

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1453
 Wednesday, April 27, 1983, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Benjamin	Gardner	Brierre	Linker, Legal Department
Draughon	Miller	Chisum	
Higgins	T. Young	Compton	
Hinkle, Secretary	Inhofe	Gardner	
Kempe, Chairman		Goodman	
Petty, 2nd Vice- Chairman		Jones	
C. Young, 1st Vice- Chairman		Lasker	

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 11:40 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:30 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, T. Young, Inhofe, "absent") to approve the Minutes of April 13, 1983, (No. 1451).

REPORTS:

Chairman's Report:

Chairman Kempe read the following resolution of appreciation acknowledging former Planning Commission member Marian Hennage, who was present:

Resolution No. 1453:575

RESOLUTION:

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, Mrs. Marian Hennage served on the TMAPC for three years from January, 1980 through January, 1983; and,

WHEREAS, Mrs. Hennage held the offices of Secretary in 1981 and 2nd Vice-Chairman in 1982; and,

WHEREAS, she has given freely of her time and talent toward the development of a better community in which to live.

Resolution No. 1453:575 (continued)

NOW, THEREFORE, the members of the Tulsa Metropolitan Area Planning Commission wish to express their deepest appreciation for the concern and service given by former member, Mrs. Marian Hennage.

APPROVED and ADOPTED this 27th day of April, 1983.

Committee Reports:

Comprehensive Plan Steering Committee - Commissioner Hinkle reported that the Comprehensive Plan Steering Committee met at 12:00 today to study the Population Estimates, which will be presented by the Staff later in the meeting.

Rules and Regulations Committee - Commissioner Higgins reported that the Rules and Regulations Committee also met prior to this meeting to discuss Prior Approvals on Lot Splits, Expressway Boundary Notations on Plats and Multiple-Owner PUD's. It was the feeling of the Committee that the requirements of the Subdivision Regulations have been appropriate for 30 years and the Committee can see no reason to change the Regulations due to one lot split. Commissioner Higgins emphasized that the Commission needs to be consistent; if a lot split meets the Regulations, the Commission is giving the Staff the authority to approve it with ratification at a later date.

The Committee discussed the need for a notation on a plat when a proposed street or highway runs through the tract. The Subdivision Regulations already require such a notation, but the Committee would further instruct the Staff that such notations should be made.

The Committee also discussed multiple-owner PUD's. The Committee instructed the Staff to meet with the Legal Department in order to devise a way to protect property buyers in multiple-owned PUD's.

Commissioner C. Young felt some flexibility should be given to the prior approval lot splits. He requested a meeting with the Staff and Legal Department. Chairman Kempe thought this should be sent back to the Rules and Regulations Committee for discussion and encouraged the rest of the Commission to be present in order to discuss this item. Mr. Linker felt there is already flexibility in the Subdivision Regulations and, from the Legal viewpoint, the Commission must instruct the Staff. If the Commission gives the Staff the authority to make prior approvals, that is final approval. If the Commission wishes to place limitations on this, the Staff must be instructed as to which lots should not receive prior approval.

Chairman Kempe requested a meeting of the Commission at 1:00 p.m. next Wednesday, in order to discuss prior approval of lot splits.

Director's Report:

Mr. Lasker explained that INCOG has the responsibility of developing Population Forecasts, which are used in developing various plans, such as housing, water and sewer, open space, etc.

Director's Report: (continued)

Mr. Rich Brierre, Assistant Director of INCOG, explained the update of the population projections was completed after new data became available from the 1980 Census for the Tulsa area. The previous population projections were completed in 1978. These have been used for transportation studies, water and sewer studies and other functional plans. To assist the Staff, a Technical Advisory Committee was created, consisting of representatives from the Tulsa Metropolitan Chamber of Commerce, the Oklahoma Employment Security Commission, Tulsa Public Schools, Tulsa Area Agency on Aging, City Development Staff, State Data Center and a number of other agencies that might be knowledgeable about the area of population, or might be users of population data after it was produced. The submitted report is the consensus of that group. Population projections were extended to the year 2010. An Executive Summary was submitted (Exhibit "A-1"), which shows the population of the SMSA that is being projected at 945,901 people for the 6 counties within the SMSA. The Staff is anticipating an approval process that would include endorsement of the population projections by the Planning Commission, endorsement by the City and County Commissions and then approval by the INCOG Board at the May 12, 1983, meeting. The resolution presented would instruct the Staff to use these projections for all the planning activities involved with maintaining and updating the Comprehensive Plan and the various functional plans. It would encourage the other public planning agencies to use the projections, as well as any other users of population data.

Mr. Ed Jones, Manager of the Research and Data Management Staff of INCOG, explained the project involved about 4 months in which to develop an economic, determinant model of population that is based upon certain assumptions pertaining to employment, labor force participation rates and unemployment rates. It was assumed for a 30-year period that unemployment would average about 5%. The labor force participation rate took into consideration historical changes from 1960 to 1980. In general, male rates in the prime working ages were steady or declining slightly. These were at very high levels in the retirement age categories. For males in the decade of the 1970's, labor force participation declined radically, primarily due to higher benefits, both through pension and social security. For females in all groups over the decade, there was a very high growth rate in labor force participation. It was assumed that the rates for males in the prime working age category to continue. The Staff froze at 1980 the retirement age labor force participation rates for males because it was thought there will be less munificence in Social Security and other benefits in those categories, since the age for retirement will eventually rise with the new Social Security law. The rate for females was frozen at the year 2000, since it is unlikely the high rates would continue.

The procedure followed to project population is a conservative one. The type of growth experienced in cities such as Houston in the last 15 years would not be captured by a process such as this. The Staff feels the methodology of this procedure is sound and the projections reasonable.

Commissioner C. Young wondered about the substantial decrease in growth of 1990 to 2000 and up to 2010. Mr. Jones explained the high

Director's Report: (continued)

growth rates are not sustainable. As the base increases in labor force participation, the percentage change will decline. Also, the projection mirrors age change. For example, this is the very end of the "baby boom generation" and this reflects that age advancement. Lower birth rates are expected in the 1990's and 2000.

Mr. Brierre explained the Staff is expecting to update the projections every 3-5 years and they will compare projections with population estimates provided by various agencies.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, T. Young, Inhofe, "absent") to approve and adopt the following resolution:

Resolution No. 1453:576

RESOLUTION:

RESOLUTION ADOPTING POPULATION FORECASTS FOR
THE TULSA STANDARD METROPOLITAN STATISTICAL
AREA (SMSA) AND ITS COMPONENT COUNTIES

WHEREAS, The preparation, development, and adoption of population forecasts is a vital part of the overall planning efforts of the metropolitan area; and

WHEREAS, It has been deemed necessary that new population forecasts be specified for the Tulsa Standard Metropolitan Statistical Area (SMSA) and its six component counties (Tulsa, Osage, Creek, Rogers, Wagoner, and Mayes); and

WHEREAS, The INCOG staff, with the aid of a Technical Advisory Group, has prepared population forecasts for the years 1980-2010 in 10-year intervals; and

WHEREAS, The population forecasts are contained in a technical report "Tulsa SMSA Population Forecasts: 1980-2010".

NOW, THEREFORE BE IT RESOLVED, That the Tulsa Metropolitan Area Planning Commission (TMAPC) adopts the following population forecasts as contained in Exhibit 1:

EXHIBIT I

TULSA SMSA POPULATION FORECASTS 1980-2010

	Census		Projections	
	1980	1990	2000	2010
TULSA SMSA	689,434	834,072	905,100	945,901
Creek	59,016	70,913	76,142	79,872
Mayes	32,261	41,121	44,784	47,151
Osage	39,327	46,895	49,324	50,893

Director's Report: (continued)

Rogers	46,436	62,755	71,188	76,550
Tulsa	470,593	551,122	591,526	611,363
Wagoner	41,801	61,266	72,136	80,073

BE IT FURTHER RESOLVED, That the TMAPC requires that the population forecasts, contained in Exhibit I be used as the official population projections for updating the Comprehensive Plan and related functional plans.

BE IT FURTHER RESOLVED, That the TMAPC recommends that all other public and private organizations should be encouraged to use these forecasts for planning purposes to the maximum extent practicable;

BE IT FURTHER RESOLVED, That the TMAPC encourages the review and revision of the population forecasts at least every three to five years or sooner if conditions warrant; and

BE IT FURTHER RESOLVED, That the TMAPC recommends that the Tulsa City Commission, the Tulsa County Commission, and the INCOG Board adopt the population forecasts and encourage their use in all local and regional planning efforts.

APPROVED AND ADOPTED THIS 27th day of April, 1983.

Mr. Lasker also informed the Commission that the 3rd Annual INCOG Golf Tournament will be held on May 21, 1983, at the Sand Springs Golf Course. All Commissioners are invited to participate.

PUD #318 Staff Recommendation: (continued)

the Staff would recommend only enough commercial zoning to support the Plan. This would be a tract located in the NE corner 250 feet east and west and 435 feet north and south.

Given this zoning pattern, the Staff can support the requested PUD and recommend APPROVAL, subject to the following conditions:

(1) That the applicant's Outline Development Plan be made a condition of approval.

(2) Development Standards:

Gross Area	6.00 acres
Net Area:	4.99 acres
Permitted Uses:	Use Unit 11 Offices, Use Unit 12 Eating Places, Use Unit 13 Convenience Goods & Services, Use Unit 14 Shopping Goods & Services, provided that convenience grocery and nightclubs, sexually oriented businesses and free-standing eating places are specifically excluded.*
Maximum Floor Area	63,150 square feet**
Maximum Stories	1-story
Maximum Building Height	14 feet
Minimum Internal Landscaped Open Space	12% of net area, excluding landscaped right-of-way
Minimum Building Setback From Centerline of 53rd Street	100 feet
Minimum Building Setback From West Boundary	25 feet
Minimum Building Setback From South Boundary	20 feet
Minimum Building Setback From Centerline of Memorial Drive	110 feet
Off-Street Parking and Loading Requirements	As provided within Section 1214.4 of the Zoning Code
Other Bulk and Area Requirements	As provided within a CS District

(*Within the north 150 feet of the west 150 feet, the permitted uses shall be limited to offices.)

(**Of the maximum permitted floor area, not more than 54,150 square feet shall be used for non-office purposes.)

(3) Sign Standards:

Signs accessory to principal uses within the project shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Monument Signs

A monument sign shall be permitted as an accessory sign for the office building not exceeding 4 feet in height and 32 square feet in surface area.

4.27.83:1453(7)

PUD #318 Staff Recommendation: (continued)

Ground Signs

With the exception of the one monument sign provided above, ground signage shall be limited to one sign which shall not exceed a height of 20 feet nor a display surface area of 72 square feet.

Wall or Canopy Signs

The aggregate display surface area of the wall or canopy signs shall be limited to 1-1/2 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

Lighting:

Signs shall use constant lighting and no flashing lights.

- (4) That roof-mounted heating and air conditioning equipment shall be screened from sight.
- (5) That all trash receptacles shall be screened from sight and set back at least 25 feet from the west boundary.
- (6) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to the issuance of a Certificate of Occupancy, including the repair and extension to a 6-foot height of an existing masonry wall along the west boundary, a landscaped buffer along the west boundary, a 20-foot wide landscaped area along the west 45 feet of the 53rd Street frontage, and internal landscaping throughout the project.
- (7) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a Building Permit.
- (8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and 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.
- (9) That the rear of the west side of the structure along the west property shall be architecturally consistent with the fronts of said structures.
- (10) That the project be constructed as one phase, including the office portion of the project.

Applicant's Comments:

Mr. Roy Johnsen represented the Ralph L. Jones Company. A contract for purchase has been entered into by his client for this property. Mr. Johnsen felt the physical facts are a most important consideration on this tract. The north boundary of this property is 53rd Street. To the immediate north from 53rd Street is an existing, developed commercial area. A shopping center faces south into the subject property on 53rd Street. The main commercial complex, which is immediately to the north of this shopping center, includes three major uses. Mr. Johnsen submitted 8 photographs of the area and the subject property (Exhibit "B-1").

Z-5803 and PUD #318 (continued)

On the east side of Memorial is a cemetery. There is a median break approximately 265' north of the south boundary of the subject property. The Traffic Engineering Department has unofficially approved a turning bay so there will be an effective left turn movement off Memorial into the subject property. This feature does not exist for a number of other properties along Memorial.

The subject property and properties to the north and south have never been designated in any of the subdivision plats as single-family lots. About a year ago, this property was under application for OM zoning and the proposed use was a three-story office building or complex. This received protests, mainly because of the height. The OL zoning was imposed at that time. There has never been a determination on the retail aspect. In establishing CS patterns, transition is always a concern, as well as buffering. To the south of this property is a lot that is under construction for office development. Farther to the south of that property is also office development.

Memorial is a primary arterial and 51st Street is a secondary arterial; therefore, under the Guidelines, this would be a 10-acre node. If this were zoned under typical guidelines, there would be 10 acres of commercial that would permit a floor area ratio of .5 times that amount of zoning. It is anticipated under the Guidelines that PUD's will be filed and that amount of commercial will be spread. The applicant is requesting 9,000 square feet of office floor area and 54,150 square feet of retail floor area. A zoning pattern has been derived that would give the underlying zoning which would permit such an intensity of use. Mr. Johnsen exhibited a map displaying his recommendation of a zoning pattern if the Commission felt the PUD was appropriate (Exhibit "B-2").

The applicant did attempt to make contact with the property owners abutting the subject tract because it was apparent this would be a concern. There is an existing wall along the common boundary of the subject property and the single-family homes backing to the west. The property owners were mainly concerned with an invasion of their privacy due to a two-or-more-story building. The proposed development would be limited to one-story. The Ordinance would permit, theoretically, a PUD on the subject property of office, having a floor area of 104,544 square feet. The Commission would not have to approve such a request, but the Ordinance contemplates this. If this were developed to maximum offices, there would be less traffic in terms of numbers, but the peak traffic times would coincide between the office and adjacent arterials. This could cause additional conflict, which would not occur as often with commercial as much as office. The uses in this PUD will exclude Use Unit 19 and include only the uses permitted in Use Units 11, 12, 13 and 14. An initial plan was prepared based on these restrictions and they then met again with the residents. It is Mr. Johnsen's understanding that a few residents felt this might be an appropriate development; however, there were more that did not. The developer was trying to work toward a plan that would meet the objections. The initial plan placed emphasis on the front of the property, but the residents were concerned about the back of the buildings. On the second plan, there is some parking in the rear with potential openings into some of the buildings. The Staff reached similar conclusions to the concerns voiced by the residents. This resulted in the third site plan, which was displayed. The buildings are placed in a campus-type setting with 5 retail buildings and 1 office building. Although there is a

Z-5803 and PUD #318 (continued)

shopping center on 51st Street facing the subject property, a transition was needed on this critical corner; therefore, this is limited to an office use. The campus effect gives an opportunity to break up the appearance and most people find it to be more visually pleasing.

The second step was the building configuration in back. Some of the objectionable features in existing buildings are trash receptacles; obvious electrical meters and conduits; flat concrete walls; visible heating and air conditioning units; and, parking with a lot of activity. The final design is thought to be responsive to these objectionable visual objects. The corners of buildings have been cut off to give a more softened effect. The same materials will be used in the front and back with no parking in the rear. Conditions have been placed in both the development text and the Staff recommendation to alleviate these eyesores.

A 5-foot area of landscaping along the rear has been provided, along with the existing screening wall. The developer will extend the wall to 6 feet in height. The landscaping would be trees that would exceed the height of the wall and would soften the profile of the building. There are grade elevation changes on the tract but the residents should not be able to see more than a roof design from their rear yards with the fence and landscaping. This should be as acceptable as an office-type use.

Some of the traditional objections to signs in commercial districts have been handled with PUD's. This center would be limited to one ground sign and wall signs. There would be no clutter of signs.

Mr. Johnsen feels the Staff has reached a conservative recommendation, based on the fact that commercial is usually not extended beyond the node. However, as far as intensity, this property is not that far removed from the node or what the Guidelines would customarily permit. This is not a typical property because it is between office to the south and commercial fronting it. It is not excessively deep and this project could be done well and still maintain consistency with the planning objectives.

Commissioner C. Young wondered how the Planning Commission could keep from stripping Memorial with more commercial if this application is approved. Mr. Johnsen felt if a transition were to be provided, it should have been done on the property to the north that fronts into 53rd Street and the subject property. All of the property to the south has been developed as office. This property is closer to the intersection and is across the street from commercial. It will have a buffer and is being brought in as a PUD. Commissioner C. Young thought the Commission would be in danger of further stripping Memorial to the south if this is approved.

<u>Protestants:</u>	Milo Reno	Addresses:	5403 South 79th East Avenue
	Bill Clinton		5415 South 79th East Avenue
	Stephen L. Maxwell (Letter)		7912 East 53rd Street

Protestants' Comments:

Mr. Milo Reno represented approximately 150 area residents and presented a petition containing 151 signatures (Exhibit "B-3"). The residents are not opposed to development of this property. In fact, the area residents have encouraged development. However, they are opposed to the commercial aspects. Mr. Reno presented 6 pictures (Exhibit "B-4") showing shopping centers within one mile of this property and all of them single-story

backing to residential property. Shopping centers and commercial uses draw mice and rats, which one of the pictures illustrates. The residents feel the light office concept would be the best land use pattern and support this. He submitted 8 pictures illustrating the 8 houses that abut the subject property (Exhibit "B-5"). The residents do not feel a proper buffer has been provided for commercial use. Mr. Reno also submitted three drawings; one showing the layout for the office under construction to the south of the subject property, one showing a potential layout for the subject tract under office zoning and a drawing of the tract and the proximity of the abutting houses (Exhibit "B-6"). He also submitted 5 photographs of the existing offices in the area (Exhibit "B-7"). These properties have been kept neat. This property was previously zoned OL when an application was submitted for OM zoning. The residents were in favor of that decision, as was the Planning Commission and City Commission.

Mr. Bill Clinton is a real estate appraiser who lives in the area. He has researched cases inside this subdivision. The first one is at 5103 South 76th East Avenue, which backs up to commercial property. Its comparable house is 5429 South 76th East Avenue, which is inside the addition's property. The first property sold for .787% of the inside property, which is over a 20% reduction. Another comparison was .755%. These are actual sales. The buyers contention is that commercial property ruins property values. Admittedly, these houses are higher than the City average by 15% to 20%. It should be stated that OL zoning will have some effect, also. However, in this area, the OL zoning has not affected other property as much as other areas.

Mr. Clinton submitted a letter from Mr. Stephen Maxwell who could not be present, but was opposed to the applications (Exhibit "B-8"). Mr. Clinton informed the Commission, after reading the submitted letter, that Mr. Maxwell had done a lot of research on this subject.

Applicant's Comments:

Mr. Johnsen felt that any house on the edge of a neighborhood is less than a house in the interior. Homes abutting office zoning would be of less value than an interior house. This is also true of homes abutting vacant property. The subject tract is not a typical piece of property. It was platted, the wall was built and it is obvious this tract is not for residential use. It is Mr. Johnsen's opinion that commercial is a proper part of the community and can be developed properly with a PUD and proper zoning. There is already commercial in the area and some homes in this addition abut heavy commercial uses without any buffering. With the conditions placed in the PUD, there are no significant differences in activity or function than there would be with office development.

The property owned by Mr. Maxwell is difficult because it is on the corner of 51st and the existing commercial is separated by only a 50-foot street. This was the reason for the office building on the end. Perhaps transitions of other kinds should have been provided. Mr. Johnsen feels the PUD is the correct approach. The developer has designed the project in the best possible way. Suggestions were invited and the Staff has provided these in the PUD conditions.

Special Discussion for the Record:

Commissioner C. Young did not feel commercial zoning should be taken beyond the node because the street ends up being stripped. Memorial is already

Z-5803 and PUD #318 (continued)

stripped. Commercial next to residential is not an effective buffer, in his opinion. There are noise problems, longer hours and more traffic. Since there is office developing to the south, Commissioner C. Young did not think there was a hardship on this property. The Plan Map designates the property lower density than commercial and the Staff recommends denial.

Commissioner Petty agreed with the comments made by Commissioner C. Young. In a previous hearing, the residents complained of the blowing trash from the commercial property on the corner of 51st and Memorial.

TMAPC Action: 7 members present (Z-5803)

On MOTION of PETTY, the Planning Commission voted 6-1-0 (Benjamin, Draughon, Higgins, Hinkle, Petty, C. Young, "aye"; Kempe, "nay"; no "abstentions"; Gardner, Miller, T. Young, Inhofe, "absent") to DENY the requested CS zoning on the following described property:

Lot 1, Block 14, Southern Plaza Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT the following described portion thereof, to wit: BEGINNING at the Southeast corner of said Lot 1; thence South 89°-49'-51" West along the North line of East 55th Street South, a distance of 49.83' to a point; thence along a curve to the left, with a central angle of 8°-06'-5" and a radius of 1,720.00', a distance of 243.20' to a point; thence South 81°-43'-46" West a distance of 7.52' to the Southwest corner of said Lot 1; thence North 0°-10'-09" West along the West line of said Lot 1, a distance of 194.86' to a point; thence North 89°-49'-51" West a distance of 299.67' to a point on the East line of Lot 1; thence South 0°-10'-09" East a distance of 176.64' to the POINT OF BEGINNING.

TMAPC Action: 7 members present (PUD #318)

On MOTION of C. Young, the Planning Commission voted 6-1-0 (Benjamin, Draughon, Higgins, Hinkle, Petty, C. Young, "aye"; Kempe "nay"; no "abstentions"; Gardner, Miller, T. Young, Inhofe, "absent") to DENY the requested PUD on the following described property:

Lot 1, Block 14, Southern Plaza Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT the following described portion thereof, to wit: BEGINNING at the Southeast corner of said Lot 1; thence South 89°-49'-51" West along the North line of East 55th Street South, a distance of 49.83' to a point; thence along a curve to the left, with a central angle of 8°-06'-05" and a radius of 1,720.00', a distance of 243.20' to a point; thence South 81°-43'-46" West a distance of 7.52' to the Southwest corner of said Lot 1; thence North 0°-10'-09" West along the West line of said Lot 1, a distance of 194.86' to a point; thence North 89°-49'-51" West a distance of 299.67' to a point on the East line of Lot 1; thence South 0°-10'-09" East a distance of 176.64' to the POINT OF BEGINNING.

Instruments Submitted:

8 Photographs of the area & subject tract	(Exhibit "B-1")
Map of Zoning Pattern as requested	(Exhibit "B-2")
Protest Petition containing 151 signatures	(Exhibit "B-3")
6 Pictures showing office complexes in the area	(Exhibit "B-4")

Z-5803 and PUD #318 (continued)

8 Pictures showing abutting homes	(Exhibit "B-5")
3 drawings	(Exhibit "B-6")
5 Photographs of existing offices	(Exhibit "B-7")
Letter of Protest from Stephen Maxwell	(Exhibit "B-8")

Application No's. Z-5807 and PUD #316 (continued)

NOTE: The Staff sees this case as being extremely difficult to analyze, since the other zoning approvals in the area have been based upon the future development of the Creek Expressway. The Staff can support under the PUD the use of the RS-3 Duplex exception, which would allow up to 8.7 units per acre or 314 units on the total tract to be developed. The applicant, under his original PUD, is requesting 616 units and the Staff sees this as excessive density given the existing physical facts. Theoretically, an argument might be made that a 200' RM-1 buffer along the west property line would be appropriate as a transitional district. This RM-1 and RS-3 zoning pattern would allow approximately 450 to 480 units on the total tract. Under the PUD Site Plan, the higher density could be held to the southwest corner, leaving a large single-family area next to the existing single-family on the north and east.

If the Planning Commission is supportive of this argument, it could recommend a 325-foot strip of CO zoning along the west side of the requested CO zoning and a continuance of the PUD one week in order for it to reflect the Staff's recommended changes to the Site Plan and specific conditions.

Special Discussion for the Record:

Commissioner Petty Felt that as long as the expressway is still on the map, the Staff must assume it will be built. Mr. Gardner was considering the Guidelines when making the Staff recommendation. The only thing that can be assumed about this expressway is it will be built to 71st Street and the possibility it will be extended to Memorial is good. Although it is on the Plan Map, there are three developments that have been approved in the path of this expressway. The Rules and Regulations Committee has now recommended to the Planning Commission that a notation be made on plats when an expressway is proposed through a property. The Corridor zoning to the west also has frontage on the major street and this applicant is asking to carry the corridor zoning into the interior. If the expressway were built, a compromise between this request and the existing RS-3 would be appropriate. Without assurance that the expressway will be built, the Staff has a problem with recommending additional densities in the interior subdistrict. Commissioner Petty felt the Staff should assume the expressway will be built. The Corridor zoning might help to get the expressway built.

Applicant's Comments:

Mr. John Moody represented the Webster-Jackson Corporation who originally owned the entire 160-acre intersection. Initially, the property was zoned under traditional zoning patterns for commercial, multifamily and single-family and started construction of the Oak Leaf single-family development in 1977. This addition was started about the time of the housing recession occurred and has had a number of vacant lots for some time. The entire 160 acres then became a depressed property. The Corridor zoning was then viewed as an opportunity to redesign and redesignate the uses for something more compatible with the existing market. An application was filed by another attorney on all of the subject tract under the PUD, including the 80 acres that comprises the west-half of the 160-acre tract. The Staff recommended denial of that portion of the application. The applicant agreed with the Staff recommendation and withdrew this portion. Corridor zoning was approved on the remainder of the tract. There is existing Corridor zoning which permits commercial of high or medium intensity. There are apartments in front of this property. Corridor would have been approved in 1977 when

development began because of the Corridor zoning on the other side of Memorial. Now there is a problem as to whether or not the expressway will be built. The request is appropriate from a land use and planning standpoint. However, there is existing single-family development on the east and north boundaries of this tract.

Mr. Moody has been working with the Staff and explained the process employed to arrive at the submitted plan. East 93rd Street is a residential collector street which was already extended into the property at this location and it will be built under any circumstance. A plan was presented to the Staff earlier this week which would permit 532 dwelling units. This eliminated the townhouse concept and added several rows of single-family homes to abut the property on the east. The Staff still felt the 532 units was too dense, although the developer was trying to provide internal buffering of single-family to protect the single-family homes to the east and north and isolate the multifamily next to the existing multifamily zoning.

The applicant is requesting an amendment to the application, reducing the Corridor request from 11.5 acres to 4.835 acres. The submitted text (Exhibit "C-1") reflects this amendment. This is a 325' strip of CO for 4.835 acres with the balance remaining RS-3. Then, by using a PUD, the density could be combined for a total density of 480 dwelling units. Mr. Moody feels this represents a reasonable compromise under such a stressful situation.

A revised Site Plan has been submitted to the Staff, which is the reason for the Staff's request for continuance on the PUD if the Commission feels the amended request is reasonable. Over a two-week negotiation process, the applicant has gone from 616 dwelling units down to 480 dwelling units. A petition has been circulated through the single-family subdivision to the north in order to amend the covenants in that addition to reduce the minimum square-footage required in these homes because they recognize it is better to have some houses in this addition than have vacant lots.

From a land use planning standpoint, Mr. Moody feels that this plan accomplishes all those factors the Commission normally recommends. It is a unified treatment of the site as a whole, it is compatible with the existing property and zoning in the area, it meets all the physical facts, there is no floodplain zoning, there are no severe topographical features and it honors the expressway. Mr. Moody does not feel the Staff has an adamant objection to the zoning when the PUD is taken into consideration. He agrees with the one week continuance of the PUD.

Mr. Gardner agreed the Staff could be supportive of this kind of PUD in terms of land use relationships. The only way to achieve the PUD, however, is to recommend more zoning on the interior.

Commissioner Petty felt the Commission has a responsibility to uphold the integrity of the planned expressway system and also that the developers and lending institutions be made aware of this attitude. This expressway is necessary.

Mr. Lasker added there recently was an action to have a public hearing on the route of this expressway. Last week, the Policy Committee rescinded that action and are looking to keep the expressway on the plan and consider any changes when the Transportation Plan is updated.

Application No's. Z-5807 and PUD #316(continued)

Protestants: None.

Instruments Submitted: Development Text

Exhibit "C-1"

TMAPC Action: 6 members present (Z-5807)

On MOTION of C. YOUNG, the Planning Commission voted 5-0-1 (Higgins, Hinkle, Kempe, Petty, C. Young "aye"; no "nays"; Draughon "abstaining"; Benjamin, Gardner, Miller, T. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO on a 325' strip with the balance remaining RS-3:

LEGAL DESCRIPTION PER NOTICE

A tract of land being a part of the NW/4 of Section 24, Township 18 North, Range 13 East of the Indian Base and Meridain, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Commencing at the SW corner of Lot 10, Block 1 of Oak Leaf, Block 1 through Block 7, an Addition to the City of Tulsa, as per the recorded plat thereof, thence due South a distance of 671.97 feet to the Point of Beginning, thence due South a distance of 648.26 feet to a point, thence South 86°39'33" East a distance of 772.75 feet to a point, thence due North a distance of 648.26 feet to a point, thence North 86°39'33" West a distance of 772.75 feet to the Point of Beginning.

LEGAL DESCRIPTION PER PLANNING COMMISSION ACTION

CO

A tract of land being a part of the NW/4 of Section 24, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: Commencing at the SW corner of Lot 10, Block 1 of Oak Leaf, Block 1 through Block 7, an Addition to the City of Tulsa, as per the recorded plat thereof, thence due South a distance of 671.97 feet to the Point of Beginning, thence due South a distance of 648.26 feet to a point, thence South 86°39'33" East a distance of 325.00 feet to a point, thence due North a distance of 648.26 feet to a point, thence North 86°39'33" West a distance of 325.00 feet to the Point of Beginning.

TMAPC Action: 6 members present (PUD #316)

On MOTION of C. YOUNG, the Planning Commission voted 5-0-1 (Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; Draughon "abstaining"; Benjamin, Gardner, Miller, T. Young, Inhofe "absent") to continue consideration of PUD #316 until May 4, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING

Application No. CZ-78
Applicant: Shields (Murry, Harvey)
Location: NE corner of Highway #11 and 99th Street North

Present Zoning: AG
Proposed Zoning: CS

Date of Application: March 7, 1983
Date of Hearing: April 27, 1983
Size of Tract: 21 Acres

Presentation to TMAPC by: Jay Shields
Address: 2121 S. Columbia Avenue, Suite 101 - 74114 Phone: 745-6084

Staff Recommendation:

Relationship to the Comprehensive Plan: CZ-78

The Comprehensive Plan for the Tulsa Metropolitan Area does not cover the subject property; however, the Development Guidelines identify commercial land use objectives to be: (1) Provide commercial areas of sufficient size and in locations which will conveniently serve the people of the area in relation to their needs, and (2) develop the Central Business District to accommodate a vast array of metropolitan administrative, commercial, governmental and cultural activities.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 18 acres in size and located both east and west of Highway #11 and 900' north of Main Street. It is non-wooded, rolling, mostly vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned residential; on the east by a single-family neighborhood zoned residential; on the south by mixed commercial and residential uses zoned commercial and residential.

Zoning and BOA Historical Summary -- Past zoning has established a commercial Central Business District along either side of Cincinnati Avenue and Main Street.

Conclusion -- Based upon the objectives of the Development Guidelines and west portion of the tract being located on either side of Highway #11, the Staff can support CS zoning. However, the east 482' is an interior tract and abutted on two sides by existing single-family residential. This portion of the tract is clearly inappropriate for commercial uses.

Therefore, the Staff recommends APPROVAL of CS zoning on the subject tract as requested, less and except the east 482'.

Applicant's Comments:

Mr. Jay Shields represented Mr. W.E. Harvey, Mr. Patrick Murry and the proposed Sperry State Bank, which will eventually be built on 2 acres of this tract. The tract contains approximately 20 acres with 3 acres taken out for the right-of-way for Highway #11. The 2 acres for the bank site is in the middle of the tract. Mr. Shields submitted a plat of survey (Exhibit "D-1"). The CS request on the entire tract was due to the fact the property is next to the main arterial of Highway #11. It would be appropriate to subdivide at a later date or sell as commercial

Application No. CZ-78 (continued)

property. The applicant would like more CS zoning than the Staff recommends because the bank might wish to expand in the future. With the curvature of Highway #11, the southwest corner of the east tract would have to set back farther in order to develop. Coal Street from the south to the north dead-ends at the border of this tract. If the street were to be extended, this would be a buffer zone for the existing homes or development could occur to the north of the subject tract. Mr. Shields would request consideration of CS zoning back to the area where Coal Street would intersect the tract. This would be approximately 212 feet. There is also a producing oil well in the far northwest corner, which would eliminate a 200' x 200' area.

Commissioner C. Young could not agree with the application because residential development would be facing into commercial zoning. Mr. Shields agreed, except there would be a street between the two zonings. The primary objective at this time is to zone CS at least the front part of this property. He would accept the Staff recommendation, but would prefer the CS zoning extend to Coal Street.

Interested Party: Martha Davis, Mayor Address: City Hall, Sperry, Okla.

Interested Party's Comments:

Mrs. Martha Davis, as Mayor of Sperry, feels this bank will be an asset to the community. Coal Street would provide another access other than the highway.

Special Discussion for the Record:

Commissioner Higgins wondered if there would be enough room to build residential houses between Coal Street, if extended, and the existing homes. Mr. Gardner explained there is a half street dedication on the north, which would probably be continued to this property. There is potential for a street on the north. The Staff cannot support commercial on the entire tract because the residential homes on the north side would be affected by the heavy traffic to commercial uses. The Staff recommendation would permit the bank plus room for expansion.

Protestants: None.

Instruments Submitted: Plat of Survey (Exhibit "D-1")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned as requested, LESS and EXCEPT the east 482':

LEGAL PER NOTICE

The N/2, of the NW/4 of the SW/4 of Section 13, Township 21 North, Range 12 East of the Indian Base and Meridian, LESS Highway Right-of-Way, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, LESS and EXCEPT: The South 113' of the West 180' of the N/2 of the NW/4 of the SW/4 of Section 13, Township 21 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

Application No. Z-5820 (continued)

The area is not conducive to a good church atmosphere. This zoning would also provide more employment for the area. The business across the street has shut down, but he believes this business will be returning. It is also not conducive for family dwellings. The church sets on the corner at Joplin and a residence exists, which is used for classroom space. This congregation will be merging with another one and will be moving east of town.

Protestants: Judy Patrick
Steven Wolfe

Addresses: 2004 East Kingston Avenue
1325 South Main Street

Protestants' Comments:

Mrs. Judy Patrick represented many of the area residents. A petition was circulated last night and was presented to the Commission containing 30 signatures (Exhibit "E-1"). This petition represents established residences. There are apartments in the area and a trailer park. The only signatures of residents in the trailer park are ones who have been in the park for 10 or more years and one apartment dweller who has lived there 3 years. The reasons for opposition were increased noise, increased traffic on residential streets, increased hazards to children due to traffic, lowering of residential property values and the fact there is no need for this zoning. The commercial tract in the area went out of business three weeks ago. There were constant problems when it was in operation and congestion from trucks. Often there were metal shavings in the streets, as well as equipment in the street.

An informal survey of the area was made and it was found about 10% of the existing commercial is not being utilized at this time. There is a large, commercial building that has been available for rent since August. Mrs. Patrick pointed out several other particular buildings that are zoned commercial and are vacant and varying in size.

Mr. Steven Wolfe is an attorney representing Mr. J. W. Harbor of 2016 North Joplin Avenue who owns 2 houses and a trailer park in the area. When off-street parking was permitted, difficulties arose. However, this permitted parking was for the business that has closed and the neighborhood has returned to a tranquil and serene neighborhood. Commercial zoning would violate the integrity of this neighborhood. The residents have no opposition to the church use.

Applicant's Comments:

The applicant had no comments.

Instruments Submitted: Petition of opposition containing 30 signatures
(Exhibit "E-1")

TMAPC Action: 6 members present.

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

Lots 1, 2, 3, 4, 5, & 6, Block 12, Original Townsite of Dawson,
Tulsa County, Oklahoma.

PUD #166-C Ingram (Burlingame) SE corner of 91st Street and Sheridan Road (CS)

The Staff requested a one-week continuance for this PUD.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to continue consideration of PUD #166-C until May 4, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

For Final Approval and Release:

The Charter, Block 2 (PUD #275) (2183) South and West of the SW corner of
91st Street and Yale Avenue (RS-3, RM-1, RM-2)

Creekwood Addition (PUD #215) (1483) 81st Street and South 77th East Ave.
(RS-3)

AND

Famco Heights (1183) NW corner of 81st Street and Memorial Drive (CS)

The Staff advised the Commission that these plats have been processed, all release letters have been received and final approval and release is recommended.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, T. Young, Inhofe, "absent") to approve the final plats of The Charter, Block 2, Creekwood, and Famco Heights Additions, and release same as having met all conditions of approval.

Blake Hills (1583) SE corner of 81st Street and South Yale Avenue (RM-1)

The Chair, without objection, tabled this item.

OTHER BUSINESS:

PUD #295 David Barnes SE corner of 51st Street and South Columbia Place

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development No. 295 is located approximately 260' south of East 51st Street South, just east of South Columbia Place. It is approximately 1.74 acres in size and has City Commission approval of PUD supplemental zoning to allow detached, single-family dwellings. The applicant is 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	1.74 acres	1.74 acres
Permitted Uses	Single-family	Single-family
Maximum No. of Dwelling Units	21 units	21 units
Minimum Livability Space/D.U. Avg.	1,200 sq. ft.	Exceeds

PUD #295 (continued)

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Maximum Building Height	35 feet	35 feet
Minimum Off-Street Parking	2 spaces/per unit	2 spaces/unit
Minimum Setbacks:		
North side of project	5 feet	5 feet
Other perimeter	10 feet	10 feet
Between Buildings	10 feet	10 feet
Typical Lot Size:	29' x 85'	29' x 85'

Based upon the above review the STAFF recommends APPROVAL of the Detail Site Plan, subject to the submitted site plan.

Applicant's Comments:

Mr. David Barnes was present but had no comments.

TMAPC Action: 6 members present.

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

There being no further business, the Chair adjourned the meeting at 4:10 p.m.

Date Approved

May 11, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Hinkle
Secretary