved for the Staff Recommendation and the motion was second by Commissioner Higgins.

Commissioner Petty could not agree with the Staff Recommendation and thought the Church's statements should be considered.

Chairman Parmele stated that the Staff Recommendation gives the Church an option which is the only reason he can agree with the Staff Recommendation this time.

Instruments Submitted: Folder containing reasons for the Church's opposition (Exhibit "D-1")

TMAPC Action: 7 members present.

On MOTION of KEMPE, the Planning Commission voted 6-1-0 (Gardner, Hennage, Higgins, Hinkle, Kempe, Parmele, "aye"; Petty "nay"; no "abstentions";

PUD #215-B (continued)

Freeman, Rice, Young, Inhofe, "absent") to recommend to the Board of City Commissioners DENIAL of the request to increase the original PUD single-family allocations from 776 to 802, DENIAL of the amended Site Plan for the area north of Reserve Area "C" and APPROVAL of the amended Site Plan for the area south of the Reserve Area "C", subject to the following conditions set out in the Staff Recommendation, all within the following described property:

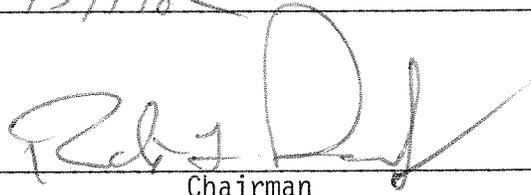
- (1) That the maximum number of lots not exceed 85.
- (2) That RS-3 bulk and area requirements shall apply, except that 20-foot front yards be permitted on nonarterial streets and 15-foot side yards be permitted within abutting nonarterial streets.
- (3) That permitted uses be single-family residential and customary accessory uses.
- (4) That no building permit shall be issued until the final subdivision plat has been approved by 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.

Chimney Hills South Block 32 through 39, an Addition to the City of Tulsa, Tulsa County, Oklahoma; LESS and EXCEPT Blocks 35 through 28 and LESS and EXCEPT all of Reserve Area "C".

There being no further business, the Chair adjourned the meeting at 4:30 p.m.

Date Approved

Oct 13, 1982



Chairman

ATTEST:


For Secretary

