

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1451
 Wednesday, April 13, 1983, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Benjamin Draughon Higgins Hinkle, Secretary Kempe, Chairman Petty, 2nd Vice- Chairman	Gardner Miller C. Young T. Young Inhofe	Chisum Compton Gardner Harrison Wilmoth	Jackere, Legal Department

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 11:25 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of DRAUGHON, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve the minutes of March 30, 1983 (No. 1449).

REPORTS:

Chairman's Report:

Chairman Kempe read the following Resolution and presented a copy to the former Commission member Robert J. Parmele, Jr.:

RESOLUTION: No. 1451:570

WHEREAS, the Tulsa Metropolitan Area Planning Commission wishes to acknowledge members who have made significant contributions toward the orderly growth and development of the Tulsa Metropolitan Area; and,

WHEREAS, Mr. Robert Parmele, Jr., served on the TMAPC for four and one-half years from August 1978 through January 1983; and,

WHEREAS, Mr. Parmele held the office of Chairman in 1979, 1980 and 1982; and,

WHEREAS, he has given freely of his time, experience and abilities toward the development of a better environment in which to live.

NOW, THEREFORE, the members of the TMAPC wish to express their deepest appreciation for the concern and service given by former member, Robert Parmele, Jr.

APPROVED and ADOPTED this 13th day of April, 1983.

Chairman's Report (continued)

Rules and Regulations Committee:

Commissioner Higgins announced that the Rules and Regulations Committee met today prior to the Commission meeting and scheduled a meeting to discuss the same three issues with the Legal Department on April 27, 1983.

Director's Report:

Mr. Gardner reported that the Population Estimates will be before this Board for approval on the 27th of April. The various interest groups have studied this report. The resulting figures are important because various programs are based on population estimates and federal grants depend on these estimates.

SUBDIVISIONS:

For Waiver of Plat:

BOA #12497 (Unplatted; Waite Phillips School) (2293) 3613 South Hudson Avenue (RS-2)

Mr. Wilmoth advised that on March 24, 1983, the Board of Adjustment approved a day care center in an existing school building on the subject tract. Since the building is existing and schools normally do not file plats, the Staff recommends APPROVAL of the request.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve the request to waive the platting requirements for BOA #12497, Waite Phillips School.

Restrictive Covenants:

Riverside South Complex (3692) North side of 57th Place, East of Madison Avenue (RM-1)

This is a request to approve restrictive covenants as required by PUD #139-A to satisfy Section 260 of the Zoning Code. The covenants as resubmitted meet with the approval of the Legal Department and the Staff recommends approval.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve and execute the submitted restrictive covenants of Riverside South Complex (PUD #139-A) and that this document be forwarded to the City Commission for approval.

Application No. Z-5809 (continued)

explained that the residents in the area have lived there a number of years. They formed their own sewer district, because of the problems that existed, with their own money and later turned it over to the City. The addition was developed before the area was annexed by the City. Most of the homes have been paid for and the residents do not want this type of development, which might force them out of their homes. From 61st Street to 59th Street, the elevation drops from 710' to 690'. This makes the area prone to flooding. Increased development would only complicate the problems, since there are no storm sewers. A middle school is located across the street and about a half-block away and the children use 99th and 59th Streets to avoid the heavier-traveled 61st Street and Mingo Road. The streets are not built to handle heavy traffic. The residents of this addition have no qualms with the lots presently zoned IL at the end of the street, but wish to keep the addition residential.

Commissioner Petty asked how the property zoned IL was being used and Mr. Hicks said there is an automobile shop in a building that has been on one of the lots for many years. Also, the neighbors get a tremendous amount of runoff from that property.

Applicant's Comments:

Mr. Sublett presented 12 pictures of typical uses in the area (Exhibit "A-4"). The remaining vacant lots in this area will not develop in any type of single-family because the addition is an island within existing and developing IL and commercial zoning. The requested zoning is the highest and best use of the land and Mr. Sublett did not think it would be fair to the property owner to not allow him to develop his land.

Mr. Jim Beal is the potential buyer of the property and he advised the Commission it is his plan to build a small office building, making it attractive and well-landscaped. The building will be about 2,000 or 3,000 square-foot with rock or brick. There will be no heavy equipment sitting around and the building will be for his own use.

Protestant's Comments:

Commissioner Higgins recognized Mr. Hicks, the protestant. Mr. Hicks felt the applicants would not be willing to rezone this property if they lived in the area. The residents in this area are opposed to this rezoning because they do not want it in this residential neighborhood.

Special Discussion for the Record:

Commissioner Higgins asked about the detention plans and Mr. Gardner explained this is subject to a plat or replat and the drainage questions will be answered during that process. Mr. Jackere explained the engineering process as far as on-site detention and "fee in lieu of".

Instruments Submitted:

Petition in favor of rezoning	(Exhibit "A-1")
Petition in opposition	(Exhibit "A-2")
Letter from area resident rescinding earlier approval of the rezoning	(Exhibit "A-3")
12 Photographs of surround properties	(Exhibit "A-4")

Application No. Z-5809 (continued)

TMAPC Action: 6 members present.

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

Lots 6 and 7, Block 1, Guy Cook Addition, Tulsa County, Oklahoma.

Application No. Z-5810
Applicant: Grant (Pearn, Security Bank)
Location: 14120 East 51st Street

Present Zoning: AG
Proposed Zoning: C0

Date of Application: February 22, 1983
Date of Hearing: April 13, 1983
Size of Tract: 112' x 389'

Presentation to TMAPC by: Tom Grant
Address: 2715 East 15th Street - 74104

Phone: 744-1472

Relationship to the Comprehensive Plan: Z-5810

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use, Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested C0 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1-acre in size and located on the south side of 51st Street, 1/2 mile east of 129th East Avenue. It is non-wooded, flat, contains one single-family dwelling zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned RM-1, on the east by vacant property zoned C0, on the south by vacant property zoned C0 and on the west by a single-family dwelling zoned AG.

Zoning and BOA Historical Summary -- In 1979 all concurred in approval to rezone the property abutting the subject tract to the east and south from AG to C0.

Conclusion -- Based on the Comprehensive Plan and the existing zoning patterns in the area, the Staff recommends APPROVAL of the requested C0 zoning.

Applicant's Comments:

Mr. Tom Grant represented Vega Construction Company who recently acquired the subject property from Security Bank. The Company also owns 35 acres of land adjoining this property to the east and south. This zoning was requested in order to allow this property to conform with the existing zoning pattern in the area.

Interested Party: Linda Morgan Address: 14110 East 51st Street

Interested Party's Comments:

Mrs. Linda Morgan is the only resident in this area and was curious as to what will be done with the property. Chairman Kempe informed her there will be another hearing if C0 is approved, which is one of the requirements for C0 zoning, and the applicant will present plans at that time.

Applicant's Comments:

Mr. Grant had no further comments.

Application No. Z-5810 (continued)

TMAPC Action: 6 members present.

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

The East 112 feet, West 334.76 feet, North 389 feet, of the W/2, of the NE/4, of the NE/4 of Section 33, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Application No. Z-5811 Present Zoning: RS-3
Applicant: McCollum (American Beauty Products) Proposed Zoning: IL
Location: NW corner of Utica Avenue and Apache Street

Date of Application: March 24, 1983
Date of Hearing: April 13, 1983
Size of Tract: 1.32569 acre

Presentation to TMAPC by: Ray McCollum
Address: 1623 East Apache Avenue - 74106 Phone: 428-2577

Relationship to the Comprehensive Plan: Z-5811

The District 2 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 IL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.3 acre in size and located on the northwest corner of Utica Avenue and Apache Street. It is non-wooded, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned RS-3, on the east by vacant property and single-family dwellings zoned RS-2, on the south by industrial uses zoned IL and on the west by American Beauty Products zoned CG.

Zoning and BOA Historical Summary -- In 1972 all approved rezoning the tract west of the subject property to CG. This added to the mixture of different zoning classifications in the area which include: CH, CG, IL, RS-3, OL and AG.

Conclusion -- The Staff recommends APPROVAL of the requested IL zoning since it would be more restrictive than the CG to the west, thereby, creating a better transition than the medium commercial to the single-family neighborhood to the east. The Staff also recommends that the Comprehensive Plan be changed to reflect the rezoning in the area.

Applicant's Comments:

Mr. Ray McCollum is Operations Engineer for the applicant, American Beauty Products. The requested zoning is to allow a modern plant in the area that will be a showplace for their industry. This will provide more jobs in north Tulsa and a 30,000 square-foot, single-level, masonry and steel building is proposed. This company has been very successful. It was started in a home in north Tulsa and the company employs about 62 people. A second plant has been opened and the proposed building will be the third plant. Foreign markets are being sought and additional space is needed. The business is mainly mixing and preparation of hair products. The Company has its own radio station and magazine. It is their intention to remain in north Tulsa if possible.

Interested Party: Mabel Barell Address: 2428 North Peoria Avenue

Application No. Z-5812
Applicant: Sohl (Cahwee)
Location: 7900 South Union Avenue

Present Zoning: RS-3
Proposed Zoning: CS

Date of Application: February 14, 1983
Date of Hearing: April 13, 1983
Size of Tract: 2.517 Acres

Presentation to TMAPC by: Ray Tucker c/o John Sohl Phone: 918-479-6223
Address: Star Rt. South, Box 1-C, Locust Grove, Oklahoma 74352

Relationship to the Comprehensive Plan: Z-5812

The District 8 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 CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located 1/4 mile north of the northwest corner of 81st Street and South Union Avenue. It is non-wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by vacant land zoned CO, on the south by single-family zoned RS-3 and on the west by a single-family dwelling zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have allowed CS at the 81st Street and Union Avenue Node and CO zoning east of the tract between Highway #75 and Union Avenue.

Conclusion -- The subject tract is beyond the intersection node making the request inconsistent with the Development Guidelines. The tract is surrounded on three sides by single-family homes. It is also inconsistent with the Comprehensive Plan Map which designates the area for Low-Intensity -- Residential. Finally, the tract is abutting a Corridor District to the east; however, the Zoning Code Chapter addressing Corridor Districts specifically restricts the types and locations of commercial uses permitted and requires a Site Plan be approved by both the Planning Commission and the City Commission.

The Staff views this as a clear case of "spot zoning" and recommends DENIAL of the requested CS zoning.

Applicant's Comments:

Mr. Ray Tucker represented both the buyer and the seller in this case. The buyer is proposing a small animal clinic with a residence in the back. There are 2 acres zoned commercial abutting 81st Street and Union Avenue and a house sets between that tract and the subject tract. Mr. Tucker did not realize at the time this request was filed that the 2 acres already zoned commercial were for sale and Mr. Tucker will probably submit a bid for that property if this request is denied.

Application No. Z-5811 Present Zoning: RS-3
Applicant: McCollum (American Beauty Products) Proposed Zoning: IL
Location: NW corner of Utica Avenue and Apache Street

Date of Application: March 24, 1983
Date of Hearing: April 13, 1983
Size of Tract: 1.32569 acre

Presentation to TMAPC by: Ray McCollum
Address: 1623 East Apache Avenue - 74106 Phone: 428-2577

Relationship to the Comprehensive Plan: Z-5811

The District 2 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 IL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.3 acre in size and located on the northwest corner of Utica Avenue and Apache Street. It is non-wooded, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned RS-3, on the east by vacant property and single-family dwellings zoned RS-2, on the south by industrial uses zoned IL and on the west by American Beauty Products zoned CG.

Zoning and BOA Historical Summary -- In 1972 all approved rezoning the tract west of the subject property to CG. This added to the mixture of different zoning classifications in the area which include: CH, CG, IL, RS-3, OL and AG.

Conclusion -- The Staff recommends APPROVAL of the requested IL zoning since it would be more restrictive than the CG to the west, thereby, creating a better transition than the medium commercial to the single-family neighborhood to the east. The Staff also recommends that the Comprehensive Plan be changed to reflect the rezoning in the area.

Applicant's Comments:

Mr. Ray McCollum is Operations Engineer for the applicant, American Beauty Products. The requested zoning is to allow a modern plant in the area that will be a showplace for their industry. This will provide more jobs in north Tulsa and a 30,000 square-foot, single-level, masonry and steel building is proposed. This company has been very successful. It was started in a home in north Tulsa and the company employs about 62 people. A second plant has been opened and the proposed building will be the third plant. Foreign markets are being sought and additional space is needed. The business is mainly mixing and preparation of hair products. The Company has its own radio station and magazine. It is their intention to remain in north Tulsa if possible.

Interested Party: Mabel Barell Address: 2428 North Peoria Avenue

Application No. Z-5812
Applicant: Sohl (Cahwee)
Location: 7900 South Union Avenue

Present Zoning: RS-3
Proposed Zoning: CS

Date of Application: February 14, 1983
Date of Hearing: April 13, 1983
Size of Tract: 2.517 Acres

Presentation to TMAPC by: Ray Tucker c/o John Sohl Phone: 918-479-6223
Address: Star Rt. South, Box 1-C, Locust Grove, Oklahoma 74352

Relationship to the Comprehensive Plan: Z-5812

The District 8 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 CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located 1/4 mile north of the northwest corner of 81st Street and South Union Avenue. It is non-wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by vacant land zoned CO, on the south by single-family zoned RS-3 and on the west by a single-family dwelling zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have allowed CS at the 81st Street and Union Avenue Node and CO zoning east of the tract between Highway #75 and Union Avenue.

Conclusion -- The subject tract is beyond the intersection node making the request inconsistent with the Development Guidelines. The tract is surrounded on three sides by single-family homes. It is also inconsistent with the Comprehensive Plan Map which designates the area for Low-Intensity -- Residential. Finally, the tract is abutting a Corridor District to the east; however, the Zoning Code Chapter addressing Corridor Districts specifically restricts the types and locations of commercial uses permitted and requires a Site Plan be approved by both the Planning Commission and the City Commission.

The Staff views this as a clear case of "spot zoning" and recommends DENIAL of the requested CS zoning.

Applicant's Comments:

Mr. Ray Tucker represented both the buyer and the seller in this case. The buyer is proposing a small animal clinic with a residence in the back. There are 2 acres zoned commercial abutting 81st Street and Union Avenue and a house sets between that tract and the subject tract. Mr. Tucker did not realize at the time this request was filed that the 2 acres already zoned commercial were for sale and Mr. Tucker will probably submit a bid for that property if this request is denied.

Application No. Z-5811 (continued)

Interested Party's Comments:

Ms. Mabel Barell owns four lots across the street from the subject property. She was interested in knowing the proposed use for the subject property and had a chance to study the submitted site plan.

Applicant's Comments:

Mr. McCollum explained this plant will be entirely enclosed. He is a licensed nurseryman and plans on making this property look like a condominium area with landscaping and even provide a basketball court for employees over a sewer easement. A security office will be located in the southwest corner. Security is one of the main problems and it is their intention to have a full-time person on duty. There will be no material stored outside. His company wished to build to the fullest extent of the property, if possible. Mr. McCollum invited the interested party to visit the present facilities in order to see how the operation is run. Conditions must meet the approval of the Food and Drug Administration, so this is a clean operation.

Commissioner Draughon wondered how many employees would work at the plant and if adequate off-street parking is planned. Mr. McCollum explained the present building already has adequate parking for both plants. The architect's rendering displayed is taken from proposed plans. An engineer's full building drawing has not been made as yet. The colors of this building will match the existing one with a gray tone at the bottom and magenta on top with a brick fence.

TMAPC Action: 6 members present.

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

The East 165 feet of the South 350 feet of the SE/4 of the SE/4 of the SW/4 of Section 19, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Application No. Z-5812 (continued)

Applicant's Comments:

Mr. Tucker explained this is 1-1/2 acre and the lot split was approved in previous years. The State Health Department tested the soil on this property January 21, 1981, approving a septic system in that area. He could understand the protestant's concerns, but he is sure the building would be nice and would be compatible with the area.

Intstruments Submitted:

Letter from District 8 Chairman in opposition (Exhibit "B-1")
Petition of Protest containing 107 signatures (Exhibit "B-2")
Memo from INCOG Staff advising of a conflict of ownership (Exhibit "B-3")

TMAPC Action: 6 members present.

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

The North 197.5' of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 10, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, containing 1.5 acres AND a tract of ground situated in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 10, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma being more particularly described as follows: Beginning at a point on the East line of the Southeast Quarter of the Southeast Quarter 197.5' South of the Northeast Corner thereof; thence South along said East line a distance of 133.95'; thence West along the South line of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter a distance of 330.87'; thence North along the West line of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter a distance of 133.89'; thence Easterly a distance of 330.86' to the point of beginning, containing in all 1.017 acres.

Application No. Z-5812 (continued)

<u>Protestants:</u>	Leslie Young	Addresses:	7710 South Xenophon Ave.
	Lonnie Penny		7901 South Waco Avenue
	Darrell Inbody		7710 South Union Avenue
	Robert Polson		2007 West 77th Street
	Frank Bramwell		2430 West 81st Street
	Virginia Wattington		7701 South Xenophon Avenue
	Judy Davis		7733 South 30th West Avenue

Protestants' Comments:

Mrs. Leslie Young presented a letter of opposition from the District 8 Chairman, Jon Ferris (Exhibit "B-1"), as well as a petition of protest containing 107 signatures (Exhibit "B-2"). This request would place a commercial lot between two residential lots. All of the homes in this area are large homes on 2-1/2 acres. One of the main reasons for the large lots is due to the percolation and all residences are on septic system. There are 3 veterinary clinics within a 4-mile radius.

Mr. Lonnie Penny abuts the subject property. The water system through the Creek County Rural Water District is adequate at best during the summer. The subject tract has been subdivided at one time, which was not supposed to have been done without the other residents knowing. Actually, the lot is only 1-1/2 acre. The septic system on the tract is inadequate for the existing residence and it drains constantly across Mr. Penny's property into his septic system. The soil in that area will not handle a septic system for commercial property. The area was designed for residential and he did not want a change.

Mr. Darrell Inbody owns the property directly to the north of the subject property. He agreed this lot is only a little over an acre and would object to the proposed use, which would be next to Mr. Inbody's property. His well is at the property edge and a septic system might contaminate his well.

Mr. Robert Polson advised the Commission that the taxes in this area are quite high. He would object to a higher intensity which would raise the taxes. Property to the south is zoned commercial, due to the fact the Creek County Water Tank sets on the property. He also did not think the soil would perc.

Mr. Frank Bramwell believes the area should be retained as residential.

Mrs. Virginia Wattington does not want the Commission to vary from the Comprehensive Plan for this area, since a lot of time and consideration was given to the Plan. This area was zoned as low density, RS-3 zoning. The lots were platted with 2-1/2 acre lots because of the sanitation. When the bridge is completed, the residents realize the area will open up, but Mrs. Wattington would not like to see it begin with strip commercial zoning.

Mrs. Judy Davis was a member of District 8 Planning Team when the plan was adopted and this zoning does not go along with the Team's intention. It was intended to remain residential.

Application No. 5813 (continued)

Interested Party: Bernie Clark

Address: 2810 East 49th Street

Interested Party's Comments:

Mr. Bernie Clark owns the homes immediately to the south of the subject tract. Mr. Clark is only requesting answers to some concerns he has about the request, such as screening requirements and proper drainage. The County maintains 120th East Avenue, but not much work is done. This road is quite narrow.

Mr. Gardner explained the Zoning Code requires a 6-foot, solid screening fence be placed on the boundary between the commercial and residential districts. The tract will be subject to a plat and the drainage will be discussed at that time. Mr. Gardner did not think the County was maintaining the road because it is within the City Limits.

Applicant's Comments:

Mr. Hogan presented 2 additional pictures showing examples of buildings that would be comparable with the proposed structure, as well as a picture of the newest building in the area (Exhibit "C-2").

Mr. Gardner explained the property is approximately 366' north and south. All of this property extends further south than the existing commercial line to the west. Since the expressway cuts diagonally across the area west of the subject tract, there is no way to have the commercial paralleling the expressway unless there were a service road. Because of this, commercial properties along the expressway are zoned in a stairstep manner. A similar RM-1 pattern buffers the CS along the expressway and 11th Street. Obviously, a good portion of the tract is across from commercial. The only question is how far south the line should go before a buffer is established. There is one vacant property to the east zoned RS-3 that will probably be considered at a later date. This zoning would establish the CS line for that tract.

MOTION was made by DRAUGHON, seconded by PETTY, to approve the Staff Recommendation.

Special Discussion for the Record:

Commissioner Higgins wondered if the applicant could apply for a PUD in order to utilize the building. Mr. Gardner agreed this is a potential suggestion in order to safeguard the property owner to the south.

Mr. Hogan explained the other two applicants are in possession of two lots. A stairstep zoning pattern would help the other two applicants, but would cut Mr. Hogan off because it would only allow him 80' out of 240'. Mr. Gardner agreed Mr. Hogan would only have about 80 feet of commercial if the Staff recommendation was approved. Obviously, at least the south 50' should not be zoned because it would be extended farther than the motel. Mr. Hogan agreed he could live with the south 50' remaining residential.

Commissioner Draughon felt the determining line could line up with the Commercial zoning to the west, whether it is 50' or 60'.

Instruments Submitted:

11 photographs of the subject tract and surrounding area (Exhibit "C-1")
2 photographs of buildings which would be comparable with
the proposed building and 1 photograph of a new structure
across the street (Exhibit "C-2")

Application No. 5813 (continued)

Letter from District 17 Chairman recommending denial (Exhibit "C-3")

TMAPC Action: 6 members present.

On AMENDED MOTION of DRAUGHON, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS to line up with the CS zoning to the west side and the remainder of the tract to stay RS-2:

LEGAL DESCRIPTION PER NOTICE:

The South 360 feet of the West 200 feet of the East-Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS & EXCEPT the West 25 feet conveyed to Tulsa County.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION:

The South 360 feet of the West 200 feet of the East-Half (E/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Eight (8), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, LESS & EXCEPT the West 25 feet conveyed to Tulsa County, "and LESS & EXCEPT the South 70 feet".

Application No. Z-5814
Applicant: Johnsen (Holderman, Wager)
Location: NW corner of 71st Street and Trenton Avenue

Present Zoning: RS-3
Proposed Zoning: OM

Date of Application: March 1, 1983
Date of Hearing: April 13, 1983
Size of Tract: 7 acres

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

Relationship to the Comprehensive Plan: Z-5814

The District 18 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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 7 acres in size and located at the northwest corner of 71st Street and South Trenton Avenue. It is partially wooded, flat, contains one single-family dwelling and is zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by a developing single-family subdivision zoned RS-2, on the east by apartments zoned RM-1, on the south by apartments zoned RM-1 and on the west by multi-story building under construction for what appears to be office use zoned CS.

Zoning and BOA Historical Summary -- Past zoning and BOA actions have established that the majority of the 71st Street frontage be zoned or used in a medium intensity manner.

Conclusion -- The Planning Commission recently recommended Plan Map changes which designates the front portion of the tract Medium Intensity -- Office. The back portion still remains Low Intensity -- Residential. Given this new designation and the surrounding land uses, the Staff could support OM zoning on the front of the tract. On the back portion of the tract, OM cannot be supported; however, low intensity -- office could be supported even though it would require an additional Plan amendment. The reason the Staff could support OL on this portion of the tract is that as designated RM-1 would be consistent and under a PUD could be developed as OL. Plus, the OL can provide an adequate beffer between the residential to the north and east and the OM and CS to the south and west. In this specific case we see no reason to require the applicant to spend additional time and money to go through a zoning process that would result in the same end.

Therefore, the Staff recommends APPROVAL of OM on the subject tract, less and except the north 222 feet, which we recommend APPROVAL of OL.

Applicant's Comments:

Mr. Roy Johnsen represented the Holdermans who own both properties under application. The ownership line referred to in the Staff Recommendation is not as meaningful as it might seem, since it is all under common ownership. He felt the Staff recommendation is rather conservative. The

Application No. Z-5814 (continued)

current Plan shows the southerly portion, based on the parcel line, is shown as low intensity. Mr. Johnsen would submit to the Commission that this line has little meaning in this application.

Mr. Johnsen pointed out a few facts on nearby properties. The Plan was first adopted based on existing zoning, primarily. However, a number of changes have occurred. As applications have been presented and determined to be acceptable, they have received approval and the Plan amended to correspond with the changes. The Staff Recommendation seems to be based on an objective of providing a reasonable transition to the abutting single-family. Also, this would advise the Commission that the subject application does not formally meet the Comprehensive Plan. If this property is approved as recommended by the Staff, the amount of floor area would be restricted even with a PUD. If the OL were reduced to 100 feet with a PUD, the gain to the property owner would be approximately 8,000 square feet of floor area, as compared to the Staff's recommended 222 feet of OL. There have been numerous cases where 100 feet has been ample OL to serve as a buffer adjacent to single-family. When the zoning patterns to the west and east of this property are compared, the 100 feet of OL is a supportable pattern. He would prefer the entire tract be zoned OM and feels this could be supported by the land use facts in this area; however, if the Commission feels a transition should be provided, Mr. Johnsen felt 100 feet would be sufficient.

Mr. Gardner agreed the primary purpose of the OL is a transition and the line placement is subjective. He agreed the 100 feet would physically allow someone to develop if not a part of a PUD and the residents to the north would be protected.

Commissioner Petty felt Mr. Johnsen had a point for the entire tract being zoned OM because of the OM to the west. He could support either the entire tract for OM or the 100 feet being zoned OL. Mr. Gardner explained the primary difference between this property and the existing OM was that the applicant filed a PUD on the other property, so there were basically the same safeguards and controls as the OL would require. There has not been a PUD filed on this tract.

Protestants: None.

TMAPC action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM, LESS the north 100 feet to be rezoned OL:

LEGAL DESCRIPTION PER NOTICE

A tract of land in the SW/4 SE/4 SW/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at the Northwest corner of the SW/4 of the SE/4 of the SW/4; thence South 289.5' more or less to a point intersecting with the Northerly line of a 3-acre square tract which is 36.15 more or less North of the South section line; thence East 361.5' more or less to a point 298.5' more or less West of the East line of the SW/4 of the SE/4 of the SW/4; thence North 76.28' more or less to a point; thence East 298.5'

Application No. Z-5814 (continued)

more or less to the East line of the SW/4 of the SE/4 of the SW/4; thence North 222.22' more or less to the Northeast corner of the SW/4 of the SE/4 of the SW/4; thence West 660' along the North line of the SW/4 of the SE/4 of the SW/4 to the point of beginning, containing 4 acres, more or less;

AND

A tract of land located in the W/2 of the SE/4 of the SW/4 of Section 6, Township 18 North, Range 13 East, more particularly described as follows: Beginning at the Southeast corner of the W/2 of the SE/4 of the SW/4 of Section 6, Township 18 North, Range 13 East; thence North a distance of 437.78'; thence West a distance of 298.50'; thence South a distance of 437.78'; thence East a distance of 298.50' to a point of beginning, and containing an area of 3.0 acres more or less, all in Tulsa County, State of Oklahoma.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION

Revised Legal for OM:

A tract of land in the SW/4 SE/4 SW/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described as follows: Beginning at a point 100 feet of the Northwest corner of the SW/4 of the SE/4 of the SW/4; thence South 198.5' more or less to a point intersecting with the Northerly line of a 3-acre square tract which is 361.5' more or less North of the South section line; thence East 361.5' more or less to a point 298.5' more or less West of the East line of the SW/4 of the SE/4 of the SW/4; thence North 76.28' more or less to a point; thence East 298.5' more or less to the East line of the SW/4 of the SE/4 of the SW/4; thence North 122.22' more or less to the Northeast corner of the SW/4 of the SE/4 of the SW/4; thence West 660' parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the point of beginning, containing 2.5 acres more or less;

AND

A tract of land located in the W/2 of the SE/4 of the SW/4 of Section 6, Township 18 North, Range 13 East, more particularly described as follows: Beginning at the Southeast corner of the W/2 of the SE/4 of the SW/4 of Section 6, Township 18 North, Range 13 East; thence North a distance of 437.78'; thence West a distance of 298.50'; thence South a distance of 437.78'; thence East a distance of 298.50' to a point of beginning, and containing an area of 3.0 acres more or less, all in Tulsa County, State of Oklahoma.

Application No. Z-5814 (continued)

Revised Legal for OL

A tract of land in the SW/4 SE/4 SW/4 of Section 6, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, more particularly described as follows:

Beginning at the Northwest corner of the SW/4 of the SE/4 of the SW/4; thence South 100' more or less to a point; thence East 660' more or less to the East line of the SW/4 of the SE/4 of the SW/4; thence North 100' more or less to the Northeast corner of the SW/4 of the SE/4 of the SW/4; thence West 660' along the North line of the SW/4 of the SE/4 of the SW/4 to the point of beginning, containing 1.5 acres more or less.

Application No. Z-5815 (continued)

The Indian Acres project is in the area where there will be acquisition of existing homes by TURA. This will redevelop to a very high intensity. Mr. Johnsen feels the subject tract warrants OM zoning, since there is nothing for which a transition is needed. A very small portion along the northern boundary might be in the floodplain. The maps are not entirely accurate or to scale. Since this is not a floodway, a permit can be obtained to develop on this portion, meeting the City Engineering Department criteria. If less than OM on the entire tract is approved, the economic potential is reduced. Unless there is some public purpose being served by keeping a portion OL, Mr. Johnsen feels the OM should be approved.

Protestants: None.

TMAPC Action: 6 members present.

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

Lots Two (2) and Ten (10), Block Two (2), Memorial Acres, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application PUD #319 Present Zoning: (RD)
Applicant: Benchmark Properties, Inc.
Location: East side of South 79th East Avenue, South of East 15th Street

Date of Application: March 2, 1983
Date of Hearing: April 13, 1983
Size of Tract: 1.33 acres

Presentation to TMAPC by: Larry Kester
Address: 4960 South Memorial Drive Phone: 665-0130

Staff Recommendation:

Planned Unit Development No. 319 is located just south of the southeast corner of 79th East Avenue and 15th Street South. It is approximately 1-1/3rd acres in size, zoned RD, contains one single-family dwelling, and the applicant is requesting PUD Supplemental zoning to allow a single-family ownership residential community of duplex dwellings.

The Staff has reviewed the applicant's Outline Development Plan and find that it is consistent with the Comprehensive Plan, the purposes of the PUD Chapter of the Zoning Code, and the expected development of the surrounding area.

Therefore, the Staff recommends APPROVAL of PUD #319, 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:

Gross Area	1.33 acres
Permitted Uses	Duplex Dwellings
Maximum No. of Dwelling Units	12 units
Minimum Livability Space Per Dwelling Unit	2,200 sq. ft. average
Maximum Building Height	35 feet
Maximum Number of Stories	2 stories
Minimum Separation Between Buildings	15 feet
Minimum Building Setback from Centerline Abutting Public Street	55 feet
Minimum Building Setback from Centerline Abutting Private Street	30 feet
Minimum Building Setback from Project Boundaries:	
Building A (Rear Yard)	15 feet
(Side Yard)	10 feet
Building B (Side Yard)	8 feet
Off-Street Parking	2 spaces per dwelling unit

(3) Signs shall be limited to 2 fence-mounted signs, the height and surface area to be determined by the Detail Site Plan. If illuminated, shall be by constant light.

(4) That a Homeowner's Association be established to maintain all common areas.

PUD #319 (continued)

- (5) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC prior to occupancy.
- (6) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (7) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Zoning 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. Larry Kester, architect, represented the applicant, who was also present. He did not feel any need to go over the plan, since he is in agreement with the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present.

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

Southwest Quarter of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 11, Township 19 North, Range 13 East, Tulsa, Tulsa County, State of Oklahoma.

Application No. Z-5816

Present Zoning: RS-3

Applicant: Evans, Plowman

Proposed Zoning: IL

Location: SE corner of East Newton Place and Garnett Road

Date of Application: March 3, 1983

Date of Hearing: April 13, 1983

Size of Tract: 4.7 acres more or less

Presentation to TMAPC by: Don Nelson

Address: 10123 South 198th East Avenue - Broken Arrow 74012 Phone: 451-0744

Relationship to the Comprehensive Plan: Z-5816

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2-- Industrial use.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4.7 acres in size and located south of the southeast corner of Newton Place and Garnett Road. It is partially wooded, flat and contains one single-family dwelling zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by single-family dwellings zoned RS-3, on the east by vacant property zoned AG, on the south by single-family dwellings zoned RS-3, and on the west by mostly vacant property in the process of being zoned IL.

Zoning and BOA Historical Summary -- Rezoning trends in the area show that the area is in a transition to light industrial.

Conclusion -- At first glance this tract seems appropriate for IL zoning. It is abutted by IL zoning on the west and the total area is planned for, and is in the process of, transitioning to IL. However, the subject tract is located in the middle of an existing single-family neighborhood. The proper way of allowing this neighborhood to transition to industrial uses is to rezone it from the north or south perimeters. The Staff feels at this time the requested zoning is "spot zoning" and would create an unnecessary disruption to the single-family neighborhood. Therefore, the Staff recommends DENIAL of IL zoning.

Applicant's Comments:

Mr. Don Nelson represented the two applicants. The property owners to the south of these lots have agreed to rezone their property if this application is approved. The west side of Garnett has already been rezoned and Mr. Nelson felt this side should also be rezoned. Commissioner Higgins explained to Mr. Nelson that if all the owners would apply for rezoning at the same time, the chances for approval would be increased substantially; however, this application is to take a strip out of the center of a residential district.

Commissioner Benjamin wondered about the proposed use and Mr. Nelson advised there are no definite plans. This zoning is requested in order to sell the property.

Application No. Z-5816 (continued)

Protestant: Robert Kerby

Address: 11316 East Newton Place

Protestant's Comments:

Mr. Robert Kerby abuts the subject tract. He presented a petition containing 13 signatures of residents living on East Newton Place (Exhibit "D-1"). A lot of the property is rental and it is only 2 blocks long. There are two main objections: water runoff and the lack of adequate sewer facilities.

Applicant's Comments:

Mr. Nelson had no further comments.

Instruments Submitted: Petition of Protest containing 13 signatures
(Exhibit "D-1")

TMAPC Action: 6 members present.

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

The West 395.5' of Lot 1, of Cooley's Subdivision, Tulsa County, Oklahoma, according to the recorded plat thereof; otherwise described as a tract beginning at the Northwest corner of the SW/4 of the NW/4 of Section 32, Township 20 North, Range 14 East, Tulsa County, Oklahoma; thence East a distance of 437.5' along the quarter section line; thence South a distance of 199.2' to a point in the South line of Lot 1 of said Cooley's Subdivision which point is 437.5' East of the West section line; thence West along the South line of said Lot 1 of Cooley's Subdivision a distance of 437.5' to a point on the West section line which point is 199.5' South of the Northwest corner of said SW/4 of the NW/4; thence North along the West section line a distance of 199.5' to the point of beginning, EXCEPT the West 42' thereof dedicated as a public road AND THE North 99' of Lot 2, Cooley's Subdivision, Tulsa County, Oklahoma.

Application No. Z-5817

Present Zoning: RS-3

Applicant: Norman

Proposed Zoning: IL

Location: North of the NE corner of 28th Street North and North Sheridan Road

Date of Application: March 3, 1983

Date of Hearing: April 13, 1983

Size of Tract: 630' x 165.7'

Presentation to TMAPC by: Robert J. Norman

Address: 5715 East 26th Street - 74114

Phone: 835-3639

Relationship to the Comprehensive Plan: Z-5817

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Industrial.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.3 acres in size and located approximately 1,600' north of the northwest corner of Apache Street and Sheridan Road. It is flat and contains three single-family dwellings zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by single-family dwellings zoned IL, on the east by the Tulsa International Airport and associated uses zoned IL, on the south by single-family dwellings zoned RS-3 and on the west by vacant land zoned IL.

Zoning and BOA Historical Summary -- On February 20, 1979, all concurred to rezone approximately 15 acres located immediately to the northwest of the subject tract from AG to IL. On November 20, 1979, all approved a request to rezone a 9-acre tract abutting the subject tract to the west and on March 15, 1983, all approved a request to rezone a 5-acre tract located to the southwest of the subject tract from IL to RMH.

Conclusion -- On the basis of the Comprehensive Plan, the surrounding zoning patterns and uses, the Staff recommends APPROVAL of IL zoning on the subject tract.

Applicant's Comments:

The applicant had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

Lot 2, Block 4, Mohawk Acres Subdivision, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-5818 and PUD #320
Applicant: Hinkle (Southwood Club)
Location: 81st Street and Delaware Avenue

Present Zoning: AG
Proposed Zoning: RD

Date of Application: March 3, 1983
Date of Hearing: April 13, 1983
Size of Tract: 16.05 acres

Presentation to TMAPC by: Roy Hinkle
Address: 7030 South Yale Avenue, Suite 100 - 74136 Phone: 494-2650

Relationship to the Comprehensive Plan: Z-5818

The District 18 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 RD District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 16.05 acres in size and located south of the southeast corner of 81st Street and Delaware Ave. It is wooded, contains a private club, swimming pool, tennis courts and picnic tables and zoned AG Agriculture.

Surrounding Area Analysis -- The tract is abutted on the north by duplexes or attached single-family dwellings zoned RS-3, on the east by a single-family subdivision zoned RS-2, on the south by a townhouse complex zoned RD and on the west by the ORU City of Faith zoned IR.

Zoning and BOA Historical Summary -- In April 1973 the Board of Adjustment approved a request to allow a private club on the subject tract; and, the Board of Adjustment granted a request for duplex use on the abutting tract to the north in November of 1977.

Conclusion -- Based on the surrounding land use, abutting zoning patterns and the Comprehensive Plan, the Staff recommends APPROVAL of RD zoning on the subject tract, less and except the east 50 feet to be zoned RS-2. (The applicant has filed a companion PUD #320.)

Staff Recommendation: PUD #320

Planned Unit Development No. 320 is located just south of the southeast corner of 81st Street and South Delaware Avenue. It is approximately 16 acres in size and the Staff has recommended a combination of RD and RS-2 zoning (Z-5818). The applicant is requesting PUD Supplemental Zoning to allow an attached single-family condominium development.

The Staff has reviewed the applicant's Outline Development Plan and find the proposal in keeping with the intent and purposes of the PUD Ordinance. Therefore, the Staff recommends APPROVAL of PUD #320, 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:

Net Area:	16.05 acres
Permitted Uses:	Single-family attached Condominiums and acces- sory uses.
Maximum No. of Units:	119 units
Maximum Height:	35 feet*
Minimum Livability Space:	2,000 sq. ft., per dwelling
Minimum Off-Street Parking:	2 spaces per unit
Minimum Building Setbacks:	
From north, east and west property lines:	20 feet
From Centerline of Delaware Ave.:	75 feet
Between Garage and Street:	20 feet
Between Buildings:	20 feet

*In addition, there shall be a 2-story height limitation on the total project, less and except any unit which is totally or partially within the east 50 feet shall be limited to 1-story in height.

- (3) That an 8-foot high masonry screening wall be constructed along the east property line; a 6-foot high wood screening fence be constructed along the north and south property lines; and a 4-foot high masonry decorative fence with earthen berms and extensive landscaping be constructed along the west property line.
- (4) That one monument or wall-mounted sign be permitted along the east boundary, provided that it not exceed 32 square feet of display surface area and that it be approved by the TMAPC prior to its construction.
- (5) That a Detail Landscape Plan shall be submitted to and approved by the TMAPC prior to occupancy.
- (6) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (7) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Zoning 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. Roy Hinkle represented the applicant. He is in agreement with the Staff Recommendation. This property is known as the Old Southwood Country Club. The proposed plan is for 119 luxury condominiums, ranging in price from \$100,000 to \$240,000. The owners will be, basically, adults without children. The country club will be remodeled with the swimming pool and tennis courts upgraded. There will be an 8-foot, solid masonry screening fence across the back of the property. Single-story buildings will also be placed on the back. The front will have about a 4-foot screening fence with a security gate. The south and north boundaries will have masonry

Z-5818 and PUD #320 (continued)

posts with wood fencing between. Timbercrest Addition made improvements along the southern edge to keep the water from running into their addition. Mr. Hinkle met with those engineers and representatives of the Homeowner's Association and they felt the water problems have been taken care of. It would not be advisable to build a solid, masonry wall in this area.

Mr. Hinkle displayed two elevation drawings of the property and explained this is a heavily wooded lot and as many trees as possible will be preserved.

Mr. Ted Sack of Sisemore-Sack-Sisemore was present. The owner is aware that on-site detention will be required. This tract has two water sheds and the southern portion drains to the southwest corner of the property. The northern portion of the property drains to the northeast corner. One area to the north has been designated for a detention area and the area to the south has not been studied completely and of course, the tract is subject to platting. The detention requirements are known and will be met.

Interested Party: Ken Olson Address: 2830 East 84th Street

Interested Party's Comments:

Mr. Ken Olson is a member of the Timbers Board of Directors. He is not present to object to this fine plan, but is concerned about the drainage. There has been a serious drainage problem in this area and last year, with the cooperation of the Southwood Club, Timber residents were able to correct the drainage problems. Railroad tie retaining walls were installed, as well as drainage swells. This seems to have alleviated the problem, even with the heavy rains experienced this spring. This is their number one concern and just wanted to go on record by stating the Timbers welcomes a nice, beautiful project like this and believe it will add to the neighborhood.

The other concern of the residents was the weight of the buildings to be built on the south side of the subject tract, since the tie walls have been constructed on that boundary.

Protestant: Margaret Crandal Address: 8235 South College Avenue - 74136

Protestant's Comments:

A letter was submitted by Ms. Margaret Crandal opposing this rezoning and PUD.

Applicant's Comments:

Mr. Hinkle had no further comments.

Instruments Submitted:

Letter of protest from Ms. Margaret Crandal (Exhibit "D-1").

TMAPC Action: 6 members present (Z-5818).

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RD, LESS and EXCEPT the east 50 feet to be zoned RS-2:

LEGAL DESCRIPTION PER NOTICE

The S/2 of the NW/4 of the NE/4 and the S/2 of the N/2 of the NW/4 of the NE/4 of Section 17, T-18-N, R-13-E of the Indian

Base and Meridian, Tulsa County, State of Oklahoma, according to the Government survey thereof.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION

RD

A tract of land containing 17.1920 acres that is part of the NW/4 of the NE/4 of Section 17, T-18-N, R-13-E, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Starting at the NW/c of the NE/4; thence S 0°24'38" West along the Westerly line of said NE/4 for 330.31 feet to the Point of Beginning of said tract of land, said point being the NW/c of the N/2 of the N/2 of the NW/4 of the NE/4; thence South 89°48'50" East along the Northerly line of the N/2 of the N/2 of the NW/4 of the NE/4 for 755.68'; thence S 0°23'1" West for 990.49' to a point on the Southerly line of the NW/4 of the NE/4; thence North 89°50'52" West along said Southerly line for 756.15' to the SW corner of the NW/4 of the NE/4; thence N 0°24'38" East along the Westerly line of the NW/4 of NE/4 for 990.94' to the Point of Beginning, LESS & EXCEPT the East 50' thereof.

RS-2

The East 50' of a tract described as: Starting at the NW/c of the NE/4; thence S 0°24'38" West along the Westerly line of said NE/4 for 330.31' to the Point of Beginning of said tract of land, said point being the NW/c of the N/2 of the N/2 of the NW/4 of the NE/4; thence S 89°48'50" East along the Northerly line of the N/2 of the N/2 of the NW/4 of the NE/4 for 755.68'; thence S 0°23'1" West for 990.49' to a point on the Southerly line of the NW/4 of the NE/4; thence N 89°50'52" West along said Southerly line for 756.15' to the SW/c of the NW/4 of the NE/4; thence North 0°24'38" East along the Westerly line of the NW/4 of the NE/4 for 990.94' to the Point of Beginning, ALL in Section 17, T-18-N, R-13-E, Tulsa County, Oklahoma.

TMAPC Action: 6 members present (PUD #320)

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

LEGAL DESCRIPTION PER NOTICE

The S/2 of the NW/4 of the NE/4 and the S/2 of the N/2 of the NW/4 of the NE/4 of Section 17, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the Government survey thereof.

Application No. Z-5819 Present Zoning: RM-2
Applicant: Voss (P & J Inv., Inc.) Proposed Zoning: IL
Location: East of the SE corner of 1st Street and Trenton Avenue

Date of Application: March 3, 1983
Date of Hearing: April 13, 1983
Size of Tract: 100' x 140'

Presentation to TMAPC by: Bernie Voss
Address: 5119 South Joplin Avenue

Phone: 584-1341

Relationship to the Comprehensive Plan: Z-5819

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special Industrial District.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1/3 acre in size and located 400 feet west of the southwest corner of First Street and Utica Avenue. It is non-wooded, flat, vacant and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by the Crosstown Expressway and First Street, which is a one-way expressway service road, on the east by single-family dwellings zoned RM-2, on the south by single-family dwellings zoned RM-2 and on the west by single-family dwellings zoned RM-2.

Zoning and BOA Historical Summary -- Past zoning actions have established that the entire area is transitioning to industrial uses as designated by the Comprehensive Plan.

Conclusion -- This is another application where the proposed zoning district is consistent with the Comprehensive Plan, but located in such a manner that it would be "spot zoning" and cause unnecessary disruption to a single-family neighborhood.

The subject tract is located in the interior of a small single-family neighborhood; and, if zoned at this time, it would place an industrial use in a location where it is abutting single-family homes on three sides. The ideal approach is to zone tracts which are contiguous to industrially zoned properties, thereby not isolating single-family homes between industrial zoning and development.

Therefore, the Staff recommends DENIAL of the requested IL zoning.

Applicant's Comments:

Mr. Bernie Voss proposes to build a combination office and warehouse on the two subject lots. This area is located in the Vision 2000 Plan as transition from residential to light industrial. Where the transition has taken place on First Street from Utica to Peoria Avenues, the City has benefited. He feels this requested rezoning would also benefit the City.

Application No. Z-5819 (continued)

Interested Party: Eugene Colleoni

Address: 1534 South Delaware - 74104

Interested Party's Comments:

Mr. Eugene Colleoni, Chairman of District #4, has reviewed this application and the planning team has discussed the proposal. This is one of the few remaining "pockets" in this industrial district where there are single-family homes. These homes have been neglected and have run-down to a point where demolition by the City might be ordered. Mr. Colleoni feels the applicant will make this a worthwhile project and has also offered to buy the lots east and west of this property so the people would not be inconvenienced.

Applicant's Comments:

The applicant had no further comments. However, Chairman Kempe asked if Mr. Voss had offered to buy adjoining property. Mr. Voss did discuss the purchase of property to the east. He has also discussed purchase of some property to the west, but not the adjoining property.

Commissioner Petty wondered if the Staff agreed with Mr. Colleoni that these houses are uninhabitable. Mr. Gardner would not agree. This is an area that is in transition and often the Staff tries to protect property owners and individuals in an area when they do not care to be protected. The Commission should be aware that sometime in the future there might be some objection from the neighborhood if this one is approved. However, if it is consistent with the plan and previous actions, the Commission is committed. The Staff takes this approach in the beginning and will probably make different recommendations in the future if this is approved.

Interested Parties: Hazel Strickland
Sara Alpino

Addresses: 1610 East 1st Street
1544 East 1st Street

Interested Party's Comments:

Mrs. Hazel Strickland lives immediately to the west of the subject property. She does not feel her house is in a run-down condition and does not want to be pushed out at this time. She is not opposed to this zoning.

Mr. Colleoni wished to assure Mrs. Strickland that approval of this application would not subject her to any harassment or pressure.

Mrs. Sara Alpino owns property in this area. She wishes this area could be condemned because it is pitiful. The property owners in the area who have kept their property in good condition feel this would help them.

Mrs. Strickland also stated she is not opposed to industrial zoning if it does not operate all night and create a nuisance.

Special Discussion for the Record:

Commissioner Higgins commented this is a situation where the area is in transition and also somewhat run-down. The neighbors seem to want the area cleaned up and see this as a way to accomplish the task.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-0-1 (Benjamin, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; Draughton "abstaining"; Gardner,

Application No. Z-5819 (continued)

Miller, C. Young, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lots 8 and 9, Block 2, Midway Addition, Tulsa County, Oklahoma.

Z-5807 Cox (Webster Prop.) S. & E. of the SE corner of East 91st Street S.
and South Memorial Drive RS-3 to C0

AND

PUD #316 Cox (Webster Prop.) S. & E. of the SE corner of East 91st Street S.
and South Memorial Drive (RS-3)

The Staff requested these items be continued until April 27, 1983. There were no interested parties present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to continue consideration of Z-5807 and PUD #316 until April 27, 1983, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD #319 Benchmark Properties, Inc. East side of South 79th East Avenue, South
of East 15th Street

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development No. 319 is located just south of the southeast corner of 79th East Avenue and 15th Street South. It is approximately 1-1/3rd acre in size and has received Staff recommendation for approval of PUD Supplemental zoning to allow a single-family ownership residential community of duplex dwellings. The applicant is also now requesting Detail Site Plan approval.

The Staff has reviewed the PUD conditions and compared them to the submitted Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Gross Area	1.33 acres	1.33 acres
Permitted Uses	Duplex Dwellings	Duplex
Maximum No. of Dwelling Units	12 units	12 units
Minimum Livability Space Per Dwelling Unit	2,200 sq. ft. Avg.	Exceeds
Maximum Building Height	35 feet	35 feet
Maximum No. of Stories	2 stories	2 stories
Minimum Separation Between Buildings	15 feet	15 feet
Minimum Building Setback from Centerline Abutting Public St.	55 feet	55 feet
Minimum Building Setback from Centerline Abutting Private St.	30 feet	30 feet
Minimum Building Setback from Project Boundaries:		
Building A (Rear Yard)	15 feet	15 feet
(Side Yard)	10 feet	10 feet
Building B (Side Yard)	8 feet	8 feet
Off-Street Parking	2 spaces per Dwelling Unit	2 spaces per Dwelling Unit

Based upon the above review the Staff recommends APPROVAL of the Detail Site Plan, subject to the submitted site plan and PUD approval by the City Commission.

4.13.83:1451(33)

PUD #319 (continued)

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve the Detail Site Plan as submitted, based on the above review.

PUD #237 Kester West of the SW corner of 73rd Street and Lewis Avenue

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 237 is located south of 73rd Street, just west of South Lewis Avenue. It is 3.14 gross acres in size and approved for uses that are by right in an OM District. The applicant is now proposing to revise his parking lot plan to allow for the addition of a drive-through bank facility which is allowed by the PUD. In addition, he is requesting that the sign requirements be changed.

The Staff has reviewed the proposal and the approved PUD conditions and find that the building was approved to have no greater than 68,906 sq. ft. of floor area and that one parking space was to be provided for every 208 sq. ft. of floor area. Using the maximum floor area permitted, 246 parking spaces were required; however, the building was only constructed to a gross floor area of 66,300 square feet requiring only 236 parking spaces based on the PUD parking requirement of 1 space per 280 square feet of floor area. The applicant is requesting to reduce the parking ratio from 280 to 1/301, thereby reducing the required spaces to 220.

The Staff is in the process of amending the Zoning Code where it addresses parking for office uses. It has been identified that the present requirement of 1/400 is deficient and that 1/300 is more appropriate. Therefore, the Staff can support this request as minor as long as medical and dental offices, clinics and labs are prohibited uses. We feel if these were allowed, the parking would be inadequate.

In addition, the applicant wishes to amend the sign restriction from those approved under the PUD (one ground sign a maximum of 32 square feet of display surface area and 4 feet in height) to the less restrictive Zoning Code requirement (one ground sign a maximum of 32 square feet of display surface area and 20 feet in height). Since the request is for no more signage than that which would be permitted by the Zoning Code, the Staff feels this change would also be minor.

Therefore, the Staff recommends APPROVAL of these minor amendments, subject to the following conditions:

(1) Development Standards:

Gross Lot Area (137,797 sq. ft.)	3.14 acres
Net Lot Area (117,363 sq. ft.)	2.69 acres
Permitted Uses:	As permitted as a matter of right by an OM District; plus barber and beauty shops; and except medical and dental offices, clinics, and labs.
Maximum Gross Building Floor Area Permitted	66,300 square feet
Minimum Landscaped Open Space	23% (26,990 square feet)

PUD #237 (continued)

Maximum Building Height	6 stories
Building Setback Requirements:	
South Boundary	180 feet
North Boundary	25 feet
East Boundary	75 feet
West Boundary	100 feet
Minimum Parking	220 spaces (1 space per 201 sq. ft. of building floor area)
Loading Spaces	1 space
Sign	1 ground sign a maximum of 20' high with a maximum of 32 sq. ft. display surface area.

- (2) The existing landscaped or planter areas shall be maintained in their present condition.
- (3) The solid wood fence, along the south boundary abutting the apartment project, shall be maintained in its present condition and that the landscaped area along the west boundary shall be maintained in its present condition.
- (4) A Detailed Site Plan shall be approved by the TMAPC prior to issuance of a building permit.
- (5) A Detail Plan of the proposed sign shall be approved by the TMAPC prior to the issuance of a sign permit.

Applicant's Comments:

Mr. Larry Kester was present and explained that the building is now leased within 15,000 square feet of the total and none of the restricted uses are being permitted. He would obviously wish to have the restriction lifted, but can agree with the Staff Recommendation if the Commission is inclined to include the restricted uses.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Draughton, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve the minor amendment and site plan for PUD #237, subject to the conditions set out in the Staff Recommendation.

PUD #215 Tannehill, Block 40, Chimney Hills South Addition

Staff Recommendation - Minor Amendment:

Development Area "E" is approximately 1/4 mile west of the NW corner of 91st Street and South Memorial Drive. It was approved for single-family and church uses. Since the time of PUD approval it has been platted into one block containing 23 single-family lots and one large lot for the Faith United Methodist Church. The applicant is now requesting to amend his plat to have 31 single-family lots in addition to the Church site.

The total single-family area was approved for 776 lots. All but 8 of those lots have been allocated through Planning Commission actions. The most recent action being PUD #215-C which allocated additional lots to the area abutting the subject tract on the west, north and east. In addition, that

PUD #215 (continued)

action noted that the subject tract was the appropriate area for the remaining 8 lots. Finally, the tract is abutted on the south by CO zoning proposed for a small patio home development.

Given the facts that the request is (1) within the number of units approved by the City, (2) is for only 8 lots, (3) is surrounded on three sides by an undeveloped area previously approved for an increase in lots, and (4) was stated in the previous public hearing and City Commission action as being the appropriate location for the remaining lots, the Staff can support this request as being minor in nature.

Therefore, the Staff recommends APPROVAL of reallocating 8 lots to Chimney Hills South Addition, Block 40, Lots 1 through 23, subject to a replat.

Applicant's Comments:

Mr. Tom Tannehill was present and had no comments.

Mr. Gardner explained that notice was mailed to property owners who were present in the previous meeting. This is not a requirement, but was done as a curtesy.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, "aye"; no "nays"; no "abstentions"; Gardner, Miller, C. Young, T. Young, Inhofe, "absent") to approve this reallocation of 8 lots to Chimney Hills South Addition, Block 40, Lots 1 through 23, subject to a replat.

There being no further business, the Chair adjourned the meeting at 4:25 p.m.

Date Approved

April 27, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Linsley
Secretary