

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1444  
Wednesday, February 23, 1983, 1:30 p.m.  
Langenheim Auditorium, City Hall,  
Tulsa, Oklahoma

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Draughon Gardner Higgins Hinkle Kempe, 1st Vice- Chairman Petty, Secretary C. Young T. Young	Benjamin Miller Inhofe	Chisum Compton Gardner Lasker	Linker, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 9:02 a.m., as well as in the Reception Area of the INCOG Offices.

Vice Chairman Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Miller, T. Young, Inhofe, "absent") to approve the minutes of February 9, 1983 (No. 1442).

REPORTS:

Chairman's Report - Election of Officers:

Chairman:

The Chair declared nominations open for Chairman. Commissioner C. Young nominated Cherry Kempe for Chairman. There being no further nominations, the Chair declared the nominations closed.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Miller, T. Young, Inhofe, "absent") to elect Cherry Kempe as Chairman of the TMAPC for a period of one year.

First Vice-Chairman:

The Chair declared nominations open for First Vice-Chairman. Commissioner Gardner nominated Carl Young, III for First Vice-Chairman. There being no further nominations, the Chair declared the nominations closed.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Miller, T. Young, Inhofe, "absent") to elect Carl Young, III as First Vice-Chairman of the TMAPC for a period of one year.

Reports: Election of Officers (continued)

Second Vice-Chairman:

The Chair declared nominations open for Second Vice-Chairman. Commissioner C. Young nominated R. Scott Petty for Second Vice-Chairman. There being no further nominations, the Chair declared the nominations closed.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Miller, T. Young, Inhofe, "absent") to elect R. Scott Petty as Second Vice-Chairman of the TMAPC for a period of one year.

Secretary:

The Chair declared nominations open for Secretary. Commissioner C. Young nominated Marilyn Hinkle for Secretary. There being no further nominations, the Chair declared the nominations closed.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Gardner, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Higgins, Miller, T. Young, Inhofe, "absent") to elect Marilyn Hinkle as Secretary of the TMAPC for a period of one year.

Chairman Kempe also informed the Commission that committee appointments will be announced during the next meeting.

Chairman Kempe introduced Mr. Arthur Draughon to the Commission. Mr. Draughon has been appointed by the County Commission to replace the expired term of Mrs. Marian Hennage.

Director's Report:

Since there are two new members of the TMAPC and also various new Staff personnel, Mr. Lasker announced that an orientation session will be set up for March 30, 1983, at 1:30 p.m., in the Langenheim Auditorium. This is a fifth Wednesday, so a Planning Commission meeting has not been scheduled. Also, the budget will probably be ready for submittal.

Application No. CZ-73 Present Zoning: AG  
Applicant: Sylvester (Anderco Land Investment) Proposed Zoning: RMH  
Location: South of Coyote Trail, between 225th West Avenue and 241st West Avenue

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Date of Application: December 27, 1982  
Date of Hearing: February 23, 1983  
Size of Tract: 12.2894

Presentation to TMAPC by: Jack Sylvester  
Address: Rt. 2, Box 436 - Sand Springs, Okla. - 74063 Phone: 363-7674

Relationship to the Comprehensive Plan:

The Comprehensive Plan Map for the Tulsa Metropolitan Area does not cover the subject property, however, the Development Guidelines designates areas beyond the nodes as being suitable for Low Intensity -- Residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 12 acres in size and located west of the southwest corner of Coyote Trail and County Road. It is partially wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north, east, and south by vacant land zoned AG and on the west by one mobile home located on a large lot. Beyond that tract is an area of large lot single-family dwellings zoned AG-R.

Zoning and BOA Historical Summary -- There have been no actions taken on the subject tract that have established a precedent for a decision to be made which would be contrary to what is or may be found in accordance with the Development Guidelines. Previous zoning decisions in the general area have limited densities of mobile home developments to no greater than 5 to 6 units per acre. These densities could be accomplished by zoning only enough of the tract RMH to support the 6 units per acre on the total tract under a PUD, or by zoning the tract RS and requiring the applicant to go to the BOA for a mobile home use. The latter would allow approximately 5 units per acre.

Conclusion -- Based on the above review, the Staff recommends APPROVAL of RS and denial of RMH. This would allow a maximum of 63 mobile home units to be placed on the tract by using a BOA special exception, providing proper sewer facilities can be built to accommodate such density. A maximum of 24 units could be accommodated if each lot has a septic tank and 1/2 acre of land area.

Applicant's Comments:

Mr. Sylvester was present and wished to withhold comment until the protestant had been heard.

Protestant: Kenneth East Address: 16303 Coyote Trail

Protestant's Comments:

Mr. Kenneth East does not recall any notice on the subject property. However, the situation is the same all over this area. There are density,

Application No. CZ-73 (continued)

sewerage, drainage and road problems. Interspersed throughout the area are very substantial homes. Mobile home and mobile home parks are scattered around the area and devalue property. There is a question of whether the land will percolate. In his opinion, there is no demonstrated need for any change in the zoning.

Applicant's Comments:

Mr. Sylvester knows that the land will percolate 1 inch in less than 30 minutes. Mr. Gardner explained that the sewer system is a Health Department issue and he could not say how many mobile homes could be put on the lot until the sewer system is determined.

Commissioner Petty felt rezoning from AG to RS is already quite a dramatic change, since there is no RS zoning in the area. Mr. Gardner explained that the lack of RS-type zoning in the area is because there is no sewer available. RMH zoning has not been approved by the County in this area and has not been recommended by the Staff because it is not appropriate. The Staff is studying mobile homes and manufactured housing to see what would be appropriate. In the interim, the Staff is utilizing either a PUD or the Board of Adjustment to determine what is appropriate. Obviously, the type of sewer facility would determine how many units would be appropriate. The applicant is probably not planning too many mobile home lots.

Commissioner C. Young felt any RS zoning would be spot zoning in this area. Commissioner T. Young agreed. There really is not a zoning classification that recognizes mobile home subdivisions; however, this is in the planning process. RMH densities would be out of place. The County recognizes the need for mobile homes due to the economy, but they should not be allowed in densities greater than what is commonly seen in an area such as this. He suggested recommending an AG-R classification or an RE. AG-R is present in this area and requires 1 or more acres for residential subdivision use. RE zoning would be the next step down and would require one-half acre lots. RE zoning would be the same lot size as what would be required with a septic system and the applicant could apply for a PUD. In that instance, the Planning Commission could prohibit a lagoon facility for mobile home use. The County is interested in eliminating lagoons or keeping the existing lagoons to a minimum.

Commissioner C. Young could agree with AG-R rezoning, since there is some property presently zoned AG-R, which is contiguous to the subject tract.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Draughton, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Miller, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned AG-R:

That part of the SE/4 of the SE/4, lying South of Coyote Trail of Section 29, Township 19 North, Range 10 East, Tulsa County, Oklahoma. More particularly described as follows: Beginning at the Southeast corner of Said Section 29; thence North  $0^{\circ}00'48''$  East along the East line of Section 29, 249.80 feet to the centerline of Coyote Trail; thence North  $84^{\circ}29'26''$  West 615.84'; thence on a curve to the right, having a radius of 667.78', a distance of 521.73'; thence North  $39^{\circ}$

CZ-73 (continued)

43'32" West 417.64'; thence South 0°01'38" West along the West line of said SE/4 of the SE/4, 867.96'; thence South 89°59'46" East along the South line of Section 29, 1,329.76' to the point of beginning, containing 12.2894 acres.

Application No. CZ-74

Applicant: House

Location: NW corner of approximately 46th Street and Tower Road

Present Zoning: AG

Proposed Zoning: IL and/or

CG

Date of Application: December 29, 1982

Date of Hearing: February 23, 1983

Size of Tract: 2.53 acres

Presentation to TMAPC by: A. Maxwell House

Address: Box 2567 - 74101

Phone: 363-7729

Relationship to the Comprehensive Plan:

The Comprehensive Plan Map for the Tulsa Metropolitan Area does not cover the subject property, however, the Development Guidelines designates Medium Intensity uses only within major intersection nodes.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CG or IL Districts are not in accordance with the Development Guidelines at this location.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located on the west side of Tower Road, approximately 1/2 mile south of Coyote Trail. It is non-wooded, gently sloping, contains a newly constructed metal building and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG; on the east by mostly vacant land zoned AG; on the south by mostly vacant land and a single-family dwelling zoned AG; and on the west by vacant land zoned AG.

Zoning and BOA historical Summary -- There has been no action taken on the subject tract or surrounding properties that has established a precedent for a decision to be made which would be contrary to the Development Guidelines.

Conclusion -- Based upon the above analysis, the Staff feels that either a CG or IL classification would be "spot zoning" and recommends DENIAL of CG and/or IL.

Applicant's Comments:

Mr. Maxwell House explained that the subject property is 2½ acres. The property to the west contains a big house owned by Billy Joe Reeves, who is not opposed to the rezoning and felt the building was an improvement to the area. At the present time, Mr. House is running a small seismograph company on a lot to the east. This company has equipment that will be stored and repaired in the building on the tract under application. An office is proposed to be installed in the building. He has contacted all the neighbors in the area and no one has any protest.

Commissioner T. Young explained that the area under application was included in the area that in just the last two years has come under the County jurisdiction or zoning. Mr. House was not aware that zoning was a requirement before the building was started. The building is existing and the County Inspector red-tagged it before the finishing touches could be completed. Mr. House met with the County Inspector and Commissioner T. Young. This represents a substantial investment already that he cannot

Application No. CZ-74 (continued)

use. The County is interested in improving the zoning in the County; however, the Commission has adopted a policy that zoning should not be harmful to either the applicant or the nearby residents. CG zoning is totally unacceptable, but IL is a category that the County might be able to live with under the circumstances. The property is adjacent to a node, which might develop to standard intensities. As long as the Commissions recognize that node-type intensity could exist in close proximity to the tract and not allow this tract to go to an intensity as great as would be found at the node, Commissioner T. Young feels this is an acceptable position. Because of the circumstances, he believes the County is prepared to live with an IL zoning at this location.

Protestant: Kenneth East                      Address: 16303 Coyote Trail

Protestant's Comments:

Mr. Kenneth East felt this case is emblematic of the development in this part of the County. People are building nonconforming uses and then applying for the zoning. These are serious problems because it is spot zoning. There is no hardship concerning the land, only a self-imposed, economical hardship. He suggested the Commission uphold the Staff Recommendation.

Applicant's Comments:

Mr. House feels he has improved the area. The subject tract previously was used for a beauty shop. In reply to a question by Commissioner Higgins, Mr. House stated the property was purchased about five years ago. However, the land was leased and Mr. House took it back in 1982. Commissioner Higgins, commented that the previous use was commercial before the zoning code took effect and it would seem that it should already be commercial.

Commissioner T. Young advised that all "grandfather" uses were done at the time of the code adoption and this would not be covered. The reason for all the new cases in this portion of the County is due to crack-downs on the wildcat development being done. Developers have been warned that charges will be filed if wildcat subdivisions are continued.

Commissioner Higgins realizes the grandfather clause is not in effect in this case; however, the tract was being used for a commercial purpose when the applicant bought the property.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young, "aye"; no "abstentions"; Benjamin, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

The SE/4 of the SE/4 of the SE/4 of the NW/4 of Section 30, Township 19 North, Range 10 East, Tulsa County, Oklahoma.

Application No. CZ-75 and PUD 310

Applicant: Ward

Location: Southeast corner of Campbell Creek Road and Highway 51

Present Zoning: AG

Proposed Zoning: RMH & RS

Date of Application: December 30, 1982

Date of Hearing: February 23, 1983

Size of Tract: 9.166 acres

Presentation to TMAPC by: Coy Ward

Address: 3107 Maple Drive - Sand Springs, 74063

Phone: 586-6350

Request for Continuance:

Attorney Kenneth W. East presented a document requesting that these proceedings be terminated on the premise that the TMAPC has no jurisdiction to proceed and due to the fact that the District Court and the State Supreme Court have ruled on the same matters (Exhibit "A-1").

Commissioner C. Young felt there were three options before the Commission - to obtain advice from the District Attorney's Office, hear the case or continue the item for one week.

Mr. East informed the Commission that the request is not for a continuance. In his opinion, the Planning Commission does not have jurisdiction to proceed. This matter has been heard by the TMAPC once before. At that time, Commissioner T. Young withdrew the application made by INCOG. Since that time, two applications were made to the Board of Adjustment and both have been appealed to the court. This is the same land, the same subject matter and the same items that are being requested in the application before the Commission. Therefore, it is his feeling that the Commission cannot proceed until the cases have been determined by the courts and the guidelines of the Supreme Court have been made. He also pointed out that the County Ordinances provide that stays are automatic when a case is under appeal.

Mr. Linker advised that the court cases deal with a Board of Adjustment case, which is a separate action from any TMAPC action. It is his opinion that the Commission does have jurisdiction, if the Commission wishes to proceed.

MOTION was made by C. YOUNG to continue consideration of CZ-75 for one week in order to obtain an opinion from the District Attorney's office, which would also allow Mr. East to get an order from the District Court prohibiting the Commission from hearing the case.

The applicant, Coy Ward, explained that the appeals to the courts are not based on any action made by this Commission, only actions made by the Board of Adjustment. He has been advised by his attorney that, if the zoning and PUD are approved, the court cases will not be pursued.

Commissioner T. Young informed the Commission this case was filed at the request of the County. In the law suit, the County took the position that Mr. Ward was improperly before the Board of Adjustment. It was Mr. Ward's decision to file with the Board of Adjustment, which was far beyond the BOA's jurisdiction because the application called for a full-fledged

CZ-75 and PUD 310 (continued)

change in the zoned use of that property. The County Board of Adjustment has appealed what is believed to be a "very bad" District Court decision, allowing the Board of Adjustment decision to be overturned. Mr. Ward has been informed by the County Board of Adjustment on numerous occasions that he should make application before the Planning Commission and the County Commission. If the application for rezoning is approved by both Commissions, the appeal to the State Supreme Court would be dropped; however, if the application is denied, the County BOA would continue with the court case in order to gain assurances that densities on this particular tract do not exceed what is believed appropriate. In his opinion, this request is timely.

MOTION was WITHDRAWN by C. YOUNG.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Miller, Inhofe "absent") to proceed with applications CZ-75 and PUD 310.

Relationship to the Comprehensive Plan: CZ-75

The Comprehensive Plan Map for the Tulsa Metropolitan Area does not cover the subject property; however, the Development Guidelines designates Medium Intensity uses within intersection nodes.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS District is in accordance with the Development Guidelines and the requested RMH District is in accordance with the northern portion of the tract within the Type II Node and may be found in accordance on the southern portion.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 9 acres in size and located just south of Highway #51 (21st Street) on the east side of Campbell Creek Road. It is wooded, gently sloping, contains 11 mobile homes and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north, east and south by vacant land zoned AG and on the west by three single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- The District Court determined that the 11 existing mobile homes located on the subject tract are nonconforming and have a right to remain. There have been no zoning decisions on the surrounding properties that have established a precedent for a decision to be made which could be contrary to what is or may be found in accordance with the Development Guidelines.

Conclusion -- Given the fact that the northern portion of the tract would be within either the Type II Node allocation or the Node's wrap-around buffer, the Staff can recommend APPROVAL of RMH on the north 250' and RS on the remainder.

NOTE: For the record, RS zoning on the entire tract will accommodate the applicant's proposal (in the County) under a PUD.

CZ-75 and PUD 310 (continued)

Staff Recommendation - PUD #310

Planned Unit Development No. 310 is located just south of the southeast corner of Highway #51 (21st Street) and Campbell Creek Road. It is approximately 9 acres in size, contains 11 mobile homes and is recommended by the Staff for a combination of RMH and RS zoning. The applicant is requesting approval of a mobile home PUD.

Given the recommended zoning, the recommended PUD density would allow approximately 52 units to be placed on the tract. This total is reached by deriving 13 units from approximately 1.65 acres of RMH and 39 units from approximately 7.55 acres of RS. The applicant is requesting, however, a maximum of only 35 units. The Staff feels that 40 units could be developed under this PUD which would establish a density of slightly greater than 4 units per acre. With the additional screening and landscaping as proposed, the project would be compatible with the surrounding area. In addition, since the court has allowed the 11 existing units to remain, the Staff feels that having a mobile home park under PUD conditions is more compatible than the existing development even though the number of units would be increased.

Based upon the above review, the Staff finds PUD #310 to be consistent with the Development Guidelines, existing and expected development of the surrounding area and the purposes of the PUD Chapter of the Tulsa County Zoning Code. Therefore, the Staff recommends APPROVAL of PUD #310, subject to the following conditions:

1) That the applicant's Outline Development Plan be made a condition of approval as being representative of the proposed development.

2) Development Standards:

Area:	9.166 acres
Permitted Uses:	Mobile Home Dwellings and Accessory Uses
Maximum Number of Units:	40 units
Minimum Livability Area per Mobile Home Space:	10% of the mobile home space, but not required to be greater than 500 sq. ft., or less than 300 sq. ft.
Minimum Off-Street Parking:	2 paved spaces per unit
Maximum Building Height:	1-story
Minimum Building Setbacks:	
From centerline of Campbell Creek Rd:	85 feet
From Private Drive:	20 feet
Rear Yard:	10 feet
Separation Between Units:	25 feet
One Side Yard:	5 feet
Other Side Yard:	20 feet

3) That internal streets shall be 24 feet in width and paved with an all-weather, dust-free surface.

CZ-75 and PUD 310 (continued)

- 4) That all mobile home units shall be completely skirted with materials that are architecturally compatible with the unit being skirted and installed in a manner that the unit appears to be placed on-grade.
- 5) That tie-down facilities shall be incorporated into concrete anchors so that guy lines can be installed under each mobile home at sufficient intervals to prevent upheaval of the unit during strong winds and storms.
- 6) That common park/recreational facilities (which may include trails, playgrounds, community buildings and tot-lots) shall be provided. The area of these facilities shall be not less than 6% of the gross area of the tract.
- 7) That a six-foot wood screening fence shall be erected and maintained on the west and north (Boundary A as identified on Exhibit "D") perimeters. Any non-decorative bracing shall be on the interior and the fence along the west perimeter shall be set back 10 feet from the property line to allow for a 10-foot landscaping area.
- 8) That the mobile home space shall have a minimum of 100 square feet of paved outdoor living area (patio).
- 9) That each mobile home space shall have an enclosed storage accessory building to not less than 36 square feet but no greater than 100 square feet.
- 10) That one sign, not to exceed four feet in height, eight feet in length and 24 square feet in display surface area may be located along the west perimeter between the main entrances to the park.
- 11) That a Detail Site Plan, including space and unit configuration and street alignments shall be submitted to and approved by the TMAPC, prior to the issuance of a building permit.
- 12) That a Detail Landscape Plan, including location of recreation area(s), location and design of fence, location and design of sign and landscaping along west perimeter shall be submitted to and approved by the TMAPC prior to the occupancy of any additional units.
- 13) That no mobile home units shall be placed north of Northern Boundary "B" as shown on the Site Plan (Exhibit "D-1") until all oil well drilling and pumping has ceased and wells have been capped.
- 14) That the existing lagoon shall not be expanded and that no more than 4 mobile home units utilize that system. The remaining 36 units shall be placed on septic systems approved by the City-County Health Department.
- 15) That no building permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied, including the incorporation within the restrictive covenants the PUD conditions of approval, making the County of Tulsa beneficiary to said covenants.

Staff Comments:

Mr. Gardner explained that the applicant proposed 35 units; however, the Staff felt that 40 units could be installed under such strict requirements as set out in the Staff Recommendation. The additional units might be needed due to economics. If the Commission felt 35 units were appropriate, an additional 4 or 5 would not be injurious to the neighborhood.

Applicant's Comments:

Mr. Coy Ward submitted copies of the PUD Development Text to the Commissioners (Exhibit "A-2"). The subject tract sets at the intersection of Campbell Creek Road (which is a secondary arterial) and Highway 51. Campbell Creek Road intersects Coyote Trail about 3 miles to the south. Mr. Ward recognized this property as a business potential because it is only the second blacktop, County road that goes south to Coyote Trail west of the Arkansas River Bridge. All utilities were available. This property is not within any city fenceline.

When the County implemented zoning control, the mobile home park was started with four lots in place. Mr. Ward was denied a special exception by the County Board of Adjustment to allow more mobile homes on this tract and the case is now in District Court.

Mr. Ward proposes to make the lots at least 6,900 square feet, making a maximum of 35 lots. Each mobile home will be skirted within 60 days after a mobile home has been installed. There will also be a set of rules for the residents of the park. Grass that grows well in the shade, such as Bermuda, will be planted, since there are a lot of trees on the tract. A screening fence will be installed on the west perimeter of the park and will be a wooden fence, 6 feet in height.

Drainage plans will be documented as part of the plat approval process and will be subject to approval by the County Engineer. The roads in the park will be privately owned and maintained and will be 40 feet wide. There will be two access points onto Campbell Creek Road. The development will use a combination of the existing lagoon system and separate septic systems. Some of the spaces may not perc for septic systems and will have to be attached to the lagoon. All systems will have to meet the Health Department standards. Mr. Ward's proposal provides for a maximum of 10 spaces using the lagoon system. The lagoon will not be expanded and a chain link fence with a locking device on the gate will be provided.

This development will be done in two phases. Mr. Ward presented a photo album showing the existing mobile home park and photographs of some of the surrounding areas (Exhibit "A-3"). Mr. Ward did not think it would be possible to put 40 units on this tract because of the need for septic systems and the size of the lagoon. Mr. Ward also submitted aerial photographs of the subject tract and within 10 miles surrounding the tract (Exhibit "A-4").

CZ-75 and PUD 310 (continued)

Protestants: Kenneth East  
Barbara Goodman  
George Campbell

Addresses: 16303 Coyote Trail  
2322 S. Campbell Creek Rd  
Box 434, Sand Springs

Protestants' Comments:

Mr. Kenneth East explained that the 11 existing mobile homes have been moved in pending the appeal of the Supreme Court of the State of Oklahoma. The County has elected to ignore the other law suit that is pending and comply with their own rules, which should have required a stay. Commissioner C. Young asked Mr. East if a writ was sought in order to stay consideration of this case and Mr. East informed the Commission he did not seek a writ. The applicant proceeds at his own peril.

There is an oil well and holding tanks on the northern portion of the tract. The majority of the trees in the area are scrub oak. Mr. East presented 3 pictures of the sewage lagoon (Exhibit "A-5"), which were taken February 19, 1983. These pictures show several children playing within the fence. When Mr. East travelled through the mobile home park, he saw sewage "bubbling" up next to trailers, drains that did not work and a stench from the sewage in the streets. Mr. East does not think Mr. Ward has complied with the promises he made, except to move in more homes. Mr. East presented a petition containing 96 signatures of protest (Exhibit "A-6").

The sewage lagoon has been a problem because kids play within the fenced area. The Health Department has inspected it on several occasions, but the fence keeps falling down. He agrees with the Staff's restrictions and feels the requirements are fair if Mr. Ward complies.

Mrs. Barbara Goodman lives across Campbell Creek Road from the subject property. She agrees the children play in the lagoon area and has complained to the Health Department on numerous occasions. The lagoon has a very strong odor and Mrs. Goodman does not appreciate it. Mrs. Goodman was informed by the Commission that the County Building Inspector has the authority to force Mr. Ward to meet all requirements as set out in the PUD approval.

Interested Party: Clifford Ward

Address: 407 N. Cleveland St.,  
Sand Springs

Interested Party's Comments:

Mr. Clifford Ward used to live within 100 feet of the subject property. This area is a rock quarry. Mr. Ward has a mobile home park in the area, which was built before the County had zoning jurisdiction. When the applicant bought this tract, there were no zoning laws in this area. Mr. Ward feels this is a nice trailer park.

Protestant's Comments:

Mr. George Campbell has lived in this area since the 1930's. He is able to smell the lagoon from his land. The subject tract contains a lot of rock. He did not feel the tract could hold many trailers. There is no percolation on the land because the limestone is visible across the road and the limestone stacked around the oil well has been mined. Mr. Campbell built the fences around the land and there is rock about 12 inches below the surface.

Applicant's Comments:

Mr. Ward wished to clarify that the second law suit in District Court was a suit appealing the Board of Adjustment action, saying the first four mobile homes existed before the zoning jurisdiction. The land is full of oak trees that are attractive. The pictures he submitted were taken after the recent heavy rains. His existing road is a good road; and, if it is not maintained, the tenants will move.

Mr. Ward placed in his PUD Text letters from the Health Department saying the lagoon had passed their inspections. This mobile home park has been approved by VA and FHA. He felt the screening fence would help screen the lagoon, plus the view of the lagoon from Mrs. Goodman's property shows only the grass banks.

Special Discussion for the Record:

Mr. Gardner explained if the Commission approved 6 acres of RE zoning and 3 acres of RMH, Mr. Ward could get 33.95 units. In response to Commissioner Higgins' question, Mr. Gardner explained that 20 units could be placed on the subject tract if the Commission approves the portion advertised for RMH but zones the remaining portion AG-R. This would allow 9 additional units. The RMH would accommodate 13 units; and, if the 7 acres remaining were zoned AG-R, permitting one unit per acre, the total number of units allowed would be 20 units. There are 11 existing units.

Commissioner C. Young felt this application gives the Commission the opportunity to practice some restrictive planning.

Commissioner Petty believed the application was appropriate. MOTION was made by PETTY to approve the Staff Recommendation. MOTION died for lack of second.

Commissioner Higgins, realized the area needs to be developed; however, it is sparsely developed at the present time and she felt this was too heavy a density. The surrounding property is still zoned AG and the approval of this application would place a hardship on the present residents. She would be more inclined to agree with RMH and AG-R zoning as suggested before. MOTION was made by HIGGINS, to approve RMH zoning on the portion advertised for RMH and to approve AG-R on that portion advertised for RS. MOTION died for lack of second.

Commissioner T. Young pointed out that the PUD cannot exclude the lagoon or require it to be closed, since it was existing before County jurisdiction. This is unfortunate because he would be in favor of closing the lagoon and suggested that no addition to the lagoon system be allowed. The number of mobile homes that would be permitted by the Staff recommendation should be reduced, since the applicant has requested only 35 units. Commissioner T. Young thought this could be reduced even more than the 35 units. He suggested that the Staff recommendation, concerning Item #14, be changed to include a requirement of "...a 6' chain link fence with a barbed wire top and a locking mechanism be constructed around the lagoon". He feels this is an important issue; and, these requirements should discourage children from going into the lagoon area.

CZ-75 and PUD 310 (continued)

Commissioner C. Young asked which four units would be utilizing the lagoon. Mr. Gardner explained that the four units now on the lagoon may perc, but some of the 11 other units might not; therefore, the Staff stated "...no more than 4 mobile home units utilize that system". Commissioner T. Young did not approve of this flexibility because the existing lagoon may be challenged at a future time. He suggested the four units be limited to the existing four already on the lagoon system.

Commissioner C. Young agreed and would support RE on the entire tract with no RMH. Commissioner Higgins did not want to agree to such a rezoning if Mr. Ward would not be able to keep the 11 units now on the tract.

Instruments Submitted:

Document requesting to stay the proceedings	Exhibit "A-1"
PUD Development Plan and Text	Exhibit "A-2"
Photo Album submitted by applicant	Exhibit "A-3"
Aerial Photographs of 10-mile radius	Exhibit "A-4"
3 Pictures from protestants showing lagoon	Exhibit "A-5"

TMAPC Action: 8 members present (CZ-75).

On MOTION of C. YOUNG, the Planning Commission voted 6-2-0 (Draughon, Gardner, Hinkle, Kempe, C. Young, T. Young "aye"; Higgins, Petty "nay"; no "abstentions"; Benjamin, Miller, Inhofe "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RE on the entire tract:

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-1 (Draughon, Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young "aye"; no "nays"; Petty "abstaining"; Benjamin, Miller, Inhofe "absent") to recommend to the Board of County Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions set out in the Staff Recommendation and subject to the following conditions:

1. Subject to approval by the County Commission of the recommended RE zoning, the PUD conditions should be applied to the approved 18 units.
2. That the 18 units be spread over the entire tract.
3. That condition #14 of the Staff Recommendation be amended to read: "That the existing lagoon shall not be expanded and that no more than the existing 4 mobile home units utilize that system. The remaining 14 units shall be placed on septic systems approved by the City-County Health Department; and, that a 6' chain link fence with a barbed wire top and a locking mechanism on the gate be constructed around the lagoon."

Legal Description (CZ 75 and PUD 310)

A part of the E/2 of the NW/4 of the NW/4 of Section 14, Township 19 North, Range 10 East of the I.B.M., Tulsa County, Oklahoma, lying East of the centerline of Campbell Creek Road and being more particularly described as follows, to-wit: BEGINNING at a point on the East line of said E/2 of the NW/4 of the NW/4 of Section 14, T-19-N, R-10-E, at a distance of 393.77' South of the Northeast corner thereof;

CZ-75 and PUD 310 (continued)

THENCE N 88°05'53" W for a distance of 364.36' to a point in the centerline of said Campbell Creek Road; THENCE S 4°20'40" W along the centerline of said Campbell Creek Road for a distance of 413.38' to a point of curve; THENCE Southerly along a curve to the right having a radius of 1240' for a distance of 416.37' to a point of tangency; THENCE S 23°35'00" W continuing along the centerline of said Campbell Creek Road for a distance of 141.23' to the South line of said E/2 of the NW/4 of the NW/4; THENCE N 89°52'58" E along the South line of said E/2 of the NW/4 of the NW/4 for a distance of 558.66' to the Southeast corner thereof; THENCE N 0°24'41" W along the East line of said E/2 of the NW/4 of the NW/4 of Section 14, T-19-N, R-10-E, for a distance of 930.58' to the POINT OF BEGINNING.

Application No. Z-5792  
Applicant: Pearson  
Location: 9400 E. 44th St. North

Present Zoning: RS-3  
Proposed Zoning: IL

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Date of Application: January 4, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 2 acres

Presentation to TMAPC by: John Pearson  
Address: 10703 E. 176th St. North - Collinsville (74021) Phone: 1-371-5141

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2 acres in size and is located east of the southeast corner of 93rd East Avenue and 44th Street North. It is non-wooded, flat, contains two single-family dwellings on large lots and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned IL, on the east by single-family dwellings zoned RS-3, on the south by vacant property zoned IL and on the west by a single-family dwelling on a large lot zoned RS-3.

Zoning and BOA Historical Summary -- There have been no actions taken on the subject tract or surrounding properties that have established a precedent for a zoning decision to be made which would be contrary to what is or may be found in accordance with the Comprehensive Plan or Development Guidelines. Properties to the north, south and one lot removed to the west have been zoned IL industrial.

Conclusion -- Based on surrounding zoning patterns and development, the Staff recognizes that this area is in transition from residential to industrial. Based on the above mentioned facts, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Mr. John Pearson was present but had no comments.

Protestants: None.

TMAPC Action: 7 members present.

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

Z-5792 (continued)

Beginning 660 feet South and 990 feet West of the Northeast corner of the Northeast Quarter; thence West 132 feet, South 330 feet, East 132 feet, North 330 feet to the Point of Beginning, Section 13, Township 20 North, Range 13 East AND Beginning 660 feet South and 1,122 feet West of the Northeast corner of the Northeast Quarter; thence West 132 feet, South 330 feet, East 132 feet, North 330 feet to Point of Beginning, Section 13, Township 20 North, Range 13 East.

CZ-76 York (Colpitt) 1/2 Mile North of 156th Street North on Highway 169 AG to AG-R.  
The Chair, without objection, withdrew this item per the applicant's request (Exhibit "B-1").

Application No. Z-5794

Present Zoning: RS-3

Applicant: Norman (Savage)

Proposed Zoning: RMH

Location: Northside of East Admiral Place, West of North Garnett Road

Date of Application: January 12, 1983

Date of Hearing: February 23, 1983

Size of Tract: 350' x 600'

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4.8 acres in size and located approximately 460 feet west of the northwest corner of Admiral and Garnett. It is partially wooded, gently sloping, contains a commercial establishment and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by mostly vacant property with a few scattered single-family dwellings zoned CS, on the east by a commercial or storage building zoned RS-3, on the south by commercial and multifamily uses zoned CS and on the west by what appears to be a commercial establishment zoned RMH.

Zoning and BOA Historical Summary -- There have been no actions taken on the subject tract which would support a zoning decision to be made which would be contrary to what is in accordance with the Comprehensive Plan. Zoning decisions on the surrounding properties have established a precedent for RMH in the area.

Conclusion -- Based on the Comprehensive Plan and existing zoning patterns and uses in the area, the Staff recommends APPROVAL of the requested RMH zoning.

Applicant's Comments:

Mr. Charles Norman was present for the applicant but had no comments.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Garnder, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH:

Z-5794 (continued)

All of the West Half of the West Half of the East Half (W/2 W/2 E/2) of Lot 1 of Section 6, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma, less and except the Southerly 75.00 feet thereof AND All of the E/2 E/2 W/2 of Lot 1, of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, less and except the Southerly 75.00 feet thereof AND The Northerly 17.00 feet of the W/2 E/2 W/2 of Lot 1 of Section 6, T-19-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

Application No. PUD 312

Present Zoning: (IL)

Applicant: Norman (Sanditen)

Location: Northwest corner of E. 41st Street and South Garnett Road

Date of Application: January 12, 1983

Date of Hearing: February 23, 1983

Size of Tract: 102.4 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Staff Recommendation:

Planned Unit Development No. 312 is located in an area bounded by 51st Street, Garnett Road, the Mingo Valley Expressway and the Broken Arrow Expressway. It is approximately 102 acres in size, zoned IL and the applicant is requesting the PUD to allow a variety of research, light industrial, commercial, office and accessory uses.

The subject tract is ideally located for the proposed uses and designed well to fit existing physical conditions. It has direct access to two arterials and two expressways. The Staff feels this tract should be developed to its maximum potential which under the IL zoning and a PUD would be 3,332,340 square feet of floor area. The applicant is requesting a total floor area of 2,228,000. This request is well below the maximum, but several acres of the tract are undevelopable, making it difficult to reach the theoretical maximum. However, the Staff would like to go on record, at this point, in support of any increase in the floor area up to the maximum, given the proposed uses and design submitted.

The Staff finds the proposal consistent with the Plan, an excellent use of the land, consistent with the existing and expected development in the area and generally very good planning. Therefore, the Staff recommends APPROVAL of PUD #312, subject to the following conditions:

- 1) That the applicant's Outline Development Plan be made a condition of approval as being representative of the proposal.
- 2) That the total floor area of all Development Areas shall not exceed 2,228,000 square feet and shall be allocated as follows:

<u>Area</u>	<u>Square Footage</u>
A	370,000 sq. ft.
B	80,000 sq. ft.
C	375,000 sq. ft.
D	274,000 sq. ft.
E	368,000 sq. ft.
F	163,000 sq. ft.
G	124,000 sq. ft.
H	110,000 sq. ft.
J	58,000 sq. ft.
K	94,000 sq. ft.
L	112,000 sq. ft.
M	100,000 sq. ft.
N	NA
Total	2,228,000 sq. ft.

Provided, additional floor area up to the maximum 3,332,340 square feet may be assigned individual development areas as minor amendments requiring only TMAPC review, subject to the uses proposed remaining the same; and, prior to the issuance of a building permit, the additional floor area allocated to a tract shall be made a part of the restrictive covenants of that tract.

3) Development Standards:

AREA "A"

Area (Gross): 13.35 Acres  
(Net): 12.01 Acres

Permitted Uses: Off-street parking, offices and studios, eating places, convenience and shopping goods and services, gasoline service stations and other principal and accessory uses permitted in Use Units 10, 11, 12, 13, 14 and 16.

Maximum Permitted Floor Area:

- a) Eating places, convenience and shopping goods and services and gasoline service stations as permitted in Use Units 12, 13, 14 and 16: 95,000 SF
- b) Offices and studios as permitted in Use Unit 11: 275,000 SF

Maximum Building Height: 12 stories

Minimum Building Setbacks:

- From centerline of S. Garnett Road 100 feet
- From centerline of abutting internal public street 50 feet
- From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 8%

Off-street Parking:

As required in the permitted Use Units

AREA "B"

Area (Gross): 5.15 Acres  
(Net): 4.78 Acres

Permitted Uses: Off-street parking, offices and studios, eating places, convenience and shopping goods and services, gasoline service stations and other principal and accessory uses permitted in Use Units 10, 11, 12, 13, 14 and 16.

PUD 312 (continued)

Maximum Permitted Floor Area: 80,000 SF  
Maximum Building Height: 12 stories  
Minimum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet  
Minimum Internal Landscaped Open Space: 8%  
Off-street parking:  
As required in the permitted Use Units

AREA "C"

Area (Gross): 8.13 Acres  
(Net): 7.81 Acres  
Permitted Uses: Off-street parking, offices and studios, eating places, convenience and shopping goods and services, hotels and motels and other principal and accessory uses permitted in Use Unit 10, 11, 13, 14 and 19.  
Maximum Permitted Floor Area: 375,000 SF  
(Convenience and shopping goods and services shall not exceed 37,500 square feet)  
Maximum Building Height: 12 stories  
Maximum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet  
Minimum Internal Landscaped Open Space: 12%  
Off-street parking:  
As required in the permitted Use Units

AREA "D"

Area (Gross): 5.64 Acres  
(Net): 5.47 Acres  
Permitted Uses: Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22.  
Maximum Permitted Floor Area: 274,000 SF  
Maximum Building Height: 12 stories

PUD #312 (continued)

Maximum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in Use Units 11 and 22

AREA "E"

Area (Gross): 10.95 Acres  
(Net): 9.77 Acres

Permitted Uses: Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 12.

Maximum Permitted Floor Area: 368,000 SF

Maximum Building Height: 8 stories

Minimum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in Use Units 11 and 22

AREA "F"

Area (Gross): 4.02 Acres  
(Net): 3.63 Acres

Permitted Uses: Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22.

Maximum Permitted Floor Area: 163,000 SF

Maximum Building Height: 8 stories

Minimum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in Use Units 11 and 22

AREA "G"

Area (Gross): 6.06 Acres  
(Net): 4.86 Acres

- Permitted Uses:
- a) Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22
  - b) Display and sale of scientific, business and office machines, equipment furnishings and supplies, camera and photographic supplies and equipment, computer and data processing equipment and supplies and other similar machines, equipment and supplies
  - c) Warehouses for the storage and distribution of the machines, equipment and supplies displayed and sold on the premises

Maximum Permitted Floor Area: 124,000 SF  
Maximum Building Height: 4 stories  
Minimum Building Setbacks:  
From centerline of East 51st Street 100 feet  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in the permitted Use Units and for specific uses

AREA "H"

Area (Gross): 3.91 Acres  
(Net): 3.75 Acres

- Permitted Uses:
- a) Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22
  - b) Display and sale of scientific, business and office machines, equipment, furnishings and supplies, camera and photographic supplies and equipment, computer and data processing equipment and supplies and other similar machines, equipment and supplies
  - c) Warehouses for the storage and distribution of the machines, equipment and supplies displayed and sold on the premises

PUD #312 (continued)

Maximum Permitted Floor Area: 110,000 SF  
Maximum Building Height: 4 stories  
Minimum Building Setbacks:  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet  
Minimum Internal Landscaped Open Space: 12%  
Off-street Parking:  
As required in the permitted Use Units and for specific uses

AREA "J"

Area (Gross): 3.46 Acres  
(Net): 2.76 Acres

Permitted Uses: a) Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22.  
b) Display and sale of scientific, business and office machines, equipment, furnishings and supplies, camera and photographic supplies and equipment, computer and data processing equipment and supplies and other similar machines, equipment and supplies  
c) Warehouses for the storage and distribution of the machines, equipment and supplies displayed and sold on the premises

Maximum Permitted Floor Area: 58,000 SF  
Maximum Building Height: 4 stories  
Minimum Building Setbacks:  
From centerline of East 41st Street 100 feet  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet  
Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in the permitted Use Units and for specific uses

AREA "K"

AREA (Gross): 4.82 Acres  
(Net): 4.15 Acres

- Permitted Uses:
- a) Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22
  - b) Display and sale of scientific, business and office machines, equipment, furnishings and supplies, camera and photographic supplies and equipment, computer and data processing equipment and supplies and other similar machines, equipment and supplies
  - c) Warehouses for the storage and distribution of the machines, equipment and supplies displayed and sold on the premises

Maximum Permitted Floor Area: 94,000 SF

Maximum Building Height: 4 stories

Minimum Building Setbacks:

From centerline of East 41st Street 100 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street Parking:

As required in the permitted Use Units and for specific uses

AREA "L"

AREA (Gross): 6.40 Acres  
(Net): 6.06 Acres

- Permitted Uses: Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22

Maximum Permitted Floor Area: 112,000 SF

Maximum Building Height: 8 stories

Minimum Building Setbacks:

From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street Parking:

As required in Use Units 11 and 22

AREA "M"

AREA (Gross): 7.02 Acres  
(Net): 5.56 Acres

Permitted Uses: Offices and studios, research and development and other principal and accessory uses permitted in Use Units 11 and 22

Maximum Permitted Floor Area: 100,000 SF  
Maximum Building Height: 8 stories  
Minimum Building Setbacks:  
From centerline of South Garnett Road 100 feet  
From centerline of abutting internal public street 50 feet  
From other development area boundaries 10 feet

Minimum Internal Landscaped Open Space: 12%

Off-street parking:  
As required in Use Units 11 and 22

AREA "N"

AREA (Gross): 23.55 Acres

Permitted Uses: Storm water drainage and detention, open space and recreation facilities and uses customarily accessory thereto.

Maximum Permitted Floor Area: None\*

\*Shelters, gazebos and recreational structures shall be permitted.

4) That any warehouse structures in Areas G, H, J and K shall be architecturally designed to be consistent with the principal structure design.

5) Sign Standards:

Ground Signs: Ground signs within Interchange Park shall comply with the provisions of Section 1130.2(b) of the Tulsa Zoning Code.

Wall and Canopy Signs:

The aggregate display surface area of wall and canopy signs shall not exceed  $1\frac{1}{2}$  square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building. No projecting, roof, flashing or revolving signs shall be permitted in Interchange Park, except a roof-mounted hotel identification sign may be permitted in Area "C".

Other Signs:

Directional signs, nameplates, temporary and signs on windows or doors shall conform to the provisions of Section 1130.2 of the Tulsa Zoning Code.

- 6) That a Detail Site Plan, by Development Area, be submitted to and approved by the TMAPC prior to issuance of a building permit.
- 7) That a Detail Landscape Plan, by Development Area, be submitted to and approved by the TMAPC prior to occupancy.
- 8) That no building permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied, including the incorporation within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Charles Norman received a copy of the Staff Recommendation prior to the meeting and requested the recommendation be approved. About 60 acres of this 98 acre project is presently in the floodplain. The planning team assembled for this project developed a concept that was approved by the City Engineering Department to provide the first major on-line or wet detention facility in Tulsa. This is a very innovative application of the drainage standards adopted by the City in the last 10 years. This property is subject to a major penalty because of the design standards of the Mingo Valley and Broken Arrow Expressways in that when the expressways were designed, the standards were for a 50-year storm capacity.

Since then, the City converted to the fully urbanized, 100-year floodplain standards. These two expressways now form a dike or dam, which causes water to pond on this tract; and, consequently, the applicant is required to provide about 340 acre-feet of storm water storage capacity. Over half is imposed because of the existing conditions created by the construction of the expressways. If the constrictions were not here, the water would flow downstream and the applicant would have to provide a compensatory storage requirement of about 160 acre-feet. The development of this property will add only about 14 acre-feet of needed storage capacity. The planning problem was how to provide the compensatory storage required, the passthrough capacity for the 100-year flood and meet the detention requirements for this development.

Mr. Norman displayed the open space concept. The main concern of the Engineering Department was how to have 4 or 5 feet of water in this lake at all times and maintain the water quality because of the storm water that would pass through during flood times. He explained the method devised. The concept requires a system of aeration to provide proper water quality in the non-flow period.

The existing plat was filed 20 years ago and bears no relationship to the conditions existing today. The property is already zoned IL and this plan converts it to a combination of commercial and office uses.

Commissioner T. Young wondered how the water would be used and Mr. Norman assured him it would not be used for swimming or sewage lagoon and they will not allow any unsightly growth. Charles Hardt, former City Hydrologist and presently with Wright Water Engineers, developed this concept.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-1 (Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; Draughon "abstaining"; Benjamin, Miller, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions imposed in the Staff Recommendation:

All of Garnett Park Industrial Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, less and except the rights-of-way for the Mingo Valley and Broken Arrow Expressways

Application No. PUD 166-B Present Zoning: (RM-1,  
Applicant: Johnsen (Reppe Development Co.) PUD 166 and PUD 166-A)  
Location: East of the Southeast Corner of 91st and Sheridan

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Date of Application: January 12, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 6.69 acres

Presentation to TMAPC by: Roy Johnsen  
Address: 324 Main Mall - 74103 Phone: 585-5641

Staff Recommendation:

Planned Unit Development No. 166-B is located just east of the Southeast corner of Sheridan Road and 91st Street South. It is approximately 6.69 acres in size and has been approved for townhouses, patio homes or garden apartments under PUD #166 in 1975. The subject tract is a part of the original Development Area "C", which was allocated 121 units. In 1979, a reallocation of units within the PUD gave Area "C" 187 units. Then, in 1980, a Site Plan for 100 townhouse units was approved. Eighteen of those units have been approved and are under construction on that portion of Development Area "C" east of 69th East Avenue. The applicant is requesting in this application to go back to the previous 169 units approved for this 6.69 acres portion of Area "C" (187 - 18 = 169).

Since the use proposed is consistent with the approved uses for this area, the question before the Planning Commission is the increase in units for this portion of Area "C" from 82 to 169, or an additional 87 units. Also, since these units were an approved part of this area prior to 1980, the Staff sees the answer to approval or denial to the additional units lies in whether there has been a significant change in the land uses surrounding the tract between 1980 and the present.

Heather Ridge abuts the tract to the south and southeast, it is a part of PUD #166, as is the subject tract and has developed according to the plan for the area. Directly to the south of the tract is a vacant tract of land zoned AG that is not a part of PUD #166 that will most likely develop after this project. To the west of the subject tract is a developing commercial area which is a part of PUD #166 and is progressing according to the plan. On the north is 91st Street and on the east is The Enclave townhouses, also a part of PUD #166 and developing according to the plan.

The Staff sees the tract and the area around it as being one development that has grown according to plan not only since 1980, but also since 1975. There have been reallocations and changes that have occurred as there is in all development, but the initial Outline Plan and Concept has not changed in 8 years. The applicant is not requesting a number of units that is in excess of the underlying zoning or the approved PUD and we see no reason to deny the request.

Therefore, the Staff recommends APPROVAL of PUD #166-B, subject to the following conditions:

- 1) That the applicant's Plan and Text be made conditions of approval.

2) Development Standards:

Gross Area:	6.69 acres
Permitted Uses:	Multifamily dwellings and customary accessory uses including clubhouses, pools and other recreational facilities. It is intended, though not required, that condominium development with individual ownership of units shall be permitted.
Maximum No. of Dwelling Units	168
*Minimum Livability Space Per DU	550 sq. ft.
Maximum Building Height	35 feet
Maximum Number of Stories	2 stories
Minimum Setback between Buildings	10 feet
**Minimum Building Setback between centerline abutting Arterial Public Street	75 feet
**Minimum Building Setback from centerline abutting non-arterial Public Street	40 feet
**Minimum Building Setback from Other Boundaries	15 feet
Off-Street Parking	1½ spaces per 1 bedroom unit and 2 spaces per 2 or more bedroom units

\*Livability space is defined as the open space not allocated or used for off-street parking or loading or for paved access to off-street parking or loading, but required livability space may include pool and clubhouse areas.

\*\*The building setbacks shall be substantially as depicted on the Illustrative Site Plan, but in no event less than the minimum standards above set forth.

- 3) That if the units are to be sold now or in the future, an Owner's Association be established to maintain all common areas.
- 4) That one monument sign 6 feet in height and 72 square feet in display surface shall be located along the 91st Street frontage.
- 5) That a Detail Landscape Plan be approved by the TMAPC prior to occupancy, including the design and location of the sign, location of the 6 foot fence along the south boundary and location of plant materials.

- 6) That a Detail Site Plan be approved by the TMAPC prior to the issuance of a building permit.
- 7) That no building permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied, including the incorporation within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Roy Johnsen represented the owners of the property, Reppe Development Company. A copy of the original PUD Site Plan, presented to the Planning Commission in October of 1975, was displayed. The subject property was originally part of Area "C", which comprised approximately 9 gross acres. The application being presented contains approximately 6.7 acres gross. Development Area "C" was originally identified for apartment use. Mr. Johnsen also displayed a recent aerial.

Immediately to the south of the subject tract is an area still zoned Agriculture, which was never included in the PUD, but is completely surrounded by the original PUD. The only single-family development abutting the tract is in the southeastern corner where there is one lot siding to the subject tract within the Heather Ridge Addition. The remainder of the single-family addition extends to the south. Across 69th East Avenue to the east is The Enclave Addition, which is a townhouse-type development that includes both detached and attached dwellings. This was approved as a part of Development Area "C" in 1980.

North of the northeast corner of the subject tract there is a church parking lot with a detention area north of the lot. Mr. Johnsen presented 9 photographs showing the surrounding area (Exhibit "C-1").

The underlying zoning for PUD #166 consists of Commercial, RM-1 and RS-3. At the time the original PUD was presented, the total number of dwelling units permitted under existing zoning at that time was 756. The original Development Text showed a request for 714 dwelling units. The actual plan totaled 700 units. Over a period of years, changes have been made to the PUD. Development Area "F" was approved for 228 apartment units; Area "E" was approved for 66 duplexes or patio homes; and, Area "C", in which the subject tract is included, was initially approved for 126 apartment units. Area "B" was originally approved for 168 units but was reduced to 49 units at the request of the applicant. At the same time, a transfer was requested from Area "B" to Area "C". Later, a different developer bought the property and proposed to build townhouses, reducing the number of units to 100. Therefore, even with the lesser density of the most recent request, this tract was always identified as more than single-family densities. The Enclave Addition was then started with attached units, changed to small, individually owned lots at a density of 18 dwelling units. Of the 18 units approved, 7 have been constructed, but only 3 or 4 have actually sold. The developer has not proceeded as fast as expected. The same developer put the subject property on the market for sale.

This application is requesting the same type of development that has been approved for this area throughout the PUD's history. Mr. Johnsen started with the 187 units approved prior to the townhouse project and subtracted the 18 units approved but allocated to the Enclave Addition, leaving a balance of 169 units. This application is for 168 units. If this request were added to the allocations previously made in the other development areas of PUD 166, the combined density would be 646 dwelling units, which is well below the 714 dwelling units originally approved.

The bulk of the subject property is zoned RM-1. With the surrounding land uses, Mr. Johnsen feels the proposed project is appropriate for multifamily use at a density typical of other developments in the south-east part of Tulsa.

One of requirements for a PUD is a Site Plan and Mr. Johnsen displayed the Plan to the Commission. There are pipelines criss-crossing Heather Ridge Addition, making it difficult to work with the tract. There are an Explorer and an Oklahoma Natural Gas pipelines existing within 30-foot recorded easements. These have a significant impact on the flexibility and layout of buildings. The plans call for parking lots to be constructed in the pipeline easements.

There is a drive paralleling the south boundary and he proposes a screening fence along that boundary which abuts single-family. Next to the drive would be parking area. Also, the units constructed next to the parking lot would side to the south boundary. There would be access to 91st Street, instead of only 69th Street as previously proposed. Also, there will be open area next to 69th Street with only the ends of buildings visible. The Enclave has a wall along its boundary at 69th Street.

The applicant will comply with the landscape requirements and the sign requirements, as stated by the Staff.

Protestants: Bill Schrieber  
Gay Sanwick  
John Bates  
Jay Dunham

Addresses: 6741 E. 93rd St.  
9361 S. 67th E. Ave.  
9225 S. 70th E. Ave.  
9343 S. 65th E. Pl.

Protestants' Comments:

Mr. Bill Schrieber lives in Heather Ridge Addition. The tract under consideration was reduced in density and the residents recognized this as a move in the direction that the general area has developed. Since this seems to be a trend that has occurred in other areas of the PUD which have developed at a lower density than originally proposed, the residents would request that the density remain as per the last amendment made in 1980. The traffic is congested and the screening would be a hazard when travelling on 69th Street. Currently, there are 8 apartment complexes in the area totalling 2,816 units. This proposal would add another 168. There are three projects in this area that have been left uncompleted. Apartment vacancy in this area is 18 percent. This vacancy rate would absorb almost twice the proposed development density.

Mrs. Gay Sanwick is also a resident of Heather Ridge. She is concerned about the over-crowding of the Jenks schools. Two schools in the Tulsa area have been closed, but the Jenks schools are overcrowded. Officials

from the Jenks School District noted the growth in these schools is due to the large apartment complexes and there is no way to project additional growth. There is also the issue of tax assessments, since the amount of funds given the schools is dependant on the tax value of property. The PTA is also upset about the number of apartments being constructed. It has been discussed conducting school classes on split-sessions. Mrs. Sanwick presented a copy of the Jenks East Elementary Student Directory which illustrates the number of children attending Jenks schools and living in apartments (Exhibit "C-2").

Mr. John Bates does not feel the proposed density meets the existing conventional density or the most recent actions of either the Planning Commission or City Commission. It is his understanding that the PUD cannot exceed the density permitted by the underlying zoning. It is also his understanding that the developer is allowed to include in the land area calculations the actual land area to the centerline of the existing roads. Therefore, additional land is being counted in the density calculations which is not available for development. It is his calculation that not more than 139 units should be allowed, under RM-1 zoning. In 1979, the subject tract and the 2.3 acres containing The Enclave development were approved for 187 units, which comes to 20-3/4 units per acre for the total 9 acres. If this density is applied to the subject 6.7 acre tract, this totals 139 units. Using this calculation method with the 100 units most recently approved, Mr. Bates concluded only 74 units should be built. Reverting back to a PUD approved in 1975 does not take into account the situation in southeast Tulsa as it is today. No one could visualize then the rapid growth, the large number of apartments and the failure of the street system to accommodate traffic.

Mr. Jay Dunham did not feel the statement made in the Staff recommendation that the PUD has developed satisfactorily is true. The residents were promised amenities that were never provided. There are numerous vacant tracts in this area that developers have never completed due to financial difficulties and the areas are unsightly. The Enclave is one such example. The residents are also concerned about traffic congestion, water shortages, future power shortages, sewer treatment inadequacies, the inherent increases in crime and noise and the aesthetic deterioration.

Applicant's Comments:

Mr. Johnsen explained that it has been the policy of the Commission and School Districts in the past not to base zoning decisions on existing enrollment in the public schools. A few years ago, a study was conducted on the number of school children living in a typical single-family neighborhood as compared to the number of school children residing in an apartment complex. Because single-family dwellings traditionally have more school children per household, the conclusion was there would be fewer school children in an apartment project on average than if the same land were developed in single-family housing. Also, single-family development is the most costly in terms of tax cost to educate school children, per studies that have been conducted by public agencies.

In reference to the density for PUD 166, the underlying zoning would permit 750 dwelling units in the entire PUD. If all the units allocated at this time and the units proposed under this application were combined, the total would be at least 90 units below what the underlying zoning would permit. The Staff has also reached a similar conclusion.

Traffic is always an issue in the southeast part of Tulsa. However, it should be recognized that 91st Street is an arterial street, the tract adjoins commercial zoning and is a logical location for multi-family, which is a legitimate part of the land use patterns in the community. This tract has always been recognized for uses other than single-family. If dwelling units were reduced, the economic possibility of this property would be impaired.

Special Discussion for the Record:

Mr. Gardner felt the land use relationships are sound. They were approved a certain way and the Staff still considers them to be sound. Nothing has changed in the area. The subject tract was approved for apartment development. Commissioner C. Young noted that a reduction in units was approved on this tract; and, once the units are reduced or increased, additional development takes place in the area acting in reliance on the amendment. Mr. Gardner explained that when the reduction was made, everything was already platted. The underlying zoning, without a PUD, would allow 153 units.

Commissioner Higgins agreed that the original PUD should be considered. MOTION was made by HIGGINS, to approve the Staff Recommendation. MOTION was seconded by HINKLE.

Commissioner C. Young could not support the motion because of all the changes. He did not feel the City was gaining anything by amending the PUD and the maximum density he could support would be the 153 permitted with the underlying zoning.

Commissioner Petty wanted to know if the entire PUD now reflects all trade-offs and restrictions that would benefit the public in a normal PUD. Mr. Gardner thought this is a much better plan than the plan for the original 187 that was approved. The Staff looked at it from that standpoint. PUDs are flexible and can be changed.

Commissioner C. Young did not think this applicant should be allowed to change the density to the original approval once the density was reduced. Commissioner Higgins pointed out the difference in the density allowed by the underlying zoning and the requested amendment is only 15 units.

Instruments Submitted:

9 Photographs showing the surrounding area	Exhibit "C-1"
Jenks East Elementary Student Directory	Exhibit "C-2"
2 Aerial Photographs	Exhibit "C-3"

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the PLanning Commission voted 5-2-0 (Gardner, Higgins, Hinkle, Kempe, Petty "aye"; Draughon, C. Young "nay"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe "absent") to

recommend to the Board of City Commissioners that the requested major amendment to PUD 166 be approved on the following described property, subject to the conditions set out in the Staff Recommendation:

A tract of land lying in the N/2 N/2 NW/4 of Section 23, T-18-N, R-13-E of the Indian Base and Meridian according to the U.S. Government Survey thereof in Tulsa County, Oklahoma, more particularly described as follows: Beginning at a point on the North line of said N/2 N/2 NW/4 of Section 23, said point lying 588.00 feet East of the Northwest corner thereof; thence N 89°49'58" along said North line a distance of 435.36 feet to a point; thence S 00°10'02" E a distance of 50.00 feet to a point; thence N 89°49'58" E a distance of 50.00 feet to a point on the Westerly line of South 69th East Avenue; thence along said Westerly line as follows: thence S 00°10'02" E a distance of 200.00 feet to a point of curve; thence along said curve to the left, said curve having a radius of 160.00 feet, a central angle of 54°17'03" for a distance of 151.59 feet to a point of tangent; thence S 54°27'05" E a distance of 90.06 feet to a point of curve; thence along said curve to the right, said curve having a radius of 110.00 feet a central angle of 54°17'03" for a distance of 104.22 feet to a point on the North line of "Heatherridge" a recorded plat to the City of Tulsa, Tulsa County Oklahoma; thence S 89°49'58" W along said North line and parallel to the North line of said N/2 N/2 NW/4 of Section 23 a distance of 671.00 feet to a point; thence N 00°09'03" W and parallel to the West line of said N/2 N/2 NW/4 of Section 23 a distance of 521.78 feet to the point of Beginning, containing 6.294 acres, more or less.

Application No. Z-5795  
Applicant: Phillips  
Location: 7945-8035 S. Lakewood

Present Zoning: RM-0  
Proposed Zoning: RS-3

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Date of Application: January 12, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 3.22 acres

Presentation to TMAPC by: Phillips Properties, Inc.  
Address: Box 54411 - 74155 Phone: 495-1802

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 requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.22 acres in size and located on the east side of Lakewood Avenue, between 79th Place and 80th Place. It is non-wooded, flat, subdivided, contains 3 single-family dwellings and zoned RM-0.

Surrounding Area Analysis -- The tract is abutted on the north by a developing single-family subdivision zoned RS-3, on the east by apartments zoned RM-0, on the south by developing residential property zoned RS-3 and on the west by a developing single-family subdivision zoned RS-3.

Zoning and BOA Historical Summary -- Actions taken by the Planning Commission have established that the area is platted as single-family and current construction on three of the subject lots has been detached single-family RS-3 development as opposed to multifamily.

Conclusion -- The Staff recommends APPROVAL of the RS-3 zoning based on the Comprehensive Plan and existing zoning and developed conditions. The Staff also notes the RS-3 subject zoning is buffered from the commercial zoning to the east by multifamily zoning and development. RS-3 zoning would also line up with existing zoning patterns to the south.

Applicant's Comments:

The applicant had no comments.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; no "nays"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3:

Lots 11-20, Block 2, Pleasant Valley Addition, Tulsa County, Oklahoma

Application No. Z-5796 Present Zoning: RS-3  
Applicant: Harvey Heller Proposed Zoning: OL  
Location: Southeast corner of 14th Street and Zunis Avenue

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Date of Application: January 12, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: .344 acres, more or less

Presentation to TMAPC by: Harvey Heller  
Address: 2204 E. 14th - 74104 Phone: 744-6002

Relationship to the Comprehensive Plan:

The District 6 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 requested OL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is two lots approximately .344 acres in size and located on the SE corner of Zunis Avenue and the Broken Arrow Expressway Service Road (14th Street). It is non-wooded, flat, contains one single-family dwelling and what appears to be a converted garage apartment on the west lot and a single-family dwelling on the east lot, all zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by the Broken Arrow Expressway zoned RS-3, on the east by an insurance office zoned OL and on the south and west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- There have been no action(s) taken on the subject tract that have established a precedent for a zoning decision to be made which would be contrary to what is in accordance with the Comprehensive Plan. Previous zonings in the area east of the tract have set a pattern of OL zoning fronting onto Terrace Drive. This acts as a buffer for the single-family from heavier CS zoning to the east.

Conclusion -- There is already an OL buffer established which fronts and has access to Terrace Drive. Rezoning additional property west of this boundary would result in encroachment into the RS-3 District. In addition, the subject tract fronts 14th Street which serves as a one-way east service drive for the Broken Arrow Expressway. This would mean any traffic coming from the east and trying to access the tract would most likely come from 15th Street through the single-family neighborhood on Xanthus or Zunis Avenues. Based on this fact and the Comprehensive Plan, the Staff recommends DENIAL fo the requested zoning change.

For the record, the easternmost lot is somewhat isolated from the other residences to the west. The westernmost lot fronts Zunis Avenue and other single-family homes and backs to the eastern lot. OL zoning on the eastern lot only would seem to have some merit. Any use of the eastern lot for other than single-fami-y residential would most likely require BOA approval in order to be used.

A letter was presented from the District 6 Planning Team recommending denial (Exhibit "D-1").

Applicant's Comments:

Mr. Harvey Heller wished to amend the zoning application to include only the east lot. The applicant had sent out letters to the neighborhood explaining the rezoning request and submitted a copy of that letter to the Commission (Exhibit "D-2"). The objections brought out in the citizen's committee meeting have been met in the letter. The parking situation has been improved; and, by dropping the west lot from the application, the OL would be prevented from encroaching into the neighborhood. Mr. Heller wished to listen to the protestants before making any further comments.

<u>Protestants:</u>	Lynn Anderson	Addresses:	2023 E. 14th Pl.
	Jerry Nelson		2004 E. 14th Street
	Mark Crossick		1711 E. 14th Pl.

Protestants' Comments:

Ms. Lynn Anderson is an attorney who lives in the area. The amended application is still not in accordance with the Comprehensive Plan. This property is located within a neighborhood that has been targeted by the City of Tulsa for low-interest home improvement loans in order to conserve residential integrity and improve property values. A zoning change as requested would be inconsistent with the actions taken by the City of Tulsa. She submitted a map displaying the Home Improvement Loan Program (Exhibit "D-3").

At the present time, there is no parking on 14th Street because it is a one-way access road to the Broken Arrow service road. Signs are placed in front of the property under application. Ms. Anderson presented pictures showing the number of cars parked on the street and pictures of the congestion on Terrace Drive, which has a mail box in the center median (Exhibit "D-4"). Cars are in the habit of making a left-hand turn, which is hazardous. The pictures showing the cars parked on the street were taken on Sunday and one of the proposed uses for the property is for a church.

The front of the existing house is only 32 feet from the front of the house to the curbing. Ms. Anderson submitted a picture which illustrates this problem (Exhibit "D-5"). This would cause a safety hazard for cars backing out or pulling into the property. There have been three accidents in front of this property already. Across the street and one-half block away is a building which is zoned OM and there is a vacancy sign on the front, a picture of which was submitted (Exhibit "D-6"). This shows that office space is available in the area and more office zoning is not needed. The neighborhood is a stable one and is not in transition.

Ms. Anderson noted that the use units as specified in the Zoning Code require a church to be on an acre of land in an Agricultural or Residential classification. The OL zoning is merely circumventing the restrictions that would be imposed on churches placed in residential districts. She is opposed to allowing the applicant to do indirectly what could not be done directly, since the two lots under the original

application compose only .344 acre. Off-street parking could not be provided on this small of a lot, since 1 parking space is required for every 40 square feet of chapel or sanctuary space.

A petition was submitted in opposition to the application, containing 78 signatures (Exhibit "D-7").

Mr. Jerry Nelson explained that the traffic in this area has increased substantially since he moved into the neighborhood in 1961, due to the opening of 14th Street to Lewis Avenue and the completion of the Broken Arrow Expressway. The residents take pride in their homes and wish to keep the neighborhood residential. Of the seven original owners in this block, only one has moved due to the death of her husband. Mr. Heller has assured the residents that the church congregation wishes to remain small; however, if this certain congregation should move, some other use could be utilized as a matter of right. The signs permitted in an OL district would also detract from the neighborhood.

Mr. Mark Crossick lives almost to Utica and abuts OL property at this time. If this application were approved, a precedent would be set. Also, at some time in the future, this property could be sold and the new owner could refer to this case in order to rezone Mr. Crossick's property. This starts a deterioration of the quality of the neighborhood. Realtors have already approached him to sell his property, but he like the neighborhood as it is.

Applicant's Comments:

Mr. Heller stated that the parking for the church has adequately been provided with no on-street parking. This is a very busy area. No parking is allowed along the street. He has provided 4 parking spaces, which is all that would be needed for an office, in the front yard and submitted plans to the INCOG Staff. The neighborhood did not create the parking problems, but has to live with them. Patrons of the building will enter from the east, parking will be parallel and there will be a turn-around on the lot. The office building will provide jobs and the building can be used for other purposes on the weekend. By drawing the line at this point, other zoning will not encroach into the neighborhood. Mr. Heller plans to continue living here.

The traffic is too heavy and too fast-paced to remain residential zoning. Mr. Heller thought this use would enhance the neighborhood. Light office zoning is completely surrounding the area and has not been an incompatible use. The day care center concept has been eliminated.

Instruments Submitted:

Letter from District 6 Planning Team recommending denial	Exhibit "D-1"
Copy of letter sent to neighbors by applicant explaining the request	Exhibit "D-2"
Map depicting the Home Improvement Load Program	Exhibit "D-3"
4 Pictures showing the cars parked on the street	Exhibit "D-4"
Photograph of the existing dwelling	Exhibit "D-5"
Photograph of nearby office building advertising vacancy	Exhibit "D-6"
Petition of Protest containing 78 signatures	Exhibit "D-7"

TMAPC Action: 7 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; no "nays"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the requested OL zoning be DENIED on the following described property:

The West 100 feet of Lot 1, Block 5, Terrace Drive Addition, to Tulsa, Tulsa County, State of Oklahoma, according to the Recorded plat thereof and known as 2208 East 14th Street

Application No. Z-5797  
Applicant: Charles Cousins  
Location: East of the NE corner of 21st and Memorial

Present Zoning: OL  
Proposed Zoning: CS

Date of Application: January 13, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 165' x 325'

Presentation to TMAPC by: Jack Cox  
Address: 1323 So. Baltimore

Phone: 583-7588

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 requested CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.23 acres in size and located east of the NE corner of 21st Street and Memorial Road. It is non-wooded, flat, vacant and zoned OL.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property and one single-family dwelling zoned RM-0 and RD, on the east by mostly vacant property zoned OL, on the south by mostly vacant property zoned CS, and on the west by Skaggs Alpha-Beta zoned CS and OL.

Zoning and BOA Historical Summary -- There have been no actions taken on the subject tract that would have established a precedent for a zoning decision to be made contrary to what is in accordance with the Comprehensive Plan. Action taken on an adjacent property has established a precedent. The property south of the subject tract (across 21st Street) was recently rezoned to CS and the Staff is presently changing the Comprehensive Plan on both the north and south sides of 21st Street as far east as 85th Street from Low Intensity -- No Specific Land Use to Medium Intensity -- No Specific Land Use. This change would make the requested CS zoning in accordance with the to be amended Comprehensive Plan.

Conclusion -- The Staff recommends APPROVAL of the CS zoning based on existing commercial zoning patterns in the area and the to be modified Comprehensive Plan.

Applicant's Comments:

Mr. Jack Cox, representing Mr. Charles Cousins, had no comments.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of C. Young, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; no "nays"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

The S/2 of the West 322.5' of the E/2 of Block 9, O'Connor Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma. according to the recorded plat thereof.

2.23.83:1444(43)

Application No. PUD #313  
Applicant: Nichols (Lomas & Nettleton Mtr. Co.)  
Location: 3000 W. 61st Street

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Present Zoning: (RS-3 & RM-)

Date of Application: January 13, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 24.6 acres

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

Phone: 582-3222

Staff Recommendation:

Planned Unit Development No. 313 is located on either side of 28th West Avenue, south of South 61st Street. It is approximately 24.6 acres in size and zoned a combination of RM-T and RS-3. The RM-T zoning was approved by the City Commission in May of 1981 after a tie vote from the Planning Commission and a recommendation of denial from the Staff. It was felt that higher residential densities were inappropriate at this interior location. The applicant is now requesting to use a PUD to spread this density over the entire tract.

As stated above, the Staff was opposed to the RM-T zoning; but, since it was granted, the applicant should not be restricted from using the PUD as a tool for development. However, we feel that the applicant, in this case, has simply taken an RS-3 platted subdivision and used the PUD to plat a much higher density, small-lot development without considering the purpose of the PUD. He has not, as submitted, assured compatibility with adjoining properties or preserved meaningful open space within the development.

The key criteria for developing the PUD is found in Section 1140.1 Intensity of Use, which states:

"It is the intent of this Code that the aggregate intensity of use within the Planned Unit Development remain substantially the same as that which would be permitted if the area were developed conventionally, but that within the development, the intensity may be reallocated irrespective of the general zoning district boundaries."

The Staff could support increasing the densities along either side of 28th West Avenue, providing the additional units did not exceed the maximum number of townhouse units that could be developed conventionally across the street to the east. The advantage to the neighborhood would be that all units in the area would be detached, single-family as opposed to attached townhouses.

Although the Staff does not have the final figures to prepare the Staff Recommendation, we can support the revised Staff conceptual plan. If the Commission agrees, we therefore request a one-week continuance to allow the applicant to amend his application and provide the necessary numbers and development standards. In addition, we will require a Detailed Site Plan approval on each phase of development to assure adequate livability space on the recreational sites in order to assure land use compatibility with adjoining residential properties.

Staff Comments:

Mr. Gardner explained that the Staff was aware there were protestants in the area and there was no way to advise them before this meeting that the Staff is recommending some major changes that will require modifications be made. The Commission will have to address these modifications, if agreeable with the Staff recommendation, but they are not available for this meeting.

Applicant's Comments:

Mr. Bob Nichols wished to present his application today because he feels it has merit. The discussion of an amendment was initiated this morning and Mr. Nichols has not prepared any figures to address the Staff recommended.

Commissioner C. Young felt this application should be heard. Mr. Gardner explained that if the Commission agrees with the concept suggested by the Staff, the application should be continued; otherwise, the Staff's recommendation is for DENIAL.



PUD #313 (continued)

Mr. Nichols stated this is an unusual application. It is adjacent to a 36-hole, municipal golf course. This tract is a cog which was left out of PUD 159, approved in 1974. Mr. Nichols is representing Lomas Netteleton, who holds title to the property. However, Mr. Ira Crews is contract purchaser of this property to finish the development. The subdivision has been developed as Golf Estates since 1978. All improvements are in place but it is sitting vacant. No lots have been sold. It is immediately adjacent to West Highlands II, which is a traditional, single-family, RS-3 subdivision.

The tract under application is presently zoned RM-T on approximately 7 acres and zoned RS-3 on approximately 16 acres. The acreage zoned RM-T would allow approximately 84 townhouse units and the RS-3 zoning would allow approximately 70-75 units. With the underlying zoning, approximately 150 units would be allowed. Under a PUD, the applicant could develop duplexes on the RS-3 zoning, which would permit over 200 units. The application is for only 140 units. These are single-family detached homes, averaging approximately 40 to 45 feet of frontage. This plan would exclude the RM-T attached homes that would have been built to the west.

The deed restrictions on homes in West Highlands II are 1,000 square foot minimum. The deed restrictions on the subject tract would be 1,200 to 1,300 square foot minimum homes. However, the proposed houses would include garages, which would be the only difference. The house sizes would be compatible. The other covenants would be similar to the ones in force on the other subdivision.

The density calculates to 5.6 units per acre. RS-3 zoning on the entire tract would be a density of 5.2 units per acre. This is not a great density and the application is not an attempt to gain something indirectly which could not be achieved directly. There is a similar development, Woodview Heights, at 57th and Union.

The subject tract is vacant and contains a quantity of trash. It is Mr. Nichols' contention that this property has not been sold due to a lack of balance in the neighborhood. The type of homes previously proposed are not marketable. If a market were available, this application would not have been filed.

There is no zero lot-line zoning classification provided in the Zoning Code. The only way to develop these homes is through a PUD. Other developments of this type were developed at a much higher density.

Mr. Crews and Mr. Boyd have developed all of West Highlands III and have a great deal of interest in the continued stability of the neighborhood. The subject tract is segregated from the rest of the developments because of the street patterns and the topography. Mr. Nichols suggested that the street stubbed into the existing neighborhood per the Traffic Engineer be closed off with a fire gate to stop traffic flowing from the subject tract into the existing subdivision. The applicant agrees with the screening fence along the back.

Commissioner C. Young was concerned about the limited open space. Mr. Nichols explained that the applicant is under limitations of livability standards and will submit a detail site plan for each phase of the project to insure that the open space is provided. In addition, the tract abuts a public golf course, which is a large open space surrounding the project.

PUD #313 (continued)

There are also two reserve areas on the tract which will be used for open space. The size of the house will not change with the outcome of this application, only the lot size, which will increase the price of the homes.

Protestants: John Groves  
Alex Graham

Addresses: 6366 S. 29th W. Pl.  
6115 S. 29th W. Avenue

Protestants' Comments:

Mr. John Groves advised the Commission that numerous protestants were present earlier in the meeting but had to leave because of the time. The residents were present and submitted a petition of protest in April of 1981 when the RM-T was being considered. The opposition was to the increase in density. When the golf course was built, it was the intent to surround it with medium-priced homes. The rest of the area has been developed in accordance with that guideline. The subject application would not be compatible because of the 60' frontage requirements and the 10' side yard requirements of the RS-3 zoning districts. The rear yards in the subject application are 15 feet, but the RS-3 zoning requires a 20 foot rear yard. It would not be possible to build 140 units and maintain any setback compatibility with the RS-3 in West Highlands II.

The PUD requires a 1,300 square foot home including a garage. If the garage were 300 to 350 square feet, the actual house would be between 950 and 1,000 square feet. Although the covenants provide for a minimum of 1,000 square feet, the majority of the homes are 1,200 to 1,900 square feet, not including a garage, and some are two story.

Mr. Groves presented 4 photographs of the area (Exhibit "E-1"). There are some sparse sections in this area, but there are a considerable number of trees, as one picture illustrates. It would be difficult not to strip most of these trees. One picture showed an example of zero lot line homes in other sections of the City, one photograph shows the existing homes in West Highlands II Addition and the remaining picture shows the south access to the tract.

Almost the whole western border of the subject tract abuts West Highlands II lots. The concept previously was that the street would buffer the RS-3 from the RM-T zoning. With the subject application, the density will increase in this area by approximately 44%.

The subject property is an integral part of West Highlands II Addition. Traffic already flows through the vacant development. The streets were originally constructed and the lots laid out for RS-3 development. Consequently, the width of the streets are inadequate.

This area has turned into a trash dump because it has not been developed. However, Mr. Groves does not feel this warrants increasing the density.

Mr. Alex Graham owns a lot that backs up to the proposed PUD. He wondered why the applicant is willing to install a 6' buffer fence if the proposal is compatible with the existing development. He believes this would detract from the area. Mr. Graham has the smallest house in this area and it is 1,461 square feet, not including the garage.

PUD #313 (continued)

Applicant's Comments:

Mr. Nichols made some calculations during the comments made by the protestants; and, using 24.64 acres with the RS-3 density of 5 units per acres, the total units allowed would be over 130 units. Therefore, this application is not requesting more density and it would be compatible. The developer is one of the City's more experienced developers. This PUD would clean up the area and would make it a producing part of the community.

Commissioner C. Young commented that the Staff's recommendation is for 125 units and the applicant is asking for either the 140 units or nothing. The Commission has seen no meaningful open space and Commissioner C. Young is concerned about the absence of open space.

Mr. Nichols thought Commissioner C. Young's comments would be applicable if the development were in the center of the city; however, the subject tract abuts a 32 hole golf course. One of the purposes of open space is to keep densities down on arterial streets and that purpose is served. The air pollution concepts, the green space, open areas and recreational areas are all served by the golf course.

Commissioner Petty was concerned about the residential homes abutting the golf course. Other municipal courses do not have residential abutting the courses. A country club is a different concept. It seems to him the market for such homes abutting a course would be limited. He feels the application has some merit and the intent of the zoning code concerning PUD's has been met.

Chairman Kempe agreed that the golf course is there but is not part of the PUD and should not be considered for open space within PUD.

Mr. Gardner also made some calculations and noted that the 24 acres at the 5.2 units per acre under RS-3 totals a maximum of 127 units. The Staff is considering the tract as basically being zoned only RS-3, since the Staff did not recommend the RM-T zoning which was later approved, however, the RM-T zoning is in place. The Staff see the trade-off as being the elimination of this higher density townhouses on a small portion of the total tract for the ability to spread these units across other portions of the tract at a density greater than what would be allowed under RS-3 zoning.

Mr. Nichols commented that this application is his bottom line. The application could have been made for up to 200 units with a PUD. However, he will work within the guidelines and with the Staff's conditions.

Commissioner Petty felt the application was the highest and best use of the property. Motion was made by PETTY to approve the PUD. MOTION died for lack of second.

Commissioner C. Young wished to move for continuance of one week and asked Mr. Nichols to work with the Staff to provide some meaningful open space, provide between 125 to 140 units and requested a Staff recommendation to that effect.

Instruments Submitted:

4 Photographs of the area

Exhibit "E-1"

2.23.83:1444(48)

PUD #313 (continued)

TMAPC Action: 7 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young "aye"; no "nays"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe "absent") to continue consideration of PUD #313 until March 2, 1983, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD #314 Present Zoning: (CG)  
Applicant: Parmele Real Estate (Martindale)  
Location: SW corner of Skelly Drive and Union Avenue

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Date of Application: January 13, 1983  
Date of Hearing: February 23, 1983  
Size of Tract: 16.3 acres

Presentation to TMAPC by Bill Jones  
Address: 201 West 5th Street Phone: 581-8200

Staff Recommendation:

Planned Unit Development No. 314 is located at the southwest corner of Union Avenue and the Skelly Bypass. It is approximately 16.3 acres in size, vacant and has CG underlying zoning. The applicant is proposing a PUD which would allow an office warehouse use on approximately the east-half of the tract and a skilled driving and amusement facility on the west-half. Both uses are permitted under the CG zoning and a PUD.

The Staff has reviewed the Outline Development Plan and finds the proposal to be: a) consistent with the Comprehensive Plan, b) consistent with the existing and expected development in the area, and c) consistent with the purposes of the PUD Chapter.

Therefore, the Staff recommends APPROVAL of PUD #314, subject to the following conditions:

- 1) That the applicant's Outline Development Plan be made a condition of approval as being representative of the proposed development.
- 2) Development Standards:

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Development Area "A"

Land Area: 8.0 acres

Permitted Uses: Go-Kart Tracks, video games, retail sales of clothing articles associated with the racing activity, and concession sales.

Maximum Floor Area:

Main Building;	
Phase I	7,500 sq. ft.
Phase II	2,500 sq. ft.
Accessory Storage Building;	
Phase I	1,600 sq. ft.
Phase II	3,000 sq. ft.

Minimum Off-Street Parking:

Main Building;	1 space per 225 square feet of floor area
Accessory Storage Building for each Go-Kart.	1 space

PUD #314 (continued)

Maximum Building Height: 20 feet - eave height  
Minimum Building Setbacks:  
From north property line, 50 feet  
From Development Area "B", 200 feet  
From south property line, 450 feet  
From east property line. 30 feet  
Minimum Track Setback: 10 feet

Development Area "B"

Land Area: 8.3 acres  
Permitted Uses: Use Unit 15  
Maximum Floor Area: 160,000 sq. ft.  
Minimum Off-Street Parking: Per Section 1215.4  
Maximum Building Height: 20 feet  
Minimum Building Setbacks:  
From north property line, 50 feet  
From east property line, 60 feet  
From south property line, 50 feet  
From west property line. 70 feet.

- 3) Sign shall be per Section 1130.2 (b) of the Zoning Code.
- 4) That noise levels shall not exceed 75 dBA at any point 25 feet from the exterior boundary of Area "A".
- 5) That a Detail Landscape Plan shall be approved by the TMAPC for each Development Area and/or phase prior to occupancy. The Plan should include the location of all fencing and identification of all landscape materials.
- 6) That a Detail Site Plan shall be approved by the TMAPC for each Development Area and/or phase prior to the issuance of a building permit.
- 7) That no building permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied, including the incorporation within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Staff Comments:

Mr. Gardner further explained that the applicant has made a study of the noise levels and the restriction of the Staff to 75 dBA is based on that study. The County recently put a maximum noise level of 80 dBA's on the proposed Water Theme park at the Fair Grounds; and, amusement rides average 80 dBA's within 50 feet. Naturally, the noise level decreases as you move farther away. Statistics prove that traffic on an expressway measures at a higher level. The Health Department has the means to measure decibels if a complaint is received.

The Board of Adjustment denied an application for this tract because the race track was located on the east side. However, the race track has

PUD #314 (continued)

been moved further to the west. The Board of Adjustment also has no way of going into as much detail on each case, whereas the Planning Commission can be more specific under a PUD application.

Commissioner C. Young was concerned about the hours of operation and asked the Staff if the Commission could stipulate certain hours. Mr. Gardner stated these can be considered.

Applicant's Comments:

Mr. Bill Jones represented the applicants. This tract is very flat, low and the only trees are along the drainage ditch that bisects Development Area "B" from a southeast to northwesterly direction. The property is presently vacant, unimproved and water and sewer easements cross the property. The north side of the tract fronts onto the I-44 service road and the east side abutts Union Avenue. This tract is zoned CG and it is by commercial or high intensity uses and zonings.

This request is not for changing the present zoning, but to use the PUD conditions to insure a compatible development. Prior to this hearing a special exception was requested before the Board of Adjustment and subsequently denied. At the time of that application, Mr. Jones' clients were in a hurry, because of contract negotiations, and did not present as complete a case as necessary including the fact that the sound study had not been completed.

The PUD proposes two Development Areas - "A and B". Area "A" is the west 8 acres and will include three race tracks. The largest track will be for Grand Prix racing, which is a timed race as opposed to cars racing each other. Another track will be for smaller cars, designated for Can-Am racing, and, the third track will be for kiddy karts.

There will be 72 parking spaces provided, which meets the Zoning Code requirements. The cars will be stored in a building separated from the sales operation. Even when expanded to their final size, the buildings will not be over 14,500 square feet. Concession, patio and video game areas will be provided. A chain link fence will be provided on the south and east, with a solid screening fence on the west.

Development Area "B" consists of approximately 8.3 acres on the east portion of the property. This will include an office-warehouse complex. The PUD and Text presently shows the property utilized for 160,000 square feet under Use Unit 15. However, the applicants could utilize Use Unit 23, since some of the proposed uses might require more warehouse use than permitted under Use Unit 15. The major part of this tract will be open space due to a large drainage area that crosses it and will require treatment.

Area "B" will have access off of the Skelly Bypass service road and Union Avenue. Area "A" will have only one access point off the service road and will have a building coverage of less than 5%. Under the underlying zoning this area could have 75% floor area. Development Area "B" could have a floor area ratio of 75%, but the building coverage proposed is less than 50%.

It is difficult to separate the vision of a "Go-Kart", however, this project is nothing like the old style race tracks. The proposal will be done with green space, landscaping, and many protective features. The applicants

PUD #314 (continued)

line of Section 34 for 651.72' to the point of beginning of said tract of land.

Tract B - CG Zoning:

A tract of land, containing 8.3209 acres, that is part of the NE/4 of the NE/4 of Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at a point on the easterly line of Section 34, said point being 620.00' southerly of the northeast corner thereof; thence westerly and parallel to the northerly line of Section 34 for 35.00' to the point of beginning of said tract of land; thence continuing westerly and parallel to said northerly line for 555.53'; thence southerly along a deflection angle to the left of  $89^{\circ}55'19''$  and parallel to the easterly line of Section 34 for 651.72'; thence easterly along a deflection angle to the left of  $89^{\circ}55'39''$ , parallel to, and 50.00' northerly of, the southerly line of the NE/4 of the NE/4 of Section 34, for 555.53'; thence northerly along a deflection angle to the left  $90^{\circ}04'21''$  parallel to the easterly line of section 34 for 653.18' to the point of beginning of said tract of land.

LESS and EXCEPT A TRACT of land, containing 0.2296 acres, that is part of the NE/4 of the NE/4 of Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at a point on the Easterly line of Section 34, said point being 620.00' Southerly of the Northeast corner thereof; thence Westerly and parallel to the Northerly line of Section 34 for 350.00' to the "POINT OF BEGINNING" of said tract of land; thence continuing Westerly and parallel to the Northerly line of Section 34 for 100.00'; thence Southerly at a right angle for 100.00'; thence Easterly at a right angle for 100.00'; thence Northerly at a right angle for 100.00' to the "POINT OF BEGINNING" of said tract of land.

Application No. Z-5798

Present Zoning: CH

Applicant: INCOG

Proposed Zoning: CG

Location: West of the NW corner of 31st Street and 129th East Avenue

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Date of Application:

Date of Hearing: February 23, 1983

Size of Tract: 20 acres

Presentation to TMAPC by: INCOG

Address: 707 South Houston - 74127

Phone: 584-7526

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use on the frontage and Low Intensity N.S.L.U. on the northern 2/3rds.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 20 acres in size and located just west of the northwest corner of 31st Street and South 129th East Avenue. It is non-wooded, flat, vacant and zoned CH.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned a combination of AG and RM-1; then farther north by a single-family neighborhood zoned RS-3; on the east by vacant land zoned CS and approved for mini-storage; on the south by several office and commercial uses zoned CS; and on the west by a church zoned AG and a developing single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- Prior to the adoption of the 1970 Zoning Code, the subject tract was zoned to allow a drive-in theater; however, a drive-in theater under the present Code requires a special exception in either the CH or CG. When the Code was changed, the CH zoning district was considered by resolution to be the most comparable to the previous 3E zoning classification. Actions taken on the surrounding properties in the area have established that the two tracts to the east of the subject tract have received BOA approvals to allow mini-storage and tire sales and storage by special exception. However, no properties in the area are zoned high intensity except the subject tract.

Conclusion -- The basic difference between permitted uses in CG and CH is that CH allows open storage and several industrial warehousing and trucking uses by right and that CG allows these only by special exception. Commercial zoning on this entire tract is inconsistent with the Plan; however, since the tract has been zoned commercial by previous actions, we are not recommending that the property owners lose commercial zoning. However, the Staff's primary reason for requesting the Planning Commission proceed with this down-zoning was to at least eliminate industrial uses on the subject tract as a matter of right. There are residential uses both west and north of this tract that need, at the very least, to be protected from potential industrial uses.

Therefore, the Staff recommends APPROVAL of the down-zoning from CH to CG.

Z-5798 (continued)

Staff's Comments:

Mr. Gardner explained that the applicant had been notified of this request, but the Staff has not received a reply. Apparently, the owner has no objection. The Staff wants to do away with the industrial uses permitted by right in a CH category.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned to CG, based on the Staff Recommendation and application:

Lot 1, Block 2, Blue-Robb Addition to the City of Tulsa,  
Tulsa County, Oklahoma.

SUBDIVISIONS:

Request to Waive Plat:

Z-5795 Pleasant Valley Addition (1083) 80th Place and South Lakewood Ave.  
(RM-0 to RS-3)

The Staff advised the Commission that this subdivision has already been platted. A request to rezone the property was approved earlier in the meeting.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Draughon, Gardner, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Miller, T. Young, Inhofe, "absent") to approve the request to waive the platting requirements for Z-5795.

For Final Approval and Release:

Pennwood Park (PUD #303) (3193) North side of East 60th Street, East of  
Peoria Avenue (RM-1)

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

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to approve the final plat of Pennwood Park Addition and release same as having met all conditions of approval.

OTHER BUSINESS:

Appointment for Industrial Land Use Study Committee:

Chairman Kempe advised the Commission that an appointment is needed for the Industrial Land Use Study Committee. On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to appoint Robert Parmele, Jr., to the Industrial Land Use Study Committee.

There being no further business, the Chair adjourned the meeting at 7:45 p.m.

Date Approved

March 9, 1983

Cherry Kempe  
Chairman

ATTESTED:

Marilyn Hendle  
Secretary

