TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1427
Wednesday, October 13, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, October 12, 1982, at 10:27 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:40 p.m.

MINUTES:

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Kempe, Petty, Inhofe, "absent") to approve the minutes of September 22, 1982 (No. 1424) and September 29, 1982 (No. 1425).

REPORTS:

The Report of Receipts and Deposits for the month ending September 30, 1982 was presented. Mr. Lasker commented that these were in order.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Kempe, Petty, Inhofe, "absent") to approve the Report of Receipts and Deposits for the Month ending September 30, 1982.

Director's Report:

Mr. Lasker advised that INCOG is going out for bids on zoning signs. Several firms have approached him and are interested in bidding. A set of specifications has been developed for the construction and placement of zoning signs and new wording for the signs has been recommended by the Greater Tulsa Council. There will be advertisements in the papers this week for bids and bid packages will be sent to those responding. November 4 is the projected date for bid award.

Also, the Staff has started looking at mobile home districts for manufactured housing, trailer courts and mobile home subdivisions. Also, there will be some new definitions for manufactured housing and mobile homes. The Planning Commission will be getting involved in this process. Mr. Gardner assumes there will be a great deal of interest in the community, especially in the manner the subject is being approached. Therefore, a great deal of time may be involved for the review process. He is estimating it will be the first of the year before anything can be adopted.

SUBDIVISIONS:

For Final Approval and Release:

Elizabeth Park (1793) East side of South Lewis Avenue, South of East 21st Street (RM-T)

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

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

Request to Waive Plan:

Z-5402 and BOA Case #11087 Sheridan Hills Addition (293) East of the NE corner of 10th Street and South Sheridan Road (CS and RM-1)

This is a request to waive plat on Lots 16 thru 19, Block 28, of the above named subdivision. Since it is already platted, the applicant is requesting waiver. The Board of Adjustment has already placed a number of controls on this property such as setbacks, color of buildings and the use. (Mini-storage) Since the BOA controls set forth the requirements for building on this tract, the Staff sees no reason for a plat. The BOA controls are much more strict than the zoning on the lots. It is recommended the plat requirement be waived, subject to approval of grading plans in the permit process and any specific requirements of the utilities.

The Water and Sewer Department requested a 7½' (Total 15') easement between Lots 17 and 18 to provide an additional 2½' on each side of the existing sanitary sewer. The City Engineer has advised on-site detention or an "in lieu fee" would be required.

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-5402 and BOA #11087, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Kempe, Petty, Inhofe, "absent") to approve this request to waive plat on Z-5402 and BOA #11087, subject to the following conditions:

(a) Additional utility easement for sewer; and,
(b) grading plans approval in permit process.

Willow Creek (PUD #88-B) (483) 66th Street and South Richmond Avenue (RS-3 and RM-1)

This is a request to waive plat on an area described as "Tracts I & II" of the above PUD #88-B, which lies entirely within Block 2, Willow Creek. The property is already platted, the present Restrictive Covenants cover the PUD conditions as amended, and lot-splits have been approved previously for conveyance of the title if necessary. The Staff sees no need for a replat, since adequate information is already available to cover the development. It is recommended that the requirement be waived.

Mr. Charles Norman was present for the applicant and had submitted a letter for his request (Exhibit "A-1").

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Kempe, Petty, Inhofe, "absent") to approve the waiver of plat for Willow Creek Addition.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5747 Present Zoning: RS-3
Applicant: Barnes Proposed Zoning: RD
Location: East of the SE corner of 15th Street and 77th East Avenue

Date of Application: July 20, 1982
Date of Hearing: October 13, 1982
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: John Moody
Address: Bank of Oklahoma Tower Phone: 588-2651

Staff Comments:

Mr. Gardner reminded the Commission that this case was continued from the previous Planning Commission meeting in order for the applicant to calculate densities. The Staff Recommendation in the previous meeting was for denial of the requested RD zoning, but was supportive of the basic proposal that the applicant was trying to construct. There was a question about the density and the density permitted under the present RS-3, using Board of Adjustment special exception powers, approximately 20 units would be permitted. This calculation is based on the part of the property the applicant wished to exclude, which is the single-family house on the northeast corner of the L-shape. The total advertised area under RS-3 with a PUD would permit 25 units. The applicant is wanting 24 units plus the individual, existing house.

Applicant's Comments:

Mr. John Moody represented David Barnes, the applicant. The RS-3 zoning would permit the type of development planned. The total land area to be purchased by Mr. Barnes, however, would only permit the 20 dwelling units if zoned RS-3. Mr. Barnes' development plans have been based on a density of 24 units. The RS-3 zoning, with Board of Adjustment approval, would still require a 2,500 square-foot livability space. The RD zoning under a PUD has a 2,000 square-foot livability space requirement. Ordinarily, this fact would not be significant. However, this is a tight site with access from 15th Street, a collector street, the additional 10,000 square feet of livability area becomes critical when the homes are to be constructed with patios, driveways and the required parking. The livability space requirements under RS-3, in addition to the lower density requirements, have made Mr. Barnes' application for RD a necessary zoning in order to accommodate a patio, zero lot line subdivision such as Mr. Barnes has previously developed. Mr. Moody presented a Density Analysis he made of the possible increase in density if all undeveloped land from South 77th Street to South 79th Street were developed under RD zoning (Exhibit "AA-1"). Such RD zoning would permit an additional 66.4 dwelling units.

There are existing roads and utilities to serve this area, which has a history of nondevelopment over a long period of time. Mr. Moody thought these are the types of properties that should be encouraged to higher densities because it does not require the City to expand other services. There are no protestants to this application, which is a significant factor. This application would reduce housing costs, but the Staff Recommendation does not.

The Comprehensive Plan designates RD as a "may-be-found" zoning. The developer feels that the four unit difference is significant because of the size of the project. The four units would constitute 16% of the development.

Z-5747 (continued)

This would add $3,400 to the price of each unit. Mr. Moody can understand the Staff's concern in order to preserve come consistency, but he does not feel this is the area where it can be maintained because the line has already been broken. In addition, there is multifamily zoning along South 79th East Avenue north of 15th Street and exists on the south side of 15th Street, just east of the church. The proposed development would not violate the established land use patterns in the area. If the Planning Commission does approve RD zoning, processing of the zoning would be withheld until the PUD has been heard.

Protestants: None.

Special Discussion for the Record:

Commissioner young felt RD zoning would be appropriate after examining the Density Analysis submitted by Mr. Moody, since the density in the area would only be increased by 67 units if RD were approved on all undeveloped tracts as shown.

Chairman Parmele remarked that the Staff thought duplexes would be appropriate with Board of Adjustment special exception, so would consider approving RD zoning and anticipate more applications coming in.

Mr. Gardner stated he had no reason to disagree with the figures submitted by Mr. Moody.

Instruments Submitted: Density Analysis (Exhibit "AA-1").

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-1 (Hennage, Higgins, Hinkle, Parmele, Rice, Young, "aye"; no "nays"; Kempe, "abstaining"; Freeman, Gardner, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RD:

The East 150' of the NW/4 of the NW/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the Indian Base and Meridian, LESS the North 40' for Street, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof;

AND,

The East 480 feet of the North-half of the South-half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 11, Township Nineteen North, Range Thirteen East of the Indian Base and Meridian.

ZONING PUBLIC HEARING:

Application No. Z-5754 Present Zoning: RS-2
Applicant: Engles Proposed Zoning: RM-1
Location: Between 117th and 119th East Avenues, South of 13th Street

Date of Application: August 26, 1982
Date of Hearing: October 13, 1982
Size of Tract: 4.968 acres

Presentation to TMAPC by: Delmar Engles
Address: 1302 South 119th East Avenue - 74128 Phone: 437-5422

Applicant's Comments:

Mr. Delmar Engles had requested a continuance which was untimely. He had been out of town and his attorney is out of town at the present time. Chairman Parmele asked if the protestants would have any objections to a one-week continuance and they stated that they did not want it continued. It is their feeling that they have enough grievances and are ready to present petitions.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe, "absent") to proceed with the zoning hearing, since the request for continuance was not timely.

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 approximately 900 feet south of the southwest corner of 21st Street and 119th East Avenue. It is 4.97 acres in size, vacant, zoned RS-2 and the applicant is requesting RM-1 zoning. It is abutted on the north by an RM-1 zoned tract, which is mostly vacant, except for a small church on one portion and on the east, south, and west by single-family homes zoned RS-2.

The zoning north and west of the tract is a "saw-tooth" pattern of CS with an RM-1 buffer that parallels the expressway. This subject request if approved, would be an extension of RM-1 into the interior of a subdistrict, which would be inconsistent with the Development Guidelines and Comprehensive Plan. The Staff sees this request as an unnecessary intrusion into the single-family area and not a buffer. Access to this tract is provided by strictly narrow, minor residential streets.

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

Applicant's Comments:

Mr. Delmar Engles wishes to build condominiums on the subject tract. The area residents are concerned that apartments will be built, but that is incorrect. The units will run about $100,000.

Z-5754 (continued)

Mr. Gardner explained that RS-3 zoning would allow a maximum of 25 units on the tract or 5 units per acre. With an RM-1 zoning, about 125 units would be allowed on the entire tract.

Mr. Engles stated there is RM-1 zoning across the street, there are several churches in the area and quite a bit of commercial. The condominiums would be peoples' homes instead of renting and would be for the elderly.

Protestant: Brock Shields Address: 1335 South 119th East Avenue

Protestant's Comments:

Mr. Brock Shields presented a petition containing 60 signatures from various residents (Exhibit "B-1"), as well as pictures of the area showing the low density and the narrowness of the streets (Exhibit "B-2"). The street to the north of the property, 13th Street, dead-ends and is only 13 feet wide; 119th East Avenue is only 19 feet wide; 117th Street is 15 feet wide and 14th Street is 20 feet wide.

Mr. Shields was informed by the applicant's wife that the only reason for rezoning was to increase property values. From this information, it is easy to surmise that the property might be sold to someone without scruples.

The water pressure in the area is quite low. This is part of the old District 9 Water System and has been there since 1936. The City took it over in 1968 and have not made any improvements. An apartment complex would be too much of a drain on the system. There are no curbs to the streets, no drainage ditches and there are no sidewalks. The two access roads into the neighborhood flood during any rain.

The church in the neighborhood does not cause any traffic problems or water problems. All the houses set on 2-to 6-acre tracts and the neighbors feel that eventually the large vacant areas will be bought for apartments or condominiums. This is a sparsely populated area as evidenced by the petition which constitutes about 90% of the residents.

Applicant's Comments:

Mr. Engles had no further comment, but requested copies of the petition and minutes. He did not know so many people lived in the Elmhurst Addition.

Instruments Submitted: Petition of Protest from residents containing 60 signatures (Exhibit "B-1")
Pictures of the area (Exhibit "B-2")

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3, per Staff Recommendation:

Lots 1, 2, 3, Block 6, Elmhurst Addition, Tulsa County, Oklahoma.

Application No. PUD 202-C Present Zoning: (OM)
Applicant: Miles (Hines/Two Memorial, Ltd.)
Location: SW corner of 63rd Street and Memorial Drive

Date of Application: August 27, 1982
Date of Hearing: October 13, 1982
Size of Tract: 2.3 acres, more or less

Presentation to TMAPC by: Jones, Givens, Gotches, Doyle & Bogan
Address: 201 West 5th Street, Suite 400 Phone: 581-8200

Staff Recommendation: (Amendment)

Planned Unit Development No. 202 is located at the southwest corner of 61st Street and South Memorial Drive. The sub-area of this PUD which this amendment addresses has been approved for those uses which are permitted by right in an OM District. The applicant is requesting to operate a private club on the ground floor of an approved office building.

The Staff has reviewed this application and find that the applicant can and will be contructing an accessory restaurant by right based upon the approved permitted use. However, the requested private club use is only permitted by exception requiring the need for an amendment.

Since the restaurant is permitted by right, if it meets requirements of the Code, the Staff does not feel that the addition of private club facilities to the restaurant will significantly change the appearance of the building or the traffic generated from the structure.

Therefore, the Staff recommends APPROVAL of PUD #202-C, subject to Section 640.4 of the Tulsa Zoning Code, i.e.:

(a) The private club shall be located entirely within the principal building.

(b) The private club shall not occupy more than 5% of the gross floor area of the building in which located.

(c) Exterior business signs identifying the private club are prohibited.

Applicant's Comments:

The applicant agreed with the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present:

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

Lot 2, Block 2, Shadow Mountain II, City of Tulsa, Tulsa County, State of Oklahoma.

Application No. Z-5755 Present Zoning: RS-3
Applicant: Triplett (Bevard, Eaton) Proposed Zoning: OM
Location: 8800 South Yale Avenue

Date of Application: August 30, 1982
Date of Hearing: October 13, 1982
Size of Tract: 1.4 acres, more or less

Presentation to TMAPC by: Bob Triplett
Address: 5001 East 68th Street Phone: 494-5020

Mr. Gardner explained that the legal description for the northernmost tract is in error. He thought the application should be for only the property east of Winston Avenue. Mr. Triplett advised this property is involved in an estate and there is a legal problem. Therefore, not all the property advised for rezoning is to be considered.

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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located 900 feet north of the northwest corner of 91st Street and South Yale Avenue. It is 1.4 acre in size, contains one mobile home, is zoned RS-3, and the applicant is requesting OM zoning. The tract is abutted on the northwest and south by existing single-family homes zoned RS-3 and on the east by a proposed office building developed under a PUD with OL and RS-3 underlying zoning.

The tract is located in such a way that the northern portion is beyond the buffer established by the OL zoning district to the east, and the OM zoning request is a medium intensity district which is clearly inappropriate outside the established node. Therefore, based on the Comprehensive Plan, Development Guidelines and physical facts in the area, the Staff cannot support OM zoning and recommend DENIAL.

For the record, if the Commission is inclined to favor OL zoning, we suggest OL on that portion of the tract east of Winston Avenue and south of the northern boundary of the established OL District east of the tract, provided that a 5-foot strip of RS-3 remains adjacent to Winston Avenue in order to prohibit access to that street. The northern portion which would remain RS-3, could be used for parking by the BOA or included in a PUD over the Yale frontage properties.

Applicant's Comments:

Mr. Bob Triplett agreed that the only property under application is that east of Winston Avenue. He is in agreement with the Staff Recommendation for OL with the RS-3 boundary on the west and north sides.

Protestants: None.

Application No. Z-5757 Present Zoning: RS-3
Applicant: Nichols (Hardesty Dev. Co.) Proposed Zoning: RM-1
Location: 71st Street South and South Sheridan

Date of Application: September 2, 1982
Date of Hearing: October 13, 1982
Size of Tract: 7.5 acres, more or less

Application No. PUD 190-C Present Zoning: (RS-3)
Applicant: Nichols (Crews, Boyd)
Location: 71st Street South and South Sheridan

Date of Application: September 2, 1982
Date of Hearing: October 13, 1982
Size of Tract: 69.9253 acres, more or less

Presentation to TMAPC by: Robert Nichols
Address: 111 W. 5th Street, Suite 800 Phone: 582-3222

Z-5757 - 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 Intenstiy -- 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.

Z-5757 - Staff Recommendation:

The subject tract is located at the southeast corner of 71st Street and South Irvington Avenue. It is 7.5 acres in size, contains an existing multifamily complex, is supplementally zoned PUD (#190) with an underlying RS-3 Zoning District. The applicant is requesting to change the underlying zoning to RM-1. It is abutted on the north by mostly vacant land zoned OL and on the east, south, and west by developed or developing multifamily land also zoned under PUD #190.

On the surface, the subject request appears to be a routine case based on the existing multifamily and office zoning in the area; however, the proposal is far reaching and precedent setting. The tract, as stated, is a part of a PUD which allowed the developer to initially allocate dwelling units to various sub-areas of the total tract irrespective of the underlying zoning pattern. The applicant submitted his PUD plan as to how he wanted to develop his land and it was approved. The subject tract was proposed to be developed at a very low multifamily density of approximately 13 units per acre. The applicant came back to the Commission stating that because of economic and market reasons additional units needed to be transferred into the tract. It was approved to increase the density to approximately 20 units per acre. It should be noted at this point that the subject tract is located far beyond the traditional zoning node and would be inconsistent with the Development Guidelines and Comprehensive Plan if zoned in a conventional manner.

Subsequently, zoning decisions were made on the north side of 71st Street allowing zoning districts of a greater intensity than the subject tract, based on the existing land use, not the PUD conditions or zoning patterns. The applicant at this time is requesting RM-1 zoning for the purpose of increasing density within the project and is basing the request on OL zoning across the street which equates to RM-1.

The Staff sees this as an unending process which circumvents the conventional zoning process, which cannot be supported as good planning, consistent with the Development Guidelines and Comprehensive Plan.

Based on these reasons, the Staff cannot support the request and, therefore, recommends DENIAL of the RM-1 zoning.

PUD #190-C - Staff Recommendation:

Planned Unit Development No. 190-C is located approximately 800 feet east of Yale Avenue and south of East 76th Street. It is approximately 72 acres in size, vacant and zoned PUD #190 for 190 single-family dwelling units. The applicant is proposing to develop 32 acres as townhouse units at a 10-unit per acre density and the remaining 40 acres as single-family, cluster units at a 5-unit per acre density.

The tract is located in the interior of a subdistrict which allows only the consideration of RS-1, RS-2 or RS-3 generally. As proposed, the application would be inconsistent with the Development Guidelines and Comprehensive Plan. In addition, it would be poor planning to allow access and circulation of a higher density development to be through low-density single-family.

Based on the above cited reasons, the Staff cannot support the request, and therefore, recommends DENIAL of PUD #190.

Applicant's Comments:

Mr. Robert Nichols was present for the applicants, principally to present a PUD amendment; however, in order to do this, underlying zoning changes are required. Actually, two tracts are involved in the zoning change request. Due to an error in the legal description caused by replatting subsequent to sales, only one application has been advertised. In order to reach the request in the PUD amendment, both tracts would have to be rezoned. The PUD could be properly presented today and the other application is scheduled for hearing November 24. The error was only discovered this morning and the majority of the people present are concerned about the PUD.

Mr. Nichols presented booklets containing copies of the PUD Site Plan, a table depicting 1970 and 1980 housing trends, projected density and offsite utility costs (Exhibit "C-1"). He displayed an aerial photo of the entire PUD of Minshall Park, showing the layout of the entire 404 acres, which was planned in 1974 or 1975. This is one of the largest developments within the City of Tulsa and was anticipated to take several years to develop. The concept for the amendment is to update and revise the PUD because society and the economy have changed since 1975. This comprehensive, long-range development needs some updating in order to meet the original goals, which are still the goals of the developers. The only way to increase the density is to request the rezoning and then reallocate. The parcel under discussion is in the south-western section of the tract which is considered to be Minshall Park IV. It contains approximately 72 acres which abuts Ridgepark I and II on the west. These are apartment-type construction and the density is a little more than 10 units per acre. The amendment would bring the townhouse type development into the interior of the PUD and would be consistent with the Ridgepark densities of 10 units per acre. Surrounding the new development would be a buffer zone of single-family development of 5 units per acre. This zone would properly buffer the existing single-family dwellings, which are built in Minshall III and I. There would be about 39 acres of single-family, traditional density development around 32 acres of multifamily. The total application would allow a 15% increase in dwelling units for the entire 404 acres, which would total about 330 dwelling units over what is presently approved.

The original concept was to provide multiple types of housing in an integrated way for approximately 5300 people. A chart included in the booklet Mr. Nichols passed around (Exhibit "C-1") shows the housing trends for Tulsa County. These figures demonstrate that the demographic composition of our community is changing significantly. There is an increase of 57.5% of households headed by women since 1970. The number of one-person households has increased 92% during this time period and the size of households has decreased from 2.6 persons per household to 2.2 persons. This is continuing to diminish. The cost of housing has increased over 230% during the last 10 years. With the 2.6 persons per household figure, it was projected that 5304 people would live in the 2,040 dwelling units proposed in the original application. People tend to talk about densities in terms of dwelling units. With the significant changes in society and the economy, the dwelling units calculation of density may not be accurate. If density were calculated using today's 2.2 persons per household figure and the total number of dwelling units of 2601, there would be 5342 persons living in these units. This shows that the request is not for a population increase; it is for a recognition of how to obtain the original goals.

This development is not a conventional one. It took a great deal of foresight, formal planning and study in order to accomplish this development. Offsite development was costly and was incurred by the developer to also serve development to the south. Water lines had to be extended and looped, as well as sewer lines. Storm water detention has been provided on this tract, which will serve other parts of the city. Nearly one-and-a-half million dollars was invested in offsite improvements. A contract was made with the City to provide housing for approximately 5300 people in this area. It has been implied that the developers caused their own problems, but they did not change the demographics in this community.

There have also been changes in the zoning policy. A townhouse zoning designation has been initiated since the original approval of the PUD. Therefore, the types of developments proposed today were not considered. Mr. Nichols agreed with the comment made by the Staff that this is far reaching and precedent setting. This Commission is concerned with future plans, not to preserve things as they are and should take notice of changes in the community and meet them as they occur. The zoning application is not a conventional application because the buildings are in place and he is asking for the zoning to be consistent with what exists. In addition, the developers have spent a great deal of money in offsite improvements. The existing development to the west is higher density than the proposal and he is providing a single-family buffer, which is consistent with the density, character and composition of the surrounding Minshall Park III.

Commissioner Young commented that 330 units would be an additional unit per acre if spread across the entire tract. The economic changes are in the process of changing again with the stock market up, interest rates down to 13% and housing starts are beginning to pick up. Inflation rate is down. Mr. Nichols is talking about putting cluster housing towards the interior of the section, which is a long way from the node. The zoning request is to transfer density to another part of the PUD. The fact it is already in existance has nothing to do with the fact buildings will be built somewhere else. There has to be some vacant land or the request would not be made. The developer made certain commitments for improvements when the PUD was approved. The property owners bought homes and were told the PUD would be developed a certain way and this amendment would "cram" a lot more units into the area. Statistics have changed, but the original PUD has been amended several times. The investment made by the developer for utility improvements

would be rebated when other parties tap onto the mains. Therefore, the initial investment would be reduced.

Mr. Nichols responded that there will not be a lot more people brought into the area because of the change in demographics. Probably the only figures available in the planning process of this PUD were 1970 figures. Besides, these changes have occurred primarily since 1976 when the Equal Credit Opportunity Act was enacted. No one could perceive the demand this 90% increase in single, individual households would create.

Protestants:		Addresses:	
	Ken Maricle		5120 E. 75th
	Eckel Lane		7319 S. Erie
	Ron Bosen		5818 E. 75th Pl.
	John Hilton		7505 S. Braden

Protestants' Comments:

Mr. Ken Maricle lives in Woodcrest Estates. The fact there are fewer people per household may be correct, but Mr. Maricle wondered about the number of cars. This seems important, as well as drainage, because this would be affected by the number of units per acre. The request is a significant increase in the number of dwelling units on each acre. There are four representatives present from the neighborhood.

Mr. Eckel Lane lives in Minshall Park III and spoke for residents of the area that oppose both the rezoning of the Eagle Point area and the change in density requested. He presented a petition containing 254 signatures, which represents a majority of property owners in the area (Exhibit "C-2"). The residents are opposed to the rezoning and PUD because it moves significant population density to the interior of the 71st to 81st, Sheridan to Yale area and they feel this is contrary to the general plan which is specifically designed to keep high density on the perimeter of the square mile area. Changing the existing plan from single-family detached houses to cluster and townhouses renders this particular area inconsistent with other square miles wherein the high density population is on the periphery of the overall community. The lowest density area that is being proposed is roughly twice the density of the single-family detached units that are in Minshall Park and Woodcrest Estates. The overall average for the new proposal would be 2.7 times the units per acre of the Minshall Park III area. The proposed change would completely surround his neighborhood with high density uses. On the north are condominiums and apartments, to the west are duplexes, PUD 190 is to the east and RD zoning, and now to the south is the proposed change. This would be extremely detrimental to Minsahll Park III. The final argument concerns traffic. Because of the placement of existing roads, especially for Minshall Park III, the area bounded by Erie and Fulton will be subjected to higher traffic loads. The bulk of the roads are designed to carry the traffic to the north and east, which he feels will affect the present property owners in Minshall Park III and will contribute to further congestion at non-controlled intersections. For these reasons, he requests that both the zoning and PUD be denied.

Mr. Maricle stated that all surrounding roads are two-lane with two lane intersections and no turning lanes or shoulders. The traffic has increased tremendously in the past few years and has put a strain on the major artery system that surrounds the area. Residential streets are used for short cuts because the major arteries are so congested. Any increase in density is going to make the problem worse. There is one access from this addition to a major arterial, which is 76th Place. It is on an extremely steep hill from Yale. He feels it is only common sense and a matter of

safety to place high density on the outside of neighborhoods instead of the interior. The area to the south is now vacant and is on a major street. This will likely be rezoned to a higher density in the future and would create even more problems.

Mr. Ron Bosen also lives in the Woodcrest Estates. In the last 12 months, Ridgepark I was constructed directly behind his residence, which consists of 100 units, each with a wood burning fireplace. Ridgepark II, directly adjacent, will consist of 120 units and he is certain these will have fireplaces. This is 220 wood burning fireplaces in a space that would have had 60 if it were zoned RS-1. The cars average 1 or 2 per unit in the Ridgepark I development and this will be almost doubled when the Ridgepark II project is completed. His point is pollution. The other problems that continuously plague higher denisty dwellings are the increased rate and volume of water run off during any rainfall. Present drainage and detention ponds appear to have difficulty controlling the water flow at this time. The increased density would aggrevate this conditions. Braden Street is directly connected to the PUD. There is a dirt road that extends from the pavement behind his home up along the edge of Ridge Apartments. This dirt road is rather heavily traveled now and direct and mud sift down to his property. He agrees with the statement that the access will be through the entire tract and not to the main roads on the outside, such as Yale and 71st Street.

Mr. John Hilton is concerned about safety because 75th and Yale has had one fatality accident during 1982. The figures are not available for 1982 at 76th and Yale, but there was one accident in 1981. He reinforced the comment that this addition is completely surrounded by higher density development and requested the applications be denied. The developers have a change by 1984 to develop the project the way it was originally planned.

Applicant's Comments:

Mr. Nichols stated that all the protestants are sincere in their protest, which is a demonstration of the character of the neighborhood (single-family, owner-occupied). This application would bring more people into the area that would be of the same character. This is not a request for high density, but rather a request for 10 units per acre. High density would be considered between 25 and 30 units per acre. The request is for medium intensity, which would be consistent with an RD application. Everyone is concerned about drainage; however, approval is needed from the City Engineer. If the drainage problems cannot be solved, nothing will be built. There are other safeguards to protect the residents. The traffic is a concern, but there are plans for highways that will help alleviate the problems. The more one-person households would equate to fewer cars. Mr. Nichols feels this increase in density might spur more public transit available in the area. His clients are also concerned about the problems and want to provide more high-quality housing for this community.

Chairman Parmele commented that most of the discussion has concerned the PUD, with very little about the zoning on 71st Street. Mr. Nichols thinks the zoning application stands for itself as far as the existing development, which is built to about 22 or 23 units per acre. The zoning classification would fit what is already built. It is justified by the zoning immediately to the north on 71st Street and by other zoning decisions made by the Commission.

Z-5757 and PUD 190-C (continued)

Special Discussion for the Record:

Commissioner Young asked the Staff what zoning is in place under the existing apartments. Mr. Gardner replied this is zoned RS-3. Commissioner Young summarized that these could be built because of the PUD and another tract in the PUD lost density in order for these apartments to be built. Mr. Gardner explained that some of the density in the interior was transferred to the multifamily areas. The density at that time was about 15 units per acre and when this was developed for apartments, the owner needed another 4 or 5 units per acre on roughly 70 acres. This left a lower density on the interior and at one point there was 1 unit per acre. The Staff was concerned at that time because land is hard to develop at one unit per acre in this part of the city. There were subsequent applications for RM-T and RD to develop townhomes.

MOTION was made by YOUNG, second by KEMPE, to deny the zoning request. Chairman Parmele and Commissioners Kempe and Young all agreed it was difficult to separate the two applications because the zoning is needed to transfer density to another part of the PUD. Chairman Parmele remarked that the zoning application is located on 71st Street, is across the street from OL and 71st Street from Sheridan to Yale is multifamily and office. The Commission has to consider the fact that it meets the Comprehensive Plan. He would be opposed to the motion for denial but is not in favor of the PUD at this time.

Instruments Submitted:

Booklet containing information pertinent to the application	(Exhibit "C-1")
Petition containing 254 signatures of protest	(Exhibit "C-2")
8 letters of protest from area residents	(Exhibit "C-3")

Z-5757 - TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 5-2-0 (Hennage, Higgins, Kempe, Rice, Young "aye"; Hinkle, Parmele "nay"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to deny the requested rezoning of RM-1 on the following described property:

A tract of land in the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Ten, Township Eighteen North, Range Thirteen East of the Indian Base and Meridian in Tulsa County, State of Oklahoma, more particularly described as follows, to wit: Commencing at the Northeast section corner of Section 10, Township 18 North, Range 13 East, thence West along North section line a distance of 1484.64 feet to the point of beginning; thence S 00°04'09" E a distance of 556.07 feet; thence N 83°15'09" W a distance of 690.25 feet to a point on the East R/W of Irvington Avenue; thence N 00°04' 09" W along East R/W of Irvington Avenue, a distance of 475.00 feet to a point on the North Section line of said Section 10; thence East along said north line a distance of 685.36 feet to the point of beginning.

PUD 190-C - TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 6-1-0 (Hennage, Higgins, Hinkle, Kempe, Rice, Young "aye"; Parmele "nay"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to deny the request for amendment to PUD 190 on the following described property:

A part of the N/2 of the S/2 and a part of the SW/4 of the NW/4 of Section 10, T-18-N, R-13-E, Tulsa County, Oklahoma being more particularly described as follows:

Commencing at the Northwest corner of the N/2 of the S/2 of Section 10, T-18-N, R-13-E, Tulsa County, Oklahoma; Thence S-89°57'10" E along the North line thereof, a distance of 644.57 feet to the Point of Beginning, said point also being the Northeast corner of Lot 1, Block 1 of "Ridge Park", an addition to the City of Tulsa, Tulsa County, Oklahoma according to the official recorded plat thereof and also being the Southeast corner of Lot 10, Block 6 of "Woodcrest Estates", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof; thence continuing S-89°57'10" E along the South boundary of said Woodcrest Estates, a distance of 180.86 feet to the Southeast corner of Lot 8, Block 5 of said "Woodcrest Estates"; thence N 0°00'27" E along the East boundary of said Block 5, a distance of 440.00 feet to the Northeast corner of Lot 5, Block 5 "Woodcrest Estates"; thence S 89°57'10" E along the South boundary of "Woodcrest Estates", a distance of 495.19 feet to the Southeast corner of Lot 7, Block 4 of "Woodcrest Estates", said point also being on the West boundary of Block 2 of "Minshall Park III", an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof; thence S 0°00'04" E along the West boundary of Block 2 of "Minshall Park III", a distance of 100.00 feet to the Northwest corner of Lot 11, Block 2 of "Minshall Park III'; thence S 26°57'46" W along the West boundary of Block 2 of "Minshall Park III", a distance of 399.26 feet to the Southwest corner of Lot 13, Block 2 of "Minshall Park III"; thence S 89°57'10" E along the South boundary of "Minshall Park III", a distance of 1486.76 feet to the Southeast corner of Lot 6, Block 9 of "Minshall Park III"; thence S 75°34'10" E along the South boundary of "Minshall Park III", a distance of 348.23 feet to the Southwest corner of Lot 1, Block 10 of "Minshall Park III"; thence S 30°57'49" E along the West boundary of Block 10 of "Minshall Park III", a distance of 69.97 feet to the Northwest corner of Lot 22, Block 10 of "Minshall Park III"; thence S 13°53'11" W along the West boundary of Block 10 of "Minshall Park III", a distance of 741.68 feet to the Southwest corner of Lot 28, Block 10 of "Minshall Park III"; thence S 76°23'58" W along the West boundary of "Minshall Park III", a distance of 63.79 feet to the Norhwest corner of Lot 29, Block 10 of "Minshall Park III"; thence S 22°46'55" E along the West boundary of "Minshall Park III", a distance of 283.27 feet to a point; thence S 0°04'15" W along the West boundary of "Minshall Park III", a distance of 160.00 feet to the Southwest corner of Lot 1, Block 12 of "Minshall Park III", said point also being a point on the South line of the N/2 of the S/2 of said Section 10; thence N 89°55'45" W along the South line of said N/2 of the S/2, a distance of 1989.64 feet to a point; thence N 3°00'00" W a distance of 115.00 feet to a point; thence N 28°00'00" W a distance of 135.00 feet to a point; thence N 10°00'00" W a distance of 331.41 feet to a point; thence N 55°00'00" W a distance of 367.61 feet to a point on the Southerly boundary of Lot 1, Block 1 of "Ridge Park"; thence N 35°00'00" E along the Southerly boundary of "Ridge Park" a distance of 210.71 feet to a point of curve to the right having a central angle of 18°01'15", a radius of 455.00 feet, an initial tangent bearing of N 35°00'00" E, a distance of 143.11 feet to a point of curve to the left having a central angle of 84°01'15", a radius of 25.00 feet, an initial tangent bearing of N 53°01'15" E, a distance of 36.66 feet to a point of curve to the right having a central angle of 31°01'18", a radius of 232.25 feet, an initial tangent bearing

of N 31°00'00" W a distance of 125.75 feet to a point; thence N 0°01'18" E along the East boundary of Block 1 of "Ridge Park" a distance of 119.22 feet to the Point of Beginning and containing 3,045,947.87 square feet or 69.9253 acres more or less.

Application No. Z-5758 Present Zoning: AG
Applicant: Bernier (Charles) Proposed Zoning: RS-3, RD
Location: 91st Street and 91st East Avenue

Date of Application: September 2, 1982
Date of Hearing: October 13, 1982
Size of Tract: 120 acres

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 Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the RS-3 District is in accordance and the RD District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located approximately 1/2 mile east of the northeast corner of 91st Street and South Memorial Drive. It is 120 acres in size, mostly vacant, except for one single-family dwelling with accessory buildings, zoned AG and the applicant is requesting a combination of RD and RS-3 zoning. It is abutted on the north by vacant land and a golf course zoned AG; on the east by scattered single-family dwellings zoned AG; on the south by a developing single-family subdivision zoned RS-3; and on the west by Jack and Jeans Western Wear, The Gaslight Theater, a church and several scattered single-family dwellings zoned AG.

Based on the Development Guidelines and the Comprehensive Plan, the Staff can support the RS-3 zoning on the total tract; however, the amount of the tract that might be suitable for RD will take further analysis.

The Development Guidelines state, "The RD zoning classification may also be allowed in the subdistricts in instances where, by reason of physical features, i.e., narrowness, shallowness, shape, topography or other unusual situation, condition or circumstance to a particular property, the limiting of subdistrict development to RS-1, RS-2 and RS-3 is not merited." An analysis of this tract shows that approximately one-third of the tract is undevelopable because of topography, floodplains and various easements which allows for consideration of RD zoning on a portion of the tract.

This, plus the fact that abutting the tract on the west is nonconforming commercial uses to an 800-foot depth, the Staff can support RD zoning on the subject tract to an equal depth.

Therefore, the Staff recommends APPROVAL of RD on the south 800 feet and APPROVAL of RS-3 on the remainder of the tract.

Applicant's Comments:

Mr. Gardner advised that the difference between the request and the Staff Recommendation is about 200 units.

Mr. Charles Norman represented Mr. Bernier. This application and the PUD were filed prior to the time he was retained as attorney. Consequently, he felt a number of preliminary studies usually made on a tract of this

size were not available either to the applicant or the Staff. That is why the PUD is being continued in order for the final hydrology report and to establish the extent of the acreage that would be lost. There are also three major pipe line easements that cross the property at different angles and it has been difficult to plan and develop. The purpose of the zoning is to permit the applicant to proceed with further preparation of the PUD with an understanding of what density could be achieved through the approved zoning. It is his intention that the zoning recommendation not be transmitted to the City Commission until the PUD has been heard.

The PUD that has been filed requests approval of units slightly in excess of 900. The Staff recommendation for the 120 acres would produce about 748 on an 800-foot deep, recommended duplex zoning classification. At this time, Mr. Norman is willing to accept the recommendation made by the Staff with respect to the zoning classification and intends to present to the Staff and Commission later an amended PUD that would incorporate the RD zoning district and a part of the tract for RS-3 duplex use under the exception permitted in an RS-3 district.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RD on the south 800 feet and RS-3 on the remainder of the tract, per Staff Recommendation:

RD

The South 800 feet of the West half of the Southeast Quarter (W/2, SE/4), Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma

RS-3

The Northeast Quarter of the Southwest Quarter (NE/4, SW/4) and the North 1840 feet of the West half of the Southeast Quarter (W/2, SE/4), Section 13, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

PUD 298 Bernier (Charles) 91st Street and South 91st East Avenue (AG)

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to continue consideration of PUD 298 until November 3, 1982, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 268-A Present Zoning: (RM-1)
Applicant: Reinkemeyer (WG II)
Location: SW/c 91st Street and Mingo Road

Date of Application: August 31, 1982
Date of Hearing: October 13, 1982
Size of Tract: 2.3 acres

Presentation to TMAPC by: WG II
Address: 2622 E. 21st St., Unit 12 - 74114 Phone: 742-0820

Staff Recommendation:

Planned Unit Development No. 268-A is located west of the southwest corner of 91st Street and Mingo Road. PUD #268 was approved for a variety of single and multifamily dwelling types and covers 111.963 acres.

The request of PUD #268-A is to allow a P.S.O. substation on 2.3 acres located on the southeast corner of 91st Street and 92nd East Avenue. The subject tract is abutted on the north, east and south by vacant unplatted land and on the west by mostly vacant platted single-family land with one home under construction.

Based on the facts submitted, the Staff recommends APPROVAL of the request, subject to the reduction of Development Area "A" by 2.3 acres, which in turn would reduce the maximum number of dwelling units by 10, per the plans submitted.

Applicant's Comments:

The applicant was not present.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the reduction of Development Area "A" by 2.3 acres, which in turn would reduce the maximum number of dwelling units by 10, per the plans submitted and based on the Staff Recommendation:

A tract of land lying in the NE/4 of Section 24, Township 18 North, Range 13 East of the Indian Base and Meridian according to the U.S. Government Survey thereof in the City of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Commencing at a point on the North line of said NE/4 of Section 24, said point lying 1,508.70 feet West of the Northeast corner thereof; thence due South a distance of 50.00 feet to the Point of Beginning, said point being the Northeast corner of Lot 1, Block 1 of "Woodland Glen Fourth", an addition to the said City of Tulsa, according to the recorded plat thereof; thence due South along the East line of said Block 1, a distance of 321.41 feet to the Southeast corner of Lot 4 of Said Block 1; thence due East a distance of 190.00 feet to a point of curve; thence along said curve to the right, said curve having a radius of 265 feet, a central angle of 17°53'17", a distance of 82.73 feet to a point; thence N 17°53'17" E a distance of 128.82 feet to a point; thence N 04°06'13" E a distance of 122.08 feet to a point; thence N 23°04'09" W a distance of 98.45 feet to a point; thence S 85°17'03" W a distance of 92.80 feet to a point; thence N 00°02'30" W a distance of 33.14 feet to a point lying 25.00 feet South of said North line of the NE/4 of Section 24; thence

S 89°37'44" W and parallel to said North line a distance of 188.63 feet to a point; thence due South a distance of 25.00 feet to the Point of Beginning, containing 2.3534 acres more or less.

OTHER BUSINESS:

PUD #131-A-1 Cox & Assocs. Century 21 East Extended S. 111th E. Ave. & E. 14th Pl.

Staff Recommendation - Minor Amendment

Planned Unit Development #131-A is located at the southwest corner of I-44 and Garnett Road. The tract contains 25.3 acres approved for 270 townhouse dwelling units. The applicant has submitted a request to detach the townhouse units and make them single-family dwellings in Block 1, 2, 3 and 6, Century 21 East Extended. As a result of this change, different yard requirements would be necessary and the applicant is proposing to maintain a 10-foot side yard between each building with one building being no closer than 3-feet to a property line. He is also proposing that rear yards be 10-feet in Blocks 1, 2 and 6 and 5 feet in Block 3. The same basic structure and floor plan used in the townhouse development is being used for the detached, single-family units.

The Staff has reviewed these requests and find;

1) That a change from attached townhouse to detached single-family can be considered minor,
2) that a 10-foot building separation requirement is typical for similar developments, and
3) that a 10-or 5-foot rear yard is an acceptable trade-off for not attaching the units.

Therefore, the Staff can support the applicant's request as being minor in nature and recommends the APPROVAL of the following requirements for Blocks 1, 2, 3 and 6, Century 21 East Extended:

1) One-and two-story single-family detached residential units be permitted.
2) Side Yards: That buildings be separated by 10 feet with one building being no closer than 3 feet from a property line.
3) Rear Yards: That rear yards be 10 feet, except in Block 3, where it can be reduced to 5 feet, if necessary.
4) That the submitted Plot Plan be made a condition of approval as being a typical unit to be constructed (not exact).
5) That all other restrictions of the PUD, original or as amended, will remain in effect.
6) Amended restrictive covenants permitting the subject proposal be approved by the TMAPC and filed of record in the County Clerk's Office prior to building permits being issued.

Applicant's Comments:

Mr. Jack Cox was present and had no objections to the Staff Recommendation.

TMAPC Action: 7 members present.

On MOTION of HENNAGE, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentons"; Freeman, Gardner, Petty, Inhofe "absent") to approve the requested minor amendment for PUD 131, subject to the conditions set out in the Staff Recommendation.

PUD #281-2 Wayne Alberty South of East 61st Street, West of South Mingo Road (Gleneagles)

Staff Recommendation - Minor Amendment

Planned Unit Development No. 281 is located south and west of the intersection of 61st Street South and Mingo Road. It has been approved for multifamily and accessory uses. The applicant is now requesting some setback changes in Areas "C", "D", and "E".

During the approval process on this application, there have been requests for changes from the Planning Commission, City Commission and surrounding neighborhoods. Because of this, an Amended Development Plan was submitted and approved by the TMAPC showing duplexes along the south and west property lines, as per the City Commission requirements. The approved Amended Development Plan graphically shows the setbacks from the property lines and parking that the applicant desired; however, because of the many changes asked for, these were omitted from the formal written requests. Therefore, the applicant is requesting a Minor Amendment to the setbacks in Areas "C", "D" and "E" to conform with the approved amended Development Plan.

The Staff views the following setback changes as being minor in nature and recommends APPROVAL:

	APPROVED	SUBMITTED
Development Area "C"		
Minimum Building Setbacks:		
From south boundary	50 feet	2-story - 50 feet 1-story - 25 feet
Between Parking & Building:	20 feet	Duplex - 7 feet Other - 20 feet
Development Area "D"		
Minimum Building Setbacks:		
From west and south boundary:	50 feet	2-story - 50 feet 1-story - 25 feet
Between Parking & Building:	20 feet	Duplex - 7 feet Other - 20 feet
Development Area "E"		
Minimum Building Setbacks:		
From west boundary	50 feet	2-story - 50 feet 1-story - 25 feet
Between Parking & Building:	20 feet	Duplex - 7 feet Other - 20 feet

Because of these changes, it is necessary to change the Maximum Building Height in Areas "C", "D" and "E" to the following:

Area "C" - 2 stories, except within 50 feet of the south boundary shall be 1-story.
Area "D" - 2 stories, except within 50 feet of the south and west boundaries shall be 1-story.
Area "E" - 2 stories, except within 50 feet of the west boundary shall be 1-story.

Applicant's Comments:
Mr. Wayne Alberty agreed with the Staff Recommendation and presented a letter from the President of the Burning Tree Master Association stating they have no objection to the amendment.

Instruments Submitted: Letter of support from Homeowner's Association (Exhibit "D-1")

TMAPC Action: 7 members present.
On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to approve the minor amendment to PUD 281, subject to the conditions set out in the Staff Recommendation.

PUD #281, Area "C" Wayne Alberty Southwest of East 61st Street and South Mingo Road

Staff Recommendation - Detail Site Plan Review
Planned Unit Development No. 281 is located south and west of the intersection of East 61st Street and South Mingo Road. The total PUD is 90.48 acres in size and the applicant is requesting Detail Site Plan approval on Development Area "C", which is 5.48 acres in size.

The Staff has reviewed the approved conditions, the minor amendments submitted simultaneously with this request and the submitted plan. We find the following given approval of the Minor Amendments:

ITEMS	APPROVED	SUBMITTED
Area (Gross):	5.97 acres	5.97 acres
(Net):	5.48 acres	5.48 acres
Permitted Uses:	Attached Residential and Accessory Uses	Same

ITEMS	APPROVED	SUBMITTED
Maximum Dwelling Units:	44 units	44 units
Maximum Density:	7.30 units an acre	Same
Maximum Building Height:	2 stories, except within 50' of the south property line	Same
Minimum Building Setback:		
From 64th Street or 93rd E Ave.	25 feet	25 feet
From south boundary	2-story - 50 feet 1-story - 25 feet	50 feet 25 feet
Between Buildings	15 feet	20 feet
Between Parking & Buildings:	Duplex - 7 feet Other - 20 feet	7 feet 20 feet
Minimum Livability Area per Dwelling Unit:	3,000 sq. ft.	Greater
Minimum Parking (Use Unit 8):	88 spaces	100 spaces

Based on the above review, the Staff can support and does recommend APPROVAL of the Detail Site Plan, subject to the following conditions:

1) No black composition shingles or other black roof covering shall be permitted.

2) No building shall have a roof pitch of less than 2" to 12", except for Mansard style roofs; provided, however, that Mansard roofs not exceed 20% of a total roof area.

3) No chain-link or other wire or metal fences shall be permitted on or along the south boundary.

Applicant's Comments:
The applicant agreed with the Staff Recommendation:

Protestants: None.

TMAPC Action: 7 members present.
On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to approve the Detail Site Plan for PUD #281, subject to the conditions set out in the Staff Recommendation.

Application No. Z-5736 Present Zoning: RS-3
Applicant: Raintree (Davis, McWilliams) Proposed Zoning: OL
Location: NE corner and SE corner of South Sheridan Road and South 79th Street

Date of Application: June 16, 1982
Date of Hearing: October 13, 1982 and July 28, 1982
Size of Tract: .55 acre, more or less

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

A letter was presented from the City Commission Secretary, Hettie Green, advising that the City Commission voted to refer this matter back to the Planning Commission, since the applicant amended his application at the City Commission meeting (Exhibit "E-1").

Staff Recommendation (City Commission Referral)

The applicant amended his application when it was presented to the City Commission, to OL on the southern two lots. The City felt this was a substantial change from what was presented to the Planning Commission and requested the application be reconsidered. Since the initial advertisement was for OM on both the northern two and the southern two lots, the TMAPC still has the option of considering OL on the total tract.

The Staff considered in its first recommendation the OL option, because it is a may-be-found in the Matrix, and stated we could not support OL. Our recommendation has not changed because the proposed OL is beyond the node and beyond the RM-0 buffer as prescribed by the Development Guidelines. We could support RD Duplex zoning, if advertised, which would increase the density by 4 units, based on the physical facts in the area.

OL zoning equates to RM-1 zoning, or 25 units per acre. A cursory examination of the surrounding zoning districts reveals that the density to the north is 5 units per acre, to the east is 8 units per acre, to the south is 15 units per acre and to the west is 19 units per acre. Even though the applicant is not proposing to build apartments, it does demonstrate that the proposed zoning and development is more intense than the surrounding zoning and developments. In addition to our concern for increased intensity, if the OL zoning is approved and not developed we can expect a commercial application to follow in the future.

The Staff also believes that whatever decision is made on the southern lots should hold true for the northern lots in order to have like uses facing each other, as opposed to duplexes fronting into office development.

Mr. Gardner understands there is a specific proposal on the southern tract, but not for the northern tract. The Staff is concerned because if the tract is not developed, then retail commercial could spread and stripping could occur to the north.

Applicant's Comments:

Mr. John Sublett thought there has been a substantial change in the nature of the application. He presented 8 pictures of the existing development in the area (Exhibit "E-2") and feels this materially affects the case. There is a convenience store directly across the street and across the street to the north is an old house that is a nonconforming use as a gift shop.

Deer Hollow Estates contains about 8 or 9 acres and was platted and zoned as a duplex-type of development. Approximately one-half of the duplexes have been built. The present owner of the subject property owns and controls with partners all of the duplex lots, so any impact that would occur in the duplex addition would affect his own property. From past experience, the quality of residential development suffers when located on arterial or section line streets. The property abuts another tract that will, in all probability, be developed as a small, neighborhood-type shopping center. Mr. Wayne Cozort, owner of the property, proposes to build his own office on the subject tract. The owner of the two lots to the north containing the nonconforming use has no present intention of developing the property as light-office, which would be an improvement. The present use, a gift shop, does not fit into the existing uses or the long-range use.

Mr. Sublett requested the Commission approve the requested OL zoning on the subject tract. A light-office use is, in many ways, a less intense use than what a duplex use would be. An OM zoning would not be appropriate on this small a tract due to the setback requirements.

Commissioner Young stated he could support OL on these two lots knowing there are plans for an office building. Mr. Sublett advised that Mr. Cozort has signed a contract to build an office building, subject to approval of the zoning.

Protestant: Ms. Nancy Rhees Address: 6814 East 79th Place

Protestant's Comments:

Ms. Nancy Rhees lives in Briarview Addition, which is adjacent to the Deer Hollow Estates and represents 15 of the 19 homeowners in her addition. They are opposed to the rezoning because the two lots directly abut a residential, single-family development to the north. Deer Hollow Estates has a sign at the entrance stating it is a duplex and single-family development, instead of all duplex development. A Board of Adjustment application was denied for more duplex development about a year ago. The surrounding development is residential, not office.

The residents are also concerned about off-street parking. Seventy-ninth Street is one of only two entrances into her addition. It is the only exit street to Sheridan and there is one onto 81st Street. However, it is dangerous to pull out onto Sheridan because of the cars parked on the side of the street. Buildings on the vacant lot will cut down on the parking.

Applicant's Comments:

Mr. Sublett stated that the protestant lives in another addition entirely and did not feel the traffic would affect them. The proposed rezoning is on a major arterial street.

Special Discussion for the Record:

Commissioner Rice felt the future of the north lots was controlled by the zoning on these south two lots and the attorney and applicant have assured the Commission that an office building would be built.

Z-5736 (continued)

Instruments Submitted: Letter from City Commission Secretary referring matter back to the Planning Commission (Exhibit "E-1")
8 photographs of the area (Exhibit "E-2")

TMAPC Action: 7 members present.

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

Lots 1 and 2, Block 2, Deer Hollow Estates Addition to Tulsa County, Oklahoma.

PUD #190-15, Area CL-1 Terry Sells (Charter Oaks Homes, Inc.) 76th & Hudson

Staff Recommendation - Detail Site Plan Review

The subject tract is located east of the intersection of South Kingston Avenue and East 76th Street. The tract is 19 acres in size and approved for 98 dwelling units and the applicant is requesting a Detail Site Plan review.

The tract has been platted and the Final Plat would normally be considered as the Detail Site Plan. However, the applicant cannot meet the livability space requirements on a lot-by-lot basis. He can meet the requirement on an overall basis, but that cannot be determined by using the plat. In addition, he is requesting that some minor amendments be approved. Therefore, the Staff feels that a total review is necessary to address all the requested changes.

The review completed finds the following:

ITEM	APPROVED	SUBMITTED
Area (Gross)	19.0 acres	19.0 acres
(Net)	17.7 acres	17.7 acres
Permitted Uses:	Single-Family, Duplex, Triplex and Fourplex.	Single-Family
Maximum No. of Units:	98 units	98 units
Minimum Livability Space:	4,000 sq. ft.	4,285 sq. ft.
Maximum Building Height:	35 feet	35 feet
	2½ stories	3 stories*
Minimum Yard Abutting Street:	20 feet	20 feet
Minimum Setback Between Buildings:	15 feet	15 feet
Minimum Rear Yards:	15 feet	15 feet

*The applicant has submitted building plans that could be interpreted as being three (3) stories in height; however, the Planning Commission has addressed this same problem in the Single-Family Area of PUD #190 and determined that if the exterior height requirement is met (as it is in this case) that the number of floors within the interior of the structure has no significant visual impact on the total project; and, therefore, a change in the number of floors is minor in nature.

In addition, the applicant is proposing a small guardhouse at the main entry which was not shown on the original plans, but the Staff feels this is an accessory use and can support the proposal.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan for PUD #190-15, Area CL-1, subject to the plans and livability space calculations submitted.

Applicant's Comments:

Mr. Charles Norman presented 2 pictures of the proposed houses and a photograph of the elevations (Exhibit "F-1"). The structures have 3 levels at the back due to the severe topography. To avoid a controversy as to building height and stories, he is requesting that 3 stories, less than 35

feet, be permitted for these particular buildings. Mr. Norman agreed with the Staff Recommendation.

Instruments Submitted: 3 Photographs of the proposed houses and elevations (Exhibit "F-1")
Table showing livability space for 98 units (Exhibit "F-2")

TMAPC Action: 7 members present.
On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Petty, Inhofe "absent") to approve the minor amendment to PUD 190, subject to the conditions set out in the Staff Recommendation.

There being no further business, the meeting was adjourned at 4:15 p.m.

Date Approved 11-3-82

Chairman

ATTEST:

Secretary