TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1436
Wednesday, December 22, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall,
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, December 21, 1982, at 9:02 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 KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve the minutes of December 8, 1982 (No. 1434).

REPORTS:

Rules and Regulations Committee

Commissioner Hinkle informed the Commission that the Rules and Regulations Committee met following the Planning Commission meeting on December 15, 1982, to discuss the feasibility of placing an automatic expiration date on PUD's. and to discuss a new fee schedule for Zoning, Subdivision, Lot-Splits, Board of Adjustment, etc., applications. The Committee voted unanimously to recommend denial of the request from the Burning Tree Master Association concerning automatic expiration for PUD's, based on a number of complications outlined by the Staff and Legal Department. A copy of the minutes from the Committee meeting was provided to each member of the Planning Commission (Exhibit "A-1").

Mr. Gardner explained that the Staff has studied the need to increase application fees and presented a proposal to the Rules and Regulations Committee. After discussion in the Committee meeting, the Staff is preparing to present this proposal to various interest groups for input and will be presenting a request to the Commission at a later date.

Mr. Gardner further explained that the request for expiration on PUD's is not a new issue. The Staff feels an expiration on PUD's or zoning would result in chaos in the system because money is borrowed on the value of the property based on the zoning. If the zoning is appropriate in the first place, the amount of time taken to develop a tract is immaterial.

ZONING PUBLIC HEARING:

Application No. Z-5779 Present Zoning: RS-3 and FD
Applicant: Spratt (Glass Nelson, Donnelly) Proposed Zoning: CS and FD
Location: West of the NW corner of 61st Street and Mingo Road

Date of Application: November 1, 1982
Date of Hearing: December 22, 1982
Size of Tract: 1.8 acre

Presentation to TMAPC by: Gary Gibson
Address: 1923 East 21st Street - 74104 Phone: 742-3341

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the CS District is in accordance with the Plan Map on the east 1/2 of the subject tract.

Staff Recommendation:

The subject tract is located west of the northwest corner of Mingo Road and 61st Street South. It is 1.8 acres in size, contains a small vacant building, is zoned RS-3 and the applicant is requesting CS and FD zoning. It is abutted on the north and west by vacant land zoned RS-3, on the east by a church zoned RS-3 and on the south by a commercial project under construction and a single-family dwelling zoned CS.

Based on the Comprehensive Plan, the surrounding land uses and zoning patterns, and the physical features on and off the site, the Staff can support CS zoning on that portion out of the floodway.

Therefore, the Staff recommends APPROVAL of CS on that portion of the tract identified by the City Engineer as being out of the floodway and FD on the remainder of the tract.

Applicant's Comments:

The applicant had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS, except a portion to be zoned FD Floodway as determined by the applicant's engineer and approved by the City Engineer:

CS and FD: A tract of land beginning at a point 400 feet West of the Southeast Corner of Section 36, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence North 300 feet; thence West 265 feet; thence South 300 feet; thence East 265 feet to the place of beginning, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

Application No. PUD 215-C | Present Zoning: (RS-3, PUD #215)
Applicant: Wright (Sotucom)
Location: 91st Street and 77th East Avenue

Date of Application: November 2, 1982
Date of Hearing: December 22, 1982
Size of Tract: 24 acres, more or less

Presentation to TMAPC by: Tom Tannehill
Address: 1918 East 51st Street - 24127 | Phone: 749-4694

Staff Recommendation:

Planned Unit Development No. 215-C is located approximately 1,000 feet west of the northwest corner of East 91st Street and South Memorial Drive. It is vacant, except for utility and facility improvements, 24 acres in size, zoned as a part of PUD #125 for a single-family use at approximately 2.5 units per acre, and the applicant is proposing an amendment to the original PUD to allow a single-family use at approximately 3.5 units per acre.

As was stated in the previous case covering this area (PUD #215-B), the Staff felt that the number of single-family lots originally requested and the subsequent plats submitted indicate a commitment to RS-2 type densities for the majority of the single-family development area north of the pipeline easement. At the same time, we recognized that different sub-areas within a larger development have unique features that can set themselves apart from other sub-areas.

One of these sub-areas is Southfield Estates which is one mile directly north of the subject tract and has direct access onto 81st Street. It was developed single-family at 3.1 units per acre. A second sub-area is PUD #215-A, which has direct access to Memorial Drive. It is proposed to be single-family and developed at 5.4 units per acre. The proposed application is another area that the Staff sees as being unique. It is buffered on the west and north by reserved open areas. It is abutted on the east by RM-0, multifamily zoning and on the south, across 91st Street, by a recent CO zoning request where the applicant is proposing patio homes and townhouses. It has three direct accesses to 91st Street, which can support the proposed 3.5 units per acre of single-family.

Therefore, the Staff recommends APPROVAL of PUD #215-C, subject to the following conditions:

(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 along abutting nonarterial streets.
(3) That permitted uses be detached, 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.

NOTE: There remains 8 unallocated dwelling units which we believe should be assigned the church property, located within this same sub-area. However, the church property is not under application and, therefore, cannot be acted on at this time.

Applicant's Comments:

Mr. Tom Tannehill represented Victor Federal Savings and Loan, the owners of the subject property, and the remaining part of Chimney Hills South, Blocks 32 through 39. This plan was denied by the City Commission, but was recommended for approval by the Planning Commission. There has been a legal settlement since the denial of this plan between Victor Federal and the past owner of the property. Victor Federal has a 2½ million dollar investment in this tract. They are aware that smaller lots are more attractive, and therefore, easier to market. Mr. Tannehill was not sure whether a major amendment is actually needed, since there is no departure from the existing outlying development plan.

Protestants:	Addresses:
Hayden Crawford	1st National Bank Building
Larry Henry	6541 East 89th Street
Rev. Kip Wright	7431 East 91st Street
Hugh Porter	5946 East 96th Court, 74136
Dr. Jack Featherston	3707 East 47th Place, 74135

Protestant's Comments:

Mr. Hayden Crawford represented the protestants. He was concerned about the statement that the pipeline creates a barrier and submitted a picture showing the vacant land where the pipeline is located (Exhibit "B-1"). There is no physical barrier here to separate the different style of homes. The present residents moved into this area, relying on the plats on file. Four ladies were present in the meeting of July 28, 1982, who stated they had studied the plats before buying their homes. No necessity has ever been shown for making this change. Mr. Crawford agrees with the statement made by Mr. Gardner (when speaking on a neighborhood request for automatic expiration of zoning if not developed within a specific period of time) that if the zoning was correct originally, it should not be changed no matter how long it takes to develop. The subject tract has never been offered for slae and has not been kept in good repair. The sole purpose of this application is more profit for the owners. This proposal would allow 24 more units in this section only, instead of in the overall PUD.

Mr. Larry Henry is president of Chimney Hills Homeowners Association. A map was displayed showing the houses that have been sold, the houses being built and the lots that have been sold since last present to the Commission. Last week in the newspaper, this area was described as one of the hottest home areas in the City. Last year, the homeowners attemped to construct with personal funds community recreational facilities in Reserve Area "C". Arrangements were made to see if the City would approve this type of transfer, since part of the property had been dedicated for park-type use. The City indicated there would be no difficulty in releasing that interest for such construction since the Park Department could not maintain any new parks. The developer at that time, Mr. Never Fail, thought this could be worked out. Victor Federal was then contacted to see if a release of the mortgage could be obtained. Obviously, the property has no value as it stands, to Victor Federal or the developer, because it is dedicated for nonresidential use. However, the request was refused. The subject tract has never been for sale, there are no street lights or markers. The homeowners are trying to get it sold and have been rebuffed.

Reverend Kip Wright is pastor of Faith United Methodist Church, which is within the PUD. The Board of Missions for the United Methodist Church owns 23 lots, as well as the Church property. When the lots are sold, the purchase price would roughly equal the total price of the entire 17 acres. The Board of Missions is a non-profit organization and its main function is to encourage new congregations. This investment would allow the purchase of other church sites and a substantial amount of money would be lost by the Board if the subject application is approved. The value of the Church's property would be decreased because it would be across the street from homes of a lesser value. New churchs need to be established in areas of substantial, single-family residences because the life-expectancy of a church building is well in excess of 100 years and needs to be adjacent to neighborhoods that will have a long-term life.

Mr. Hugh Porter is a member of the Faith United Methodist Church congregation and a member of the Board of Missions. He agreed with the statements made by Rev. Wright. The Board was advised by the previous developer not to advertise these lots for sale until the area was more developed and Mr. Never Fail would tell them when the best time would be. Signs have been erected for sale of the lots and there has been considerable interest for lots of this size. The Board of Missions should not be forced to conform with the suggested lot sizes. Each of these lots has been platted and dedicated for single-family use under more restrictive covenants than the proposed change. Utilities have been installed on the east side; and, if the Board's lots were changed, the utilities would have to be changed.

Dr. Jack Featherston is the District Superintendent of the United Methodist Church. Approximately 80% of the Church's resources are now tied up in this particular project. Another congregation needs a site, but this cannot be done because the funds are involved in this area. The property of a local Methodist Church is held and registered in the name of the trustees of the local Church. If the congregation wishes to dispose of the property, approval is needed from the Oklahoma Annual Conference.

Commissioner Higgins could not see why the Church would not make a profit if they had more lots. Dr. Featherston explained that the Board is acting in trusteeship for funds gathered from all the Churches in the district and has an obligation to do as much as possible. Commissioner Higgins remembered that the Staff had previously suggested making the lots smaller and adding additional lots to the Church property. Dr. Featherston was not sure he agreed with the Staff's calculation and felt the aesthetic benefit of keeping the larger lots should enter into the decision.

Mr. Crawford concluded that no need has been shown for making this change. Nothing has changed in favor of the applicant since the previous application and that application was denied by the City Commission. Other congregations are relying on the investment made by the Board of Missions for the United Methodist Church, which will be used for humanitarian purposes.

Applicant's Comments:

Mr. Tannehill explained that this application is not for a change in the zoning. These lots were lots that were approved in number and that are platted and meet or exceed the underlying RS-3 requirements. The Staff has required in the recommendation that any and all lots have to meet RS-3 side yard and rear yard requirements. These homes could not be zero lot-line homes. The Church has not been able to sell any lots in the last 18 months. If the additional 8 lots are incorporated into the Church's property and are sold for $15,500, then the outcome is the same as if the present 23 lots were sold for $25-to $31,000, which is the present asking price. This is what the applicant is proposing. The Church may not be able to market their lots as easily because the rear yards will back up to a parking lot.

The large bulk of property where most of the Chimney Hills protestants live has never been included within any PUD standards or requirements. The subject property, due to the physical facts, would support an increase in density from RS-3, although that request is not being made. The only request under this application is approval of allocation of the remaining units, except for 8 units for the Church's property if requested. The subject property is adjacent to a detention facility on the west. At the present time, the lots look into a church and parking lot. There is CO zoning to the south of the property, which will allow a great deal of density, subject to site plan approval. There is RM-0 apartment zoning immediately to the east. He agrees that the pipeline location is not a barrier, but it will always be open space separation. If this plat had been filed with the additional units after the PUD had originally been approved, it would have been approved and would not have required an amendment because it meets RS-3 Bulk and Area requirements, which was the only requirement of the outlying development plan.

Special Discussion for the Record:

Chairman Parmele asked what the density would be on conventional RS-3 zoning. Mr. Gardner explained that 5.18 units could be placed on an acre of land if all the dimensions were right; however, as a general rule, the Staff uses 4 units per acre as a more realistic figure for RS-3 development. This request would allow 3½ units per acre.

Instruments Submitted: Photograph showing pipeline easement (Exhibit "B-1")

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved as an amendment to PUD #215, subject to the conditions set out in the Staff Recommendation:

PUD #215-C (continued)

Chimney Hills South, Block 32 through 39, an Addition to the City of Tulsa, Tulsa County, Oklahoma; LESS and EXCEPT Blocks 35 through 38 and LESS and EXCEPT all of Reserve Area "C".

Application No. Z-5780 Present Zoning: AG
Application: Keller Proposed Zoning: CG
Location: East of the SE corner of 161st Street and 41st Street

Date of Application: November 3, 1982
Date of Hearing: December 22, 1982
Size of Tract: 1.0 acre

Presentation to TMAPC by: Stanley Keller
Address: 110 Mockingbird Lane (Skiatook) Phone: 396-2701

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 CG District is not in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located about 500 feet east of what would be the southeast corner of 161st East Avenue and 41st Street. It fronts onto 41st Street, is 1-acre in size, vacant, is zoned AG and the applicant is requesting CG (General Commercial) zoning. The tract is abutted on the north, east and south by vacant land zoned AG and on the west by a landscape company zoned AG.

Based on the Comprehensive Plan designation and the surrounding zoning patterns, the Staff cannot support any type of commercial zoning on this tract. We consider the requested CG to be "spot zoning".

Therefore, the Staff recommends DENIAL of CG or CS zoning.

Applicant's Comments:

Mr. Stanley Keller explained to the Commission that he and his father intend to put a shop on the subject tract. At the present time, a 5-foot water main is being installed from approximately 41st Street and Garnett Road to hook into the A. B. Jewell Water Treatment Center. The area is developing rapidly with apartment complexes. He feels commercial would be an appropriate zoning for this tract.

Mr. Melvin Keller feels this area will eventually be zoned commercial and sees no reason why this should not be zoned commercial now.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to DENY the requested CG on the following described property, based on the Staff recommendation that this is spot zoning and is not in accordance with the Comprehensive Plan and surrounding zoning patterns:

Part of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter, Section 26, Township 19 North, Range 14 East; more particularly described, to wit: Beginning at a point 475' East of the Northwest corner of said Section; thence South 200'; thence East 200'; thence North 200'; thence West 200' to the Point of Beginning, in Tulsa County, Oklahoma.

Application No. Z-5781 Present Zoning: IL
Application: Morris (John's Park Development Co.) Proposed Zoning: RMH, FD
Location: SW corner of Crosstown Expressway and 129th East Avenue

Date of Application: November 3, 1982
Date of Hearing: December 22, 1982
Size of Tract: 26.36 acres, more or less

Presentation to TMAPC by: Warren G. Morris
Address: P. O. Box 45551 Phone: 437-7682

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located at the southwest corner of Crosstown Expressway and 129th East Avenue. It is slightly more than 26 acres in size, vacant, is zoned IL and the applicant is requesting RMH zoning. It is abutted on the north by the Crosstown Expressway and by mostly vacant land zoned AG on the east and RMH on the west. To the south is a vacant tract in the process of being zoned from IL to RMH.

Based on the above information, the Staff recommends APPROVAL of RMH zoning; less and except a portion to be zoned FD Floodway, to be determined by the applicant and approved by the City Engineer.

Applicant's Comments:

Mr. Warren Morris agreed with the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH, less and except a partion to be zoned FD, to be determined by the applicant's engineer and approved by the City Engineer:

The SE/4 of the SE/4, LESS and EXCEPT the South 450 feet of the SE/4 of the SE/4, Section 32, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Z-5782 Morris (John's Park Development Company) East of the NE corner of
Admiral and Garnett Road RM-2 to RMH, FD

Mr. Warren Morris advised that this application should have been made for CS instead of RMH.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to continue consideration of this application to January 26, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, in order to readvertise for CS zoning.

Application No. Z-5783 Present Zoning: RS-3
Applicant: J. B. Denny Proposed Zoning: IL
Location: West side of South Mingo Road, from 58th to 61st Streets

Date of Application: November 9, 1982
Date of Hearing: December 22, 1982
Size of Tract: 9 acres, more or less

Presentation to TMAPC by: J. B. Denny
Address: 5874 South Mingo Road Phone: 252-4342

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential, and Medium Intensity -- Commercial within the intersection node.

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

Staff Recommendation:

The subject property is located just north of the northwest corner of Mingo Road and 61st Street South. It is one lot in depth and extends north to the intersection of 58th Street and Mingo Road. The tract contains several single-family dwellings and multiple owners, is zoned RS-3 and the applicant is requesting IL zoning. It is abutted on the north by IL and by a single-family dwelling zoned RS-3, on the east by industrial uses zoned IL, on the south by vacant commercial property, and on the west by vacant floodplain land zoned RS-3 and FD.

The Staff can support industrial zoning on the subject property because of the industrial zoning approved to the north and because the subject tract abuts IL zoning on the north, fronts into industrial uses on the east, is abutted by commercial zoning on the south, and is buffered from other single-family on the west by the floodplain.

The Staff, therefore, recommends APPROVAL of IL zoning on that portion of the tract that the City Engineer designates as being out of the Floodway, but not to exceed 250 feet in depth (measured from the centerline of Mingo Road) on the northern one-half of the tract, and DENIAL on the remainder. The Staff would also recommend amending the District 18 Comprehensive Plan to reflect this change.

Commissioner Rice asked how many homes are in the area. Mr. Gardner explained there are several homes to the north of the subject tract, 2 or 3 of which have already been zoned IL. There are 8 houses on the subject tract.

Applicant's Comments:

Mr. J. B. Denny explained that the lots are 290' deep from the center of the street. There is a natural barrier (Mingo Creek) behind the subject tract, which separates his property from the residential district to the west. There is also commercial and industrial across the street. The traffic is such a problem in the area that it is no longer desirable for residential living. At the present time, there is not a buyer for the property and some of the residents on this tract plan to continue living there until a later date.

Mr. Gardner stated there is no disagreement as far as the Staff recommendation is concerned. He merely wished to point out that the area shown as FD will remain Floodway unless an engineer can design a smaller width that the City Engineer could approve and guarantee some type of improvement for that portion before the Ordinance is published. The only part of the Ordinance that can be published is everything outside of the Floodway. The Mingo Creek channel is improved to the north of this tract. When the Creek is improved behind this tract, a lot of the land will be taken up for the improvement and there will not be much IL frontage left on the northern portion of the property.

Protestant: Chuck Murray Address: 5843 S. 94th E. Ave.

Protestant's Comments:

Mr. Chuck Murray lives to the west of the subject tract on the other side of Mingo Creek. He is concerned because of the extensive use of asphalt in construction of IL property and the runoff into the Creek. The area is proned to flooding. The City Hydrologist informed him that a large apartment complex is being built on the south side of 61st Street with a big pond and a channel will be diverted into Mingo Creek. There is a big bend to the Creek in this area and the water is plugged. He would like to be assured that the area will not be too adversely affected by this proposed change. Chairman Parmele explained the requirements made by the City Hydrologist.

Mr. Gardner noted that the City will have detention on approximately 20 acres to the south and the Creek will have to be improved up to the industrial park across the street. The City will require that the developers make these improvements instead of the City. All of this will require platting and no waivers will be recommended and improvements would be required under the platting. Mr. Murray's property is in a pretty good position once these improvements are completed because it is at the headwaters of the watershed. The drainage shed starts at 71st and Memorial, one-mile to the south. There will be two large detention sites within that mile section, between 61st and 71st Streets. The surrounding property owners will be better off when this property sells and is platted because the Creek will have to be improved before the land can be used.

Interested Party: Alan F. Mattis Address: 9279 East 58th Street

Interested Party's Comments:

Mr. Alan Mattis was also concerned about the flooding and presented some information about flooding (Exhibit "C-1"). In the last 5 years or so, there have been 3 floods -- a 500-year flood, a 100-year flood and something less than a 100-year flood. Statistically, these floods were not possible, but they happened. In 1981, the flooding was not as bad as previous floods and the reason the residents escaped disaster was due to the improvements made to the channel. He does not want any development that will aggrevate runoff; however, the Commission has answered most of his concerns.

Applicant's Comments:

Mr. Denny would prefer that the property be zoned IL with the requirement of a certain setback from 58th Street. Mr. Gardner explained that, unless the applicant is prepared to hire an engineer to see what will

Z-5783 (continued)

be needed to improve the channel and give the City assurance that the improvements can be made, the only portion that will be zoned IL is everything east of the zoned FD Floodway.

Instruments Submitted: Information on Flooding (Exhibit "C-1")

TMAPC Action: 6 members present.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL on that portion of the tract that the City Engineer designates as being out of the Floodway, but not to exceed 250 feet in depth (measured from the centerline of Mingo Road) on the northern one-half of the tract and DENIAL on the remainder; and, that the District 18 Comprehensive Plan be amended to reflect this change:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12, Block 2, Andersen Addition to the City of Tulsa, Oklahoma.

Application No.5784 Present Zoning: RS-3
Applicant: Sanders (Lloyd) Proposed Zoning: OH
Location: West of the SW corner of 31st Street and Memorial Drive

Date of Application: November 11, 1982
Date of Hearing: December 22, 1982
Size of Tract: 8 acres, more or less

Presentation to TMAPC by: David H. Sanders
Address: 7th Street and Denver Avenue, Suite 205 -- 74103 Phone: 582-5181

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

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

Staff Recommendation:

The subject tract is located at the southwest corner of the Skelly Bypass and 31st Street. It is approximately 8 acres in size, contains one large single-family dwelling, is zoned RS-3 and is bounded on the south and east by the Skelly Bypass.

According to the Low Intensity -- Residential designation, OH, OMH, OM and OL are categories not in accordance with District 5 Comprehensive Plan. Any nonresidential category represents spot zoning. The Staff, however, is not opposed to a very restrictive light office use on this tract, given the fact that it is abutting Skelly Drive, but even approval of OL has its problems in this case because the tract has single-family fronting onto it on the north and west sides. Unrestricted OL zoning would allow over 87,000 square feet of floor area to be built on the tract and would require that it be only a one-story height. The Staff feels this amount of floor area or even more, might be appropriate for the tract, but only if screening, landscaping, building orientation, building height, etc., can be controlled. OL zoning alone would not do this.

The Staff sees RM-1 as being the most appropriate underlying zoning for this tract if properly buffered to the west. This would insure that if a PUD were not used, any future project would be residential, and therefore, consistent with the Comprehensive Plan and the neighborhood. If a PUD were used, a light office use could occur on the tract, but only under restrictions and reviews by the TMAPC.

Therefore, the Staff recommends DENIAL of OH and all other lower office zoning classifications.

Applicant's Comments:

Mr. Dave Sanders represented Mr. Lloyd, the owner of the property. This property is in the floodplain with a creek running through it that discharges underneath the bypass. There is a new office building in close proximity to the subject tract and there is a median that separates the residential traffic from the 31st Street traffic. The area is no longer appropriate for residential construction because of the economics due to the floodplain. He displayed an illustration of the proposal, showing the location of the building; parking and suggested landscaping that would give a screening to the residential neighborhoods. Mr. Sanders feels this is about the only reasonable use of the land and requested the OH zoning be approved for a high-rise office building. He does not agree with the Staff recommendation.

Protestants:		Addresses:
	Ray McCallum	3135 South 76th East Avenue
	Judy Hartleben	7716 East 30th Place
	Terry Willson	7728 East 30th Street
	Charles E. Williams	7464 East 30th Place

Protestants' Comments:

Mr. Ray McCallum's property backs up to the subject tract and he represented several protestants in the meeting. He requested continuation of this hearing if needed, since some protestants could not be present and they would like to meet with the developer to discuss the project. Chairman Parmele advised Mr. McCallum of the Commission's policy that requests for continuance be submitted to the Staff on Monday before the meeting, and Mr. McCallum withdrew his request.

Mrs. Judy Hartleben is not against a low-intensity office area because she also believes this cannot be developed as residential. However, her concern is the great increase of traffic on 31st Street and the residents in Bowman Acres use 31st Street as an access. This development would also decrease the value of property.

Mr. Terry Wilson stated that north of 31st Street, there is a very restricted entryway into the area. MTTA has changed bus routes off of 77th East Avenue due to the extreme traffic congestion at this intersection. There is other construction in the Landmark area which has added to the traffic congestion. Response time for emergency vehicles would be decreased. Mr. Wilson was definitely against a high-rise office building, but would consider a lesser intensity. As a member of the Crime Commission, a higher increase of crime is experienced when commercial buildings abut residential. The median mentioned by the applicant is very small and has very little effect on the houses across the street.

Commissioner Higgins informed Mr. Wilson that the Staff was recommending RM-1, which would probably increase the traffic more than office, and asked Mr. Wilson which he would prefer. He would prefer a light office because the apartments would increase traffic.

Applicant's Comments:

Mr. Sanders did not think the traffic would be increased significantly with the proposed project in that there will be ample ingress and egress. He is working with a prominent Tulsa company for this building and this will be a beautified area, which will improve the neighborhood. Mr. Jim Lloyd is the son of the applicant and believes the project will adequately deal with the flooding problem. There will be an improvement to the aesthetic view from the expressway. There will be a problem with traffic during peak periods because this combination intersection has one of the highest traffic counts in the state. A rather large tract of ground was dedicated by his father for development of a street to divert traffic away from the intersection onto Memorial Drive for traffic off of I-44. This will show, over a period of time, a significant improvement on the traffic count.

Z-5784 (continued)

Chairman Parmele advised there is a written protest from Mr. Charles E. Williams (Exhibit "D-1").

Mr. Gardner explained that 87,000 square feet, using a 10,000 square-foot-per-floor could be a nine-story building under OL zoning. Under OH zoning, there is a potential 64 acres of floor area. The Board of Adjustment could approve the nine-story height or a PUD could be used. The Staff feels that 87,000 square feet is a lot of footage for this particular tract. If 5 acres is zoned OL and 3 acres along the north and west is left RS-3, the applicant could get 87,000 square feet under a PUD. The building will have to be higher due to the floodplain, but could be placed closer to the Expressway, away from the single-family residences. An estimate by the Staff would be that a 100-foot strip on the north and west be left RS-3, leaving approximately 5 acres of OL.

After discussion with the applicant, Mr. Sanders thought the Staff's subgestion was reasonable.

Instruments Submitted: Letter of Protest from Mr. Charles E. Williams (Exhibit "D-1")

TMAPC Action: 6 members present.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL on 5 acres adjacent to the Expressway with the remaining 3 acres to stay RS-3:

Legal Description Per Notice

Beginning at a point 35' South and 99' East of the NW corner of the E/2 of the NW/4 of the NE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma: Thence East along the South line of East 31st Street 834.01' to a point on the Northwest Boundary line of Interstate Highway #44; thence in a Southwesterly direction 1,197.05' to a point 99' East of the East Boundary line of the E/2 of the NW/4 of the NE/4 of said Section, Township and Range; thence North along the East Boundary line of Magnolia Terrace Addition 797.79' to the point and place of beginning; containing some 8-1/2 acres, more or less.

Legal Description per Planning Commission Action

Beginning at a point 35' South and 99' East of the NW corner of the E/2 of the NW/4 of the NE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, State of Oklahoma: Thence East along the South line of East 31st Street 834.01' to a point on the Northwest Boundary line of Interstate Highway #44; thence in a Southwesterly direction 1,197.05' to a point 99' East of the East Boundary line of the E/2 of the NW/4 of the NE/4 of said Section, Township and Range; thence North along the East Boundary line of Magnolia Terrace Addition 797.79' to the point and place of beginning. LESS and EXCEPT the West 100' and LESS and EXCEPT the North 100'; containing some 5 acres, more or less.

Application No. Z-5785 and PUD No. 305 Present Zoning: RS-2
Applicant: Goble (Wilder) Proposed Zoning: RM-1
Location: South of the SE corner of 71st Street and Quincy Avenue

Date of Application: November 10, 1982
Date of Hearing: December 22, 1982
Size of Tract: .3 acre

Presentation to TMAPC by: Roy Hinkle
Address: 7030 South Yale Avenue Phone: 494-2650

Relationship to the Comprehensive Plan: (Z-5785)

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

Staff Recommendation: (Z-5785)

The subject property is located 660' south of the southeast corner of South Quincy Avenue and East 71st Street. It is .3 acre in size, contains one single-family dwelling, is zoned RS-1 and the applicant is requesting RM-1 Multifamily zoning. The tract is abutted on the north, east and south by large lot, single-family dwellings zoned RM-1 and on the west by single-family zoned RS-2.

Based on the Comprehensive Plan and the surrounding zoning pattern, the Staff recommends APPROVAL of the requested RM-1 zoning.

Staff Recommendation: (PUD #305)

Planned Unit Development No. 305 is located 660' south of the southeast corner of Quincy Avenue and 71st Street. It is approximately 1/3 acre in size, contains one single-family dwelling, and has a companion zoning case (Z-5785) for RM-1, which the Staff is recommending approval. Under this application the applicant is proposing a PUD for a light office use.

The Staff has reviewed the applicant's Development Plan and Text and find PUD #305;

1) is consistent with the Comprehensive Plan,
2) harmonizes with the existing and expected development of the surrounding area, and
3) is consistent with the stated purposes and standards of the PUD Chapter of the Tulsa Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #305, subject to the following conditions:

1) Development Standards:

Area (Net:)	15,900 square feet
Permitted Uses:	As permitted within an OL District
Maximum Floor Area:	6,400 square feet
Maximum Building Height:	35 feet

PUD #305 (continued)

Minimum Building Setbacks:

From North Property Line:	10 feet
From South Property Line:	10 feet
From West Property Line:	25 feet
From East Property Line:	10 feet
Minimum Parking:	16 spaces
Minimum Interior Landscaped Open Space, Including Walks:	15% of net area

Other Bulk and Area Requirements:
As required within an OL District.

Sign:

One sign not exceeding 32 square feet in surface area or 20 feet in height. Illumination, if any, shall be by constant light.

2) That the applicant's Development Plan and Text be made conditions of approval.

3) That access shall be restricted to one point off of South Quincy Avenue.

4) That no building permit shall be issued until a Detail Site Plan of the proposed development has been submitted to and approved by the TMAPC.

5) That a Detailed Landscape Plan be submitted to and approved by the TMAPC prior to occupancy of a building.

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

Applicant's Comments:
Mr. Roy Hinkle represented the applicant and had no objections to the zoning and PUD recommendations.

Protestants: None.

TMAPC Action: 6 members present: (Z-5785)
On MOTION of HENNAGE, the Planning Commission voted 6-0-0 Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1:

The South 100 feet of Lot 4, Valley Bend Addition to the City of Tulsa, Tulsa County, Oklahoma.

Z-5785 and PUD #305 (continued)

TMAPC Action: 6 members present: (PUD #305)

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

The South 100 feet of Lot 4, Valley Bend Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5786 Present Zoning: RS-1
Applicant: Johnsen Proposed Zoning: CS
Location: North side of Admiral Place, West of 193rd East Avenue

Date of Application: November 11, 1982
Date of Hearing: December 22, 1982
Size of Tract: 5 acres, more or less.

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall - 74103 Phone: 585-5241

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located approximately 700 feet west of the northwest corner of 193rd East Avenue and Admiral Place. It is 5 acres in size, vacant, is zoned RS-1 and the applicant is requesting CS zoning. The tract is abutted on the north by I-44, on the east by a recreational vehicle sales lot zoned CS, on the south by several commercial uses zoned CS and on the west by vacant land zoned IL.

Even though the tract is beyond the intersection node, given the surrounding land uses and existing zoning patterns, the Staff can support and recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

Mr. Roy Johnsen, representing the owners, had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

The East five (5) acres of the West 10.66 acres of Lot 1, in Section 1, Township 19 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the recorded U. S. Government Survey thereof; LESS the following strip, piece or parcel of land lying in part of Lot 1 of Section 1, Township 19 North, Range 14 East, Tulsa County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at a point on the North line of said Lot 1, a distance of 350.7 feet East of the NW corner of said Lot 1; thence South a distance of 78 feet; thence Southeasterly on a curve to the right having a radius of 879.9 feet a distance of 176.3 feet; thence South 74°-14'-East a distance of 141.3 feet; thence North a distance of 152 feet to a point on the North line of said Lot 1, a distance of 661.7 feet West of the NE corner of said Lot 1; thence West along said North line a distance of 309.8 feet to the point of beginning.

SUBDIVISIONS:

For Final Approval and Release:

Sutherland First (1293) North side of East 21st Street, 9400 Block East (RS-1, CS, and FD)

Sheridan Pond (PUD #271) (1583) South and West of the SW corner of 86th Street and Sheridan Road (RM-1, RM-0 & RS-3)

Tulsa Jr. College, S.E. Campus (1884) South and East of 81st Street and Mingo Road (AG)

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

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve the final plat of Sutherland First Addition, Sheridan Pond Addition and Tulsa Jr. College (S.E. Campus) and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #300 Roy Johnsen (Design & Decoration Center) NE corner of 81st Street and Sheridan Road

Staff Recommendation - Approval of Amended Covenants:

Planned Unit Development No. 300 is located at the northeast corner of 81st Street and South Sheridan Road. The tract is zoned a combination of CS and RM-0 and was previously approved as PUD #222 for a home improvement and furnishing commercial center. The applicant has since requested and received approval of PUD #300 for a commercial shopping center. As a condition of this approval, the applicant was required to amend the covenants of PUD #222 (Square One, an addition to the City of Tulsa, Tulsa County, Oklahoma) to be consistent with the conditions of PUD #300 and file the amended covenants in the County Clerk's Office prior to the issuance of a building permit.

The Staff has reviewed the covenants filed on PUD #222 (Square One) and find that Paragraph D., of Section II states, "The Provisions of Section II may be amended, modified, changed or cancelled only by written instrument executed and acknowledged by the Tulsa Metropolitan Area Planning Commission, and the provisions of such instrument shall be binding from and after the date it is properly recorded".

Since Section II of the PUD #222 Covenants contains the original PUD conditions; and, since the Staff has reviewed the Covenants for PUD #300 and find them to be consistent with the approved conditions, the Staff recommends APPROVAL of the Amendments to Section II of the Covenants of Square One, an addition to the City of Tulsa, Tulsa County, Oklahoma.

Applicant's Comments:

Mr. Roy Johnsen was present and submitted the covenants for execution.

PUD #300 (continued)

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve the Covenants for PUD #300 as submitted and execute same.

PUD #198-B, Area "A" Graber (Nash & Lagere) SE corner of 61st Street and Lakewood Avenue

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development No. 198-B is located at the southeast corner of East 61st Street and South Lakewood Avenue. The applicant is requesting a Detail Site Plan Review of Development Area "A", which is a 4.2 acre tract located on approximately the south two-thirds (2/3rds) of the total PUD.

The Staff has reviewed and approved conditions and compared them with the submitted Site Plan and find the following:

Item	PUD #198-B	Detail Site Plan
Area:	4.2 acres	4.2 acres
Permitted Uses:	Apartment & Accessory	Apartment & Accessory
Maximum No. of Units:	84 Units (44 - 2 Bedrooms & 40 - 1 Bedroom)	84 Units
Minimum Livability Space:	1,050 sq. ft. (2.02 acres)	1,050 sq. ft. per Unit
Off-Street Parking:	Per Code - 148 spaces	155 spaces
Maximum Building Height:	35 feet	35 feet
Minimum Building Setbacks:		
North & South Boundaries,	15 feet	15 feet
West Boundary,	20 feet	20 feet
East Boundary,	15 feet	15 feet
Between Buildings,	10 feet	10 feet
From Access Driveways,	10 feet	10 feet*

*The building east of the clubhouse and pool shows a 4-foot setback from the drive adjacent to it. The PUD conditions call for a 10-foot separation. The Staff understands the topography problems of the subject tract and feels that with minor readjustments, the building can be moved west to allow for only a corner of the building to encroach 5 feet into the setback. This would also give more room at the front of the building. Given this redesign, the Staff can support the 5-foot rear corner encroachment as minor in nature.

In addition, the Staff finds that an emergency access has been provided between the two parking lots along the north portion of the tract, which was also a condition of the PUD.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan for PUD #198-B, Area "A", subject to the following conditions:

PUD #198-B, Area "A" (continued)

1) That a revised Site Plan reflecting the Staff changes be submitted to the Staff prior to requesting a building permit.

2) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy, including location and design of any signs.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve the Detail Site Plan for 198-B, subject to the conditions set out in the Staff Recommendation.

PUD #179 Bernard (Woodland Pointe) Lots 3, 4, & 5, Block 2, El Paseo Add.

Staff Recommendation - Minor Amendment (Revised Site Plan)

The applicant is requesting to split Lots 4 & 5, Block 2, El Paseo Addition, into 4 lots, along with Lot 3B (also of Block 2) making a total of 5 individual lots.

Only two access drives to 73rd East Avenue were permitted by the approved Detail Site Plan, dated December 23, 1981. The revised Detailed Site Plan contains only 2 access drives, but they are located further apart and the perimeter open space areas in the project are slightly reconfigured. All other aspects of the project (i.e. building floor area, total open space, parking, etc.) remain unchanged.

However, because of the lot-split, Lots 4B and 5B do not meet the parking requirements to permit medical uses. Therefore, the Staff recommends APPROVAL of the minor amendment to permit the lot-split and APPROVAL of the revised Detailed Site Plan, subject to the following conditions and restrictions.

1) That Lot 5B cannot be used for medical offices or clinics.
2) That the second floor of Lot 4B cannot be used for medical offices or clinics.
3) That a covenant to the City of Tulsa be filed in the County Clerk's Office, limiting access drives to Lots 4A and 5A, prohibiting access drives to 73rd East Avenue for Lots 3B, 4B and 5B of Block 2, El Paseo Addition, and granting mutual access easements across Lots 4A and 5A to the benefit of Lots 3B, 4B and 5B. (This document subject to approval as to form by the City Attorney's Office.)

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve this minor amendment to PUD #179, subject to the conditions set out in the Staff Recommendation.

PUD #292 Jack Arnold 75th Place and Harvard Avenue

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development No. 292 is located at East 75th Place and South Harvard Avenue. It is 6.48 acres in size, vacant, except for street and utility improvements, zoned a combination of RS-1 and RS-2, and has been approved as a PUD for the development of a private, large lot single-family project.

The Staff has reviewed the minutes of the meeting concerned with this case, the Outline Development Plan, and the Plat. We have compared these to the submitted Detail Site Plan and find that, since this is a single-family development, the plat serves as the Detail Site Plan. However, in this case the Planning Commission and Staff were concerned with those areas that would be under common ownership and required the applicant to come back for approval on the following:

a) Design of the entryway,
b) design and location of the fence surrounding the project,
c) and, design and location of landscaping which will be maintained by the Homeowner's Association.

Our review indicates that the applicant has met these requirements and the Staff would recommend APPROVAL of the Detail Site Plan, subject to the plans submitted and subject to all other PUD conditions as approved by the City on August 24, 1982.

NOTE: Any buildings which do not meet restrictions will require an amendment, minor in nature. The restrictive covenants will be required to be amended to match the PUD conditions as approved by the Planning Commission.

TMAPC Action: 6 members present.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Rice, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Young, Inhofe, "absent") to approve the Detail Site Plan for PUD #292, subject to the conditions set out in the Staff Recommendation.

There being no further business, the Chair adjourned the meeting at 4:00 p.m.

Date Approved January 5, 1983

Cherry Kempe
Chairman

ATTEST:

R. S. Petty
Secretary