

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1446
Wednesday, March 9, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Benjamin Draughon Gardner Hinkle, Secretary Kempe, Chairman T. Young	Higgins Miller Petty C. Young 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 10:52 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to approve the minutes of February 23, 1983 (No. 1444).

REPORTS:

Report of Receipts and Deposits:

The Commission was advised this report was in order.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to approve the report of Receipts and Deposits for the month ending February 28, 1983.

Chairman's Report:

Mr. Lasker reminded the Commission there will be a meeting of the Comprehensive Plan Steering Committee on Wednesday, March 16, 1983, at 12:100 noon.

Director's Report:

Mr. Gardner submitted a letter from the Builder's Association (Exhibit "A-1") in reply to the proposed fee schedule increase that was presented to them for consideration. The Association recommended cutting the proposed schedule by another 33%. The Staff cannot support this recommendation, since considerable research has been done and the proposed fees are comparable or less than other cities our size. The Staff will research mobile homes more thoroughly and possibly add them to the minor exceptions list which is the lower fee.

SUBDIVISIONS:

For Final Approval and Release:

Stonecreek II Addition (784) SE corner of 73rd Street and South Mingo Rd.
(CO)

and

Southcrest (PUD #189-B (383)) 62nd Street and South Maplewood Avenue
(RM-1, RM-2)

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

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

CONTINUED ZONING PUBLIC HEARING:

Application No. PUD #313 Present Zoning: (RS-3 & RM-T)
Applicant: Nichols (Lomas & Nettleton Mtg. Co.)
Location: 3000 West 61st Street

Date of Application: January 13, 1983
Date of Hearing: March 9, 1983
Size of Tract: 24.64 acres

Presentation to TMAPC by: Robert Nichols
Address: 111 West 5th Street Phone: 582-3222

Staff Recommendation:

The applicant has submitted a revised Outline Development Plan. The Staff has reviewed this Plan and find it to be consistent with the Staff's Conceptual Plan recommendation, the Comprehensive Plan and the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #313, subject to the following conditions:

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

2) Development Standards:

Gross Area: 24.64 acres

Permitted Uses: Single-Family Detached Dwellings
and Accessory Uses

Maximum No. of Dwelling Lots:

a) Zero Lot-Line, 106 Lots
b) RS-3 Standards, 20 Lots

Total 126 Lots

Maximum Building Height: 35 feet

PUD #313 (continued)

Minimum Livability Space:

Total Provided	280,000 sq. ft.
Reserve Area "A"	2,975 sq. ft.
Reserve Area "B"	20,800 sq. ft.
Lot 40, Block 5	31,232 sq. ft.
RS-3 Lots (4,000 sq. ft., average)	80,000 sq. ft.
Zero Lot-Line Lots (1,368 sq. ft. average)	144,993 sq. ft.

Minimum Off-Street Parking: 2 Spaces/Lot

Minimum Building Setbacks:

RS-3 Lots per Code

Zero Lot-Line Lots

Front Yard	25 feet*
One Side Yard	0 feet
Other Side Yard	5 feet
Rear Yard	20 feet

*If a two-car, double wide drive is provided, which allows two off-street parking spaces side by side, the front yard can be reduced to 18 feet.

- 3) That Reserve Area "A" and "B" and Lot 40, Block 5, be used as open space only and that on Lot 40, Block 5 there be provided some play equipment and play area.
- 4) That a Homeowner's Association be established to maintain all common fencing, open space and play equipment.
- 5) That a 6-foot, solid wood fence be provided between the Zero Lot-Line lots and the RS-3 lots in this project and in West Highlands II. This fence does not have to extend south of 64th Place.
- 6) That a Detail Site Plan be submitted to and approved by the TMAPC, by Phase, prior to the issuance of a building permit. (This is in addition to the final plat approval.)
- 7) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Code, submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Bob Nichols represented the applicants and has reviewed the Staff recommendation. He preferred to reserve comment until hearing the protestant's comments.

PUD #313 (continued)

Protestant: John Groves

Address: 6366 South 29th West Place

Protestant's Comments:

Mr. John Groves has discussed this proposal with several of the other homeowners. They realize this tract will not be rezoned to an RS-3 zoning, which would lower the density and the traffic problem. This new proposal seems to be a reasonably good compromise with the number of lots, screening fence, easements, the back lot configuration and the placement of the structures. It is Mr. Groves' hope that this development will set a trend for the other undeveloped parcels in the area. Therefore, the protestants can support the proposal as submitted and the Staff recommendations and conditions.

Applicant's Comments:

Mr. Nichols is basically in agreement with the Staff's recommendation. Commissioner T. Young earlier in the meeting had suggested a "crash gate" on the street going into the subdivision to the west in order to decrease traffic and slow the other traffic down. Mr. Nichols discussed the possibility of a "crash gate" during the previous meeting. The proposed concept was designed around the street remaining open. The applicant would be agreeable to placing a "crash gate" on 64th Place, but would have to go back to the original plan for the density around this street, which would include a total of 137 lots. Either way would be acceptable. The applicant would prefer not to install the 6-foot screening fence if the Commission would agree, but will not object if the fence is required.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, 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 set out in the Staff Recommendation:

All lots in Gold Estates II Addition, an Addition in the E/2 of the NW/4 of Section 3, Township 18 North, Range 12 East, to the City of Tulsa, Tulsa County, Oklahoma.

ZONING PUBLIC HEARING:

Application No. Z-5799 Present Zoning: CS
Applicant: Jones (American Bank of Tulsa) Proposed Zoning: OMH or CG
Location: NE corner of South Urbana Avenue and East 61st Street

Date of Application: January 25, 1983
Date of Hearing: March 9, 1983
Size of Tract: 2.5 acres

Presentation to TMAPC by: Bill Jones
Address: 201 West 5th Street, Suite 400 - 74103 Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5799

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested OMH District may be found in accordance with the Plan and the proposed CG District is not in accordance.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located just west of the northwest corner of Yale Avenue and 61st Street. It is non-wooded, flat, contains a drive-in bank facility under construction and zoned CS.

Surrounding Area Analysis -- The tract is abutted on the north and east by several commercial uses zoned CS, on the south by vacant land zoned CH, and on the west by a single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- There have been no BOA cases on the tract or surrounding area that should cause a decision to be made which would be contrary to the Comprehensive Plan. However, zoning actions have allowed the land to the south of this tract to be zoned CH, unrestricted commercial.

Conclusion -- Given the facts that the land to the south of the subject tract can be developed with very few restrictions and that the CS zoning to the north and east would allow many uses incompatible with the residential use to the west, the Staff sees OMH as a zoning transition district in this specific case. It is recognized that OMH would allow greater floor area than either the existing CS or the requested CG, but it is much more restricted in the uses allowed. In addition, the CH just south of the tract would allow unlimited floor area. Therefore, the Staff sees the restriction of uses under the OMH as a positive influence on the area and recommends DENIAL of CG and APPROVAL of OMH.

Applicant's Comments:

Mr. Bill Jones represented the applicant, American Bank of Tulsa. He stated the OMH zoning would suit the purposes of the applicant, which is for a medium-rise office building. Structured parking will be necessary; and, in order to do so, an OMH use would be appropriate.

Protestants: None.

Z-5799 (continued)

TMAPC Action: 6 members present.

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

Beginning at the SW corner of Lot 1, Block 1, Holliday Hills Center Addition, a Resubdivision of "Reserve A", Holliday Hills Addition, Tulsa County, Oklahoma, according to the recorded plat thereof; thence North $2^{\circ}38'20''$ West along the West line of said Lot 1, a distance of 447.36 feet to a point; thence due East a distance of 243.68 feet to a point; thence South $1^{\circ}43'01''$ East a distance 447.10 feet to a point on the South line of said Lot 1; thence due West along the South line of said Lot 1; thence due West along the South line of said Lot 1 a distance of 236.48 feet to the Point of Beginning.

Application No. Z-5800

Present Zoning: AG

Applicant: Norman (Lincoln Properties Co.)

Proposed Zoning: RM-2 & RM-0

Location: NE corner of East 101st Street and South Yale Avenue

Date of Application: January 26, 1983

Date of Hearing: March 9, 1983

Size of Tract: 10 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5800

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use, and Low Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-2 and RM-0 Districts are in accordance with the Plan Map for that portion designated Medium Intensity. The RM-0 may be found in accordance with the Plan Map for that portion designated Low Intensity and the RM-2 is not in accordance with the Low Intensity.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 10 acres in size and is located at the northeast corner of Yale Avenue and 101st Street. It is partially wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north and east by a single-family subdivision zoned RS-2, on the south and southwest by vacant land zoned AG, and on the west by two single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- The subject property, along with the other three corners of the intersection, has been under application several times seeking commercial zoning within the node. To date, the City Commission has consistently denied commercial zoning within the node and the District Court has twice sustained the City's position. The applicant is now requesting only residential multifamily zoning. A combination of the requested zoning, along with some RD duplex zoning, is consistent with the Comprehensive Plan and there are no other physical facts in the area which preclude favorable consideration of the majority of the applicants request. Granted, there are existing single-family homes which back to the subject property; however, RD zoning adjacent to the homes to the northeast will serve as a buffer. Both the Tulsa Zoning Code and the Comprehensive Plan for District 26 provide for such land use relationships. The same land use relationships exist through out the City. District 26 is not an exclusionary district, set apart from the balance of the City. The same Development Guidelines which were adopted and used to develop the other Comprehensive Plan Districts in the Metropolitan Area were also used to develop the District 26 Comprehensive Plan. A test of the zoning laws, as set forth by State Statutes, is that they be applied uniformly within the jurisdiction.

Conclusion -- Therefore, based upon the District 26 Comprehensive Plan, the Development Guidelines and the physical facts in the area, the Staff recommends APPROVAL of RM-2 zoning within the 5-acre node (467' x 467'), APPROVAL of 100' of RM-0 wrapping around the RM-2 and 93' of RD adjacent to the RS-2.

3.9.83:1446(7)

Application No. Z-5800 (continued)

Special Discussion:

Commissioner Benjamin advised the Commission that he has a conflict of interest in this application and would abstain from any discussion or vote.

Applicant's Comments:

Mr. Charles Norman represented Lincoln Properties. This application is a typical guidelines node and he hoped to have the Staff's support. The Staff recommendation is different from other recommendations in that it represents less than a 5-acre node (467' x 467' as used in the past and then divides the remaining 192' into two classifications). In the past, 193' of RD zoning was decided to be insufficient to be developed in a regular duplex lot pattern. If that is the case, then the 100' recommended by the Staff would definitely be insufficient. Mr. Norman requested the recommendation be 467' x 467' to be rezoned RM-2 and the remainder RM-0. The RM-0 District has been adopted and created intentionally as a transition between medium intensity uses and single-family residential uses. Under RM-0 zoning, there is a requirement that any building within 50' of single-family zoning is limited to one-story in height. He did not feel there is a basis for the RD zoning.

Commissioner T. Young asked Mr. Norman if the water pumping capacity in the area would allow adequate pressure. Mr. Norman advised the loop line has been connected since the previous hearings two years ago during the drought summer. The supply lines are now adequate. He does not think all the pumping capacity for that entire southeastern portion of the City has been completed, but it is under construction and will be completed by this summer.

Mr. Gardner explained that the Staff is not adamant about the 460' figure if 467' would make that much difference in the project. The Staff would amend the recommendation to 467' x 467' on the RM-2 and 100' on the RM-0 with 93' on the RD zoning. On an RD lot, 90' seems to be the minimum depth.

Commissioner T. Young wondered if a PUD would be filed on this property at a later date and Mr. Norman was not certain at this point since there are no specific development plans. Mr. Norman's client has been trying for eleven years to establish a permitted land use on this tract. The RD zoning would require platting lots and an internal street would also be required. Then duplex dwellings would be facing into low-density multifamily across the street. There would be much more flexibility in the design of the project and the same number of units to eliminate the internal street to face the lots and also to provide for a better arrangement of the buildings themselves. The present proposal speaks for itself in the lack of opposition after many hearings where the room was filled with protestants. This is the first application where the applicant has requested multifamily zoning, with the exception of a boundary or perimeter. The earlier issues have been concerned with the commercial portions of the applications. Mr. Norman simply requests this property be granted standard guidelines consideration. Commissioner T. Young wished to note that the absence of protests may be due because this area is to be rezoned piece by piece rather than as a whole. He generally supports the application.

Application No. Z-5800 (continued)

Commissioner T. Young wondered if this tract under application is included in the appeal to the Oklahoma Supreme Court and Mr. Norman explained the record is being prepared and the petition has been filed. This corner is included in the case. Four applications were consolidated for trial. Mr. Norman's client intends to dismiss their appeal in the event a satisfactory change is recommended to and approved by the City Commission.

Chairman Kempe asked the Staff if there is a problem with the RM-0 abutting the single-family. She did not feel the requested rezoning is unusual. Mr. Gardner explained that RD zoning was required by the Staff in the previous application. However, there is some difference in this request since it is for multifamily instead of commercial. Some RD zoning was placed next to single-family in the previous commercial application. In a guideline application, RM-0 is routinely placed adjacent to an RS classification. One other difference is this RS zoning is developed as opposed to vacant land being rezoned.

Interested Party: Herb Zaborsky Address: 9910 South Yale Avenue

Interested Party's Comments:

Mr. Herb Zaborsky is Chairman of District 26 and has been involved in this contention for the last four years. He was also surprised with the RD recommendation, but would favor the Staff recommendation over a straight RM-0, RM-2 designation. It would be more beneficial to the neighborhood. During the course of many conversations and discussions with the property owners in the area, the concern of extreme high density was expressed but was somewhat accepted, since it would be residential rather than commercial.

The concern about water and traffic patterns has not been dismissed from the minds of the residents, however, additional water lines are being developed and sewer connections are also being planned. The residents realize that development will probably not occur within the next couple of months. It is believed the City will have the necessary utilities in place by that time. The residents will watch the platting of the property to make sure it is done in accordance with the best interest of the neighborhood.

Applicant's Comments:

Mr. Norman appreciated Mr. Zaborsky's comments after several years of opposition. He merely wished to reiterate that the RM-0 and the 467' of RM-2 are in strict compliance with the guidelines and would permit development under conventional standards or would encourage a PUD if the density is averaged. He again requested the application be approved as filed.

Special Discussion for the Record:

Mr. Gardner explained that the opening statement of the Staff Recommendation states the RM-2 is appropriate within the node and the RM-0 is appropriate beyond the node on the balance of the property. However, RM-2 is not appropriate beyond the node.

Commissioner T. Young felt the application as submitted is appropriate. In previous hearings, his opposition was due to the lack of utilities. This problem has been resolved.

Application Z-5800 (continued)

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 5-0-1 (Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; Benjamin "abstaining"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned to RM-2 on the 467' x 467' corner and the remainder be rezoned RM-0, per the application as filed:

Legal Description per Notice

The SW/4 of the SW/4 of the SW/4 of Section 22, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Legal Description per Planning Commission Action

RM-2

A part of the SW/4 of the SW/4 of the SW/4 of Section 22, Township 18 North, Range 13 East, Tulsa County, Oklahoma, being more particularly described as follows: Beginning at the Southwest corner of said Section 22, thence North 467' along the west line of said Section to a point; thence East a distance of 467' to a point; thence South a distance of 467' to a point on the South line of said Section 22; thence West to the Point of Beginning, containing 10 acres more or less.

RM-0

The SW/4 of the SW/4 of the SW/4 of Section 22, Township 18 North, Range 13 East, Tulsa County, Oklahoma, LESS and EXCEPT the West 467' of the South 467', thereof.

Application No. Z-5801

Present Zoning: IL

Applicant: Dwight Nichols

Proposed Zoning: RMH

Location: 1/2 Mile East of 46th Street North and Mingo Road

Date of Application: January 26, 1983

Date of Hearing: March 9, 1983

Size of Tract: .83-acre

Presentation to TMAPC by: Gloria Nichols

Address: 7610 East 58th Place - 74145

Phone: 627-3294

Relationship to the Comprehensive Plan: Z-5801

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 RMH District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .83 acre in size and located east of the SE corner of 46th Street North and Mingo Road. It is non-wooded, flat, vacant and zoned IL.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned IM, on the east by a strip of vacant RMH property and a single-family dwelling on a large lot zoned AG, on the south by vacant property zoned RMH, on the west by a single-family dwelling on a large lot zoned AG.

Zoning and BOA Historical Summary -- Previous zoning has established RMH zoning on the tract of land abutting the subject tract to the south and east. This RMH tract extends in an "L" shape west to Mingo Road.

Conclusion -- The subject tract being only .83 acre in size would require Board of Adjustment approval to be used by itself (minimum tract size for RMH property is 5 acres). Access to the subject tract would be poor due to an existing center median and access would have to be on the extreme east end of the tract. Due to the conformance with the Comprehensive Plan and the fact that the subject tract is abutted on two sides by RMH zoning, the Staff recommends APPROVAL of the requested RMH zoning.

We would note that unless the subject tract is tied into the existing RMH District it is highly unlikely that it can be developed.

Applicant's Comments:

Mrs. Gloria Nichols and her husband purchased the existing mobile home park, Highland Mobile Home Park, at the first of this year. The five adjacent acres, which are vacant, were also purchased. It is their plan to combine the .83-acre under application with the rest of the vacant property in order to install more mobile home lots. These will abut the existing park and will be merely an extension of the existing Highland Mobile Home Park.

Mrs. Nichols presented two letters of support, one from Tony Naifeh, a retail store owner in the area (Exhibit "B-1"), and a letter from the

Application No. Z-5801 (continued)

Business Administrator of the Mingo Valley School on the corner of 4600 North Mingo Road (Exhibit "B-2").

Protestants: None.

Instruments Submitted: Letter of Support from Tony Naifeh,
retail store owner in the area (Exhibit "B-1")
Letter of support from Mingo Valley
School (Exhibit "B-2")

TMAPC Action: 6 members present.

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

The North 175 feet of the West 280 feet of the E/2 of the E/2 of the N/2 of the NW/4 of the NW/4 of Section 18, Township 20 North, Range 14 East, LESS AND EXCEPT approximately 1/2 acre previously dedicated for roadway, in Tulsa County, Oklahoma.

Application No. Z-5802
Applicant: Sanders (Latham)

Present Zoning: AG
Proposed Zoning: CS, RM-1, &
RS-3

Location: NW corner of 51st Street and 193rd East Avenue

Date of Application: January 27, 1983
Date of Hearing: March 9, 1983
Size of Tract: 23 acres

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

Relationship to the Comprehensive Plan: Z-5802

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 and Consideration Area 4, for Low Intensity Uses.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CS and RS-3 Districts are in accordance with the Plan Map and the requested RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 23 acres in size located on the northwest corner of 51st Street and 193rd East Avenue. It is non-wooded, flat, vacant, and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by mostly vacant property zoned AG, on the east by vacant property in Wagoner County, on the south by vacant property zoned AG and by a single-family dwelling zoned CS, on the west by vacant property and the Cotton Airfield zoned AG.

Zoning and BOA Historical Summary -- Recent zoning has established a 2.5 acre tract of CS zoning on the southwest corner of 51st and 193rd East Avenue, and there have been no BOA actions on the tract or surrounding area.

Conclusion -- The Comprehensive Plan Map would suggest a 10-acre commercial zoning node on the corner, but review of the Plan Text and existing conditions would suggest a 5-acre node. This would be more consistent with the surrounding conditions and with the Text's designation of lower intensities than normal. Therefore, the Staff recommends APPROVAL of a 5-acre node (467' x 467') of CS and an approximate 300' wrap-around buffer of RM-0 with RS-3 on the balance.

Applicant's Comments:

Mr. Frank Sanders advised the Commission that he will accept the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following

Application No. Z-5802 (continued)

described property be rezoned CS on a 467' x 467' node; RM-0 on an approximate 300' wrap-around buffer; and RS-3 on the balance, per Staff Recommendation.

Legal Description per Notice

The East 758.95 feet of the SE/4 of the SE/4 of Section 25, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma.

CS Legal Description per Planning Commission Action

The South 467' of the East 467' of the East 758.95' of the SE/4, SE/4 of Section 25, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; being more particularly described as follows: Beginning at the SE corner of said Section 25; thence North along the East line a distance of 467' to a point; thence West along a line parallel to the South line of said Section 25 a distance of 467' to a point; thence South along a line parallel to the East line of said Section a distance of 467' to a point on the South line of said Section; thence East along the South line a distance of 467' to the Point of Beginning, containing 5 acres more or less.

RM-0

The South 767' of the East 758.95' of the East 758.95' of the SE/4 of the SE/4 of Section 25, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, LESS: The South 467' of the East 467' of Section 25, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma; being more particularly described as beginning at a point on the East line of said Section, 467' North of the SE corner; and, thence North on said line a distance of 300' to a point 767' North of said corner; thence West along a line parallel to the South line of said Section 25 a distance of 758.95' to a point; thence South along a line parallel to the East line of said Section 25 a distance of 767' to a point on the South line of said Section 25; thence East along said South line a distance of 291.95'; thence North along a line parallel to the East line of said Section 25 a distance of 467' to a point; thence East along a line parallel to the South line of said Section a distance of 467' to the point of beginning, according to the U.S. Government Survey thereof, and containing 8.35 acres more or less.

RS-3

A tract of land that is the North 553' of the East 758.95' of the SE/4, SE/4 of Section 25, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, being more particularly described as: Beginning at a point on the East line of Section 25, Township 19 North, Range 14 East 767' North of the SE corner; thence North 553' to a point on the East line of said Section 1,320' North of the SE corner of said Section; thence West along a line parallel to the South line of said Section 25 a distance of 758.95' to a point; thence South along a line parallel to the East line of said Section 25 a distance of 553' to a point; thence East along a line parallel to the South line of said Section 25 a distance of 758.95' to the Point of Beginning, according to the U.S. Government Survey thereof, containing 9.63 acres more or less.

Z-5803 Johnsen (Carroll) SW corner of 55th Street and Memorial Drive
OL to CS

A letter was previously submitted from Mr. Roy Johnsen, attorney for the applicant, requesting this item be continued until March 23, 1983, in order that the rezoning request and the PUD application could be heard at the same time (Exhibit "C-1"). Mr. Johnsen was present and the letter was timely.

Mr. W. E. Clinton, Chairman of Southern Plaza Homeowners, also submitted a letter requesting this matter be continued until April 6, 1983 (Exhibit "C-2").

Mr. Johnsen was not aware of this request, which was filed with the INCOG Staff on March 8, until now. Mr. Johnsen had no particular objection to continuing the case until April 6, except there is a contract on the property with some time requirements. It is his duty to his client to diligently proceed with the application.

Mr. Clinton explained the reason for the protestants' request was due to the school's spring break when many of the homeowners in the area will be out of town.

MOTION was made by T. YOUNG to continue consideration of PUD #313 until April 16, 1983. MOTION died for lack of a second.

Mr. Steve Maxwell is also a resident of the area and has talked to 140 people who object to the zoning and many of these people have problems with attending the meeting of March 23rd. The owner of the property could get an extension on the contract time. This property has been dormant for about 10 years, so Mr. Maxwell is doubtful there are other prospective buyers.

Commissioner T. Young pointed out that the applicant stated he did not wish to acquiesce with the protestants' request for a 4-week continuance, but he also stated he had no strong objection to a continuance until April 6. Since the Planning Commission will not meet on March 30 because it is the fifth Wednesday of the month, Commissioner T. Young felt it necessary to recognize the protestants' request.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to continue consideration of Z-5803 until April 6, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Special Discussion:

Mr. Gardner explained to the Commission that a companion PUD has been set for March 23rd. This will have to be placed on the agenda since it was advertised for the March 23rd meeting, but it should also be continued at the that time until April 6 in order to hear both the zoning and PUD at the same time.

Application No. CZ-77 Present Zoning: RS-2
Applicant: Lois Johnson Proposed Zoning: RMH
Location: NE and NW corners of 1st Street and 71st West Avenue

Date of Application: January 28, 1983
Date of Hearing: March 9, 1983
Size of Tract: 5 acres

Presentation to TMAPC by: Lois Johnson
Address: 7105 West 1st Street - 74127 Phone: 245-3322

Relationship to the Comprehensive Plan: CZ-77

The District 23 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 RMH District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5 acres in size and located on the northwest corner of 1st Street and 71st West Avenue. It is non-wooded, flat, contains a single-family dwelling and detached garage and is zoned RS.

Surrounding Area Analysis -- The Tract is abutted on the north by scattered dwellings on large lots zoned RS, on the east by single-family dwellings on large lots zoned RS, on the south by single-family dwellings and vacant lots zoned RS, and on the west by vacant property zoned AG.

Zoning and BOA Historical Summary -- Past zoning and development patterns for the area have been limited to RS zoning and large-lot, single-family dwellings.

Conclusion -- Current access into the subject tract would be poor due to the existing roads and topographic conditions. The subject tract is located on the interior of an existing RS area. The Staff does not feel the subject tract and surrounding physical conditions in the area support RMH zoning and therefore recommend DENIAL of the requested zoning change.

Applicant's Comments:

Mrs. Lois Johnson requested this zoning change in order to build a mobile home park with about 7 or 8 homes at the back of her property.

Protestants: John Mercy Addresses: 6915 West 1st Street
Mr. & Mrs. John Merchant 7200 West Brady Street - 74127

Protestants' Comments:

Mr. John Mercy feels that the area cannot handle a mobile home park. He presented petitions containing 100 signatures in protest (Exhibit "D-1"). The area has a country atmosphere and this proposal would not add to property values for other residents or for Mrs. Johnson either. There are no supporting utilities. All of the homes are on septic system. There are no improved streets in or out of the area and the existing roads are narrow and poorly maintained because there is not much traffic in this area.

Application No. CZ-77 (continued)

Chairman Kempe noted a letter was received from Mr. and Mrs. John Merchant opposing the requested rezoning for basically the same reasons as stated by the previous protestant (Exhibit "D-2").

Applicant's Comments:

Mrs. Johnson's son, Arly Christmas, Route 5, Box 175 (Sand Springs), advised the Commission that Mrs. Johnson received permission about four years ago to place one mobile home on this tract. The utilities are in place for one mobile home.

Commissioner T. Young noted the County Zoning Code would allow one mobile home on a residential lot with a BOA Special Exception. The County Board of Adjustment has not been in existence for more than 2-1/2 years. Approval four years ago may not be applicable. He suggested the applicant check with the Staff before placing a mobile home on the tract.

Instruments Submitted: Petition of Protest containing 100 signatures
(Exhibit "D-1")
Letter of Protest from Mr. and Mrs. John
Merchant (Exhibit "D-2")

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to DENY the requested RMH zoning on the following described property:

The N/2 of Lots 12 and 13; and the West 20 feet of Lot 12; and the E/2 of the S/2 of Lot 13, Block 1, Twin Cities Subdivision, being a part of Section 6, Township 19 North, Range 12 East, EXCEPT the SW/4 of Lot 13 located in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

PUD #202 Miles SW corner of 61st Street and South Memorial Drive, Shadow Mountain II Addition

Staff Recommendation - Sign Review

The subject tract is a part of Development Area "I" and is located at the NW corner of 63rd Place and South Memorial Drive. The applicant is requesting approval of a sign for their project.

The Staff has reviewed the submitted plans, and the PUD conditions and has field checked the site. Our review identified that this request should be divided into two requests: a) the applicant wants a sign to identify a restaurant use located within the office building; and, b) the applicant wants two signs identifying the office complex.

First, the Staff upon field checking found the Stussell's Restaurant sign already in place. Also, from a review of the PUD conditions and minutes addressing this project, we found that the restaurant use was allowed as an accessory use to the principal office building. This requires the restaurant to be;

- 1) located for the convenience of the occupants of the principal building,
- 2) located entirely within the principal building, and
- 3) to be less than 5% of all the gross floor area of the building in which located.

It is obvious that this use was not permitted as a principal commercial use, which in fact it could not be based upon Section 1130.1 - Principal Use of the Zoning Code.

In addition, Condition (8) of the PUD identified, "That the commercial ground signs shall comply with Section 1130.2 (b) of the Tulsa Zoning Code, and be submitted for TMAPC review and approval prior to the issuance of any permit". The word commercial as used in the statement might be slightly confusing; however, when you read the cited Section 1130.2 (b) it states that, "Business signs accessory to principal office, commercial or industrial uses shall not exceed the following...." Since this PUD was approved for uses only by right in the OM District and the restaurant is only an accessory use, there are no principal commercial uses to be signed. Therefore, the Staff recommends DENIAL of the Stussell's Restaurant sign and that it be removed.

Second, the Staff reviewed the proposed sign to identify the Principal office use and found that the tract abutting the PUD on the south is zoned RS-3. The third General Use Conditions for Signs states, "No ground sign shall be located within 150 feet of any residential area either within or abutting the PUD, unless separated by an arterial street". The applicant shows one of two signs to be located approximately 20 feet from this RS-3 District. It could be moved to the location of the restaurant sign and be consistent with the Code; however, given the problems with this total request, the Staff recommends DENIAL of the two office signs as located.

NOTE: The most liberal interpretation of the Zoning Code, Section 1130.2 (a), would permit consideration of a wall sign 16 square feet in surface area to be attached to the wall of the building (name plate).

Applicant's Comments:

Mr. Kenneth Miles, 201 West 5th Street, explained the area has underlying zoning of OM and consistent with Section 1110 of the Zoning Code, that is the purpose of the PUD, in order to broaden the developers capability to do certain things with an area. It is his contention that Section 640 of the Zoning Code would permit the commercial location to be signed in an OM District. He was told that the restaurant is an accessory use to the office building and the signs would be an accessory use to the accessory use.

Commissioner T. Young noted that a special exception would be required for such a use and Mr. Gardner explained this would not go to the Board of Adjustment because it is within a PUD and the Planning Commission has jurisdiction over exceptions in a PUD.

Mr. Linker advised that if this sign were permitted, there would be no difference in an office PUD with a restaurant than with a commercial PUD. It is the Legal Department's position that a commercial sign for a restaurant is not permitted in an office district PUD without underlying commercial zoning. There is no commercial zoning within this PUD.

Mr. Miles presented two pictures of signs advertising restaurant (Exhibit "E-1"). He was advised these signs had commercial zoning in order to have the signs.

Mr. Gardner stated the Staff has no problem with the size of the office sign; however, the location does not meet the Zoning Code. Commissioner T. Young felt the most logical place for an office sign would be in the middle of the tract, since the accesses to 63rd Street and 63rd Place are in close proximity to residential. Mr. Gardner suggested the type and size of sign proposed for the south side be moved to the middle of the tract. This would be acceptable.

Commissioner T. Young asked why there is already a sign in place. Mr. Miles explained this has temporary approval by the sign inspector as a temporary sign. Mr. Gardner advised that the Building Inspector is charged with the authority to interpret the Zoning Code. The applicant would have to persuade the Building Inspector that the sign should be permitted. Mr. Linker added the Building Inspector will refer to the Legal Department for interpretation of the Code.

Mr. Linker felt Mr. Main was ignoring the provision under office zoning that states restaurants have to be designed for the use of the occupants of the building. The sign proposed would be advertising outside for customers. A sign would have no benefit for the people occupying the building. It is Mr. Main's contention that there is permissive commercial signs under Section 600 and yet these powers are being diminished if the strict office zoning were followed.

Instruments Submitted: 2 pictures of other restaurant signs (Exhibit "E-1")

TMAPC Action: 6 members absent.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to DENY the placement of a free-standing restaurant sign and to DENY the placement of two signs, one each, at the corners of 63rd Street and 63rd Place;

PUD #202 (continued)

and APPROVAL of one sign in the middle of the tract to the standards proposed for the northernmost sign to identify the office complex.

Z-4900-SP-I Johnsen South and East of the SE corner of 71st Street and Mingo Road

Staff Recommendation - Minor Amendment to Site Plan:

The Staff has reviewed the submitted revised Site Plan and find it to be in conformance with the original guidelines of approval. Development Standards and project statistics will remain the same. Only the location of one apartment complex and the clubhouse facilities will be reversed.

Therefore, the Staff believes this is a minor change consistent with the Zoning Code and recommend APPROVAL of the revised Site Plan, subject to the applicant's plans being made a condition of approval.

Applicant's Comments:

Mr. Roy Johnsen was present but had no comments.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to approve the amendment to the Site Plan of Z-4900, per the plans submitted.

PUD #284-1 Birmingham (Southern Hills Nursing Center) 5170 South Vandalia Ave.

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 284 is located at the NW corner of 53rd Street and South Vandalia Avenue. It is 5.336 acres in size and approved for elderly intermediate and self-care dwelling units. The applicant is now requesting to increase the approved square-footage of the proposed self-care apartment building from 60,033 square feet to 62,220 square feet.

The change is to permit the location of mechanical equipment, electrical switch gear, duct work, laundry facility and tenant storage in a basement. There will be no dwelling units in the basement and the addition will reduce the building coverage on the site and increase the livability space. There will also be no increase in the 91 dwelling units approved for the proposed building.

Therefore, the Staff sees this request as being minor in nature and recommends APPROVAL, subject to the following conditions:

- 1) That the revised Site Plan be made a condition of approval as being representative of the project.
- 2) That no dwelling units be placed in the basement or added in any other way.
- 3) That the applicant meet all other PUD conditions.

Applicant's Comments:

The applicant was present but had no comments.

PUD #284-1 (continued)

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Gardner, Hinkle, Kempe, T. Young, "aye"; no "nays"; no "abstentions"; Higgins, Miller, Petty, C. Young, Inhofe, "absent") to approve the requested Minor Amendment to PUD 284, subject to the conditions set out in the Staff Recommendation.

There being no further business, the Chair adjourned the meeting at 3:25 p.m.

Date Approved

March 23, 1983

Cheryl Kempe
Chairman

ATTEST:

Marilyn Leslie
Secretary

TMAPC RECEIPTS
Month of February, 1983

ZONING

Zoning Fees	(16)	\$1,532.00	
Fee Waived	(0)		\$1,532.00

LAND DIVISION

Subdivision Preliminary Plats	(8)	\$ 400.00	
Subdivision Final Plats	(9)	602.00	
Plat Waivers	(5)	125.00	
Access Changes	(3)	75.00	
Lot-Splits	(35)	285.00	
Fee Waived	(4)		\$1,487.00

BOARD OF ADJUSTMENT

Board of Adjustment Fees	(51)	\$2,345.00	
Fee Waived	(0)		\$2,345.00

\$5,364.00

DEPOSITORY TICKET

837
838
839
840

CITY RECEIPT

011978	\$ 804.00
012042	2,200.00
012555	765.00
013274	1,695.00
	\$5,464.00
*Less:	(100.00)

\$5,364.00

CITY BOARD OF AJDUSTMENT

\$1,785.00

COUNTY BOARD OF ADJUSTMENT

\$ 560.00

CITY SHARE

\$1,509.50

COUNTY SHARE

\$1,509.50

*Less: County Board of Adjustment - Erma Eads - \$50.00 - Receipt #30513 -
Deposit #006769
Final Plat Fee - The Timbercrest Companies, Inc. - \$50.00 - Receipt #30716 -
Deposit #010583

