

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1457
Wednesday, May 25, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Benjamin	Gardner	Brierre	Jackere, Legal
Draughon	Miller	Compton	Department
Higgins	Petty	Gardner	
Hinkle, Secretary	Inhofe	Harrison	
Kempe, Chairman		Henze	
C. Young, 1st Vice-Chairman		Matthews	
T. Young			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 11:22 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:26 p.m.

MINUTES:

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Draughon, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") to approve the minutes of May 11, 1983, (No. 1455).

REPORTS:

Comprehensive Plan Committee:

The Comprehensive Plan Committee met with the Staff and members of District 5 and District 8 Planning Committee to review proposed changes for these Districts, which will be included in the Master Plan. A recommendation will follow the Public Hearing.

PUBLIC HEARING:

District 5

Proposal for District 5 is to create a Special District within the Planning District. Referring to a map, Dane Matthews explained the proposed Special District would be bounded on the north by 21st Street, on the west by 85th East Avenue and on the south and east by I-44 and would include the proposed Indian Acres Redevelopment Area. This Special District is requested because of its uniqueness: the area is not sewered and does not have services provided. Areas on the west and east of Indian Acres are included to ensure compatibility of land uses.

Mr. Roy Johnsen addressed the Statutes that address the issues of urban renewal and comprehensive plans. There was some question as to what should be included in the Resolution. He requested that there be language in the Resolution to ensure there would be no delay to this Indian Acres project and that it proceed in accordance to the availability of funds. He also requested that the Legal Department look over the Statutes and all questionable materials be

District 5 (continued)

corrected in the final Resolution.

Alan Jackere expressed his desire to look over the language of the Statutes, and clarified that the applicant was requesting the Urban Renewal Project proceed on a priority basis as funds are available. Approval could be made subject to the Legal Department's finding on the Statute language.

Commissioner T. Young expressed a concern about incorporating in the Resolution an approval of the project prior to the time of the hearing on that project; if the project is voted to proceed, if zoning or subdivision platting, prior approval could cause problems.

Mr. Johnsen explained that the Urban Renewal Authority has held meetings and has adopted a plan. The City Commission will need to also hold a hearing and conform that plan.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") that the public hearing be closed; that the proposed amendments to District 5 be approved; and, that the Legal Department be instructed to prepare a Resolution, incorporating the proposed language for consideration in next week's meeting.

District 8

Ms. Rita Henze explained the proposed amendments were requested by the District Planning Team. The original Plan was adopted in 1976 and is one of the oldest; therefore, recent changes have motivated the update. The Staff reviewed the material and coordinated with citizens, environmental staff, transportation staff, public facilities in the area and studied the recently adopted plans.

The proposed amendments fall into four basic categories. Some are merely housekeeping concerns, such as the newly constructed 71st Bridge and Zoning Code changes mandating amendments to the Plan.

There are two map changes, one of which is a correction. An area was designated as Low-Intensity (non-specific) and should have been designated as a Medium-Intensity (industrial) area.

The amendments include conformance with recently adopted plans, such as the Water Distribution Study, the Park Plan, the Open Space Plan, etc.

Changes are also included which were agreed upon by the Staff and the Planning Team.

The Staff and the Planning Team have reached an agreement regarding the submitted amendments.

Commissioner Hinkle informed the Commission that the Comprehensive Plan Steering Committee recommends approval of the proposed changes, with the notation that additional changes will be made when the River Parks Authority amends the Park and Recreation Land Use.

District 8 (continued)

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") that the public hearing be closed, that the proposed amendments be approved and that the Staff be instructed to prepare a Resolution to be presented at the next meeting.

CONTINUED ZONING PUBLIC HEARING:

Application No. PUD 324 Present Zoning: (RS-2)
Applicant: Fletcher (Smith, Wickersham, McQuaig)
Location: SE corner of 62nd Street and South Trenton Avenue

Date of Application: March 31, 1983
Date of Hearing: May 25, 1983
Size of Tract: 3 acres, more or less

Presentation to TMAPC by: Dennis Fletcher
Address: 1732 West Xyler Avenue - 74127 Phone: 582-7075

Staff Recommendation - Amended Development Plan:

The Staff has reviewed the submitted amended Development Plan to see if it is consistent with the conditions specified by the Planning Commission. As submitted, the Plan shows 21 units on the original tract as required; however, the applicant is now proposing to delete a 175' x 135' tract which is slightly larger area than the old Development Area "A" that would make the present PUD proposal 2.48 acres (gross) in size or 8.1 units per acre. The Staff had previously supported 27 units on 3.125 acres or 8.6 units per acre and the Commission had reduced that recommendation to 21 units on 3.125 acres or 6.7 units per acre.

Based upon the previous recommendation, the Staff can support the present proposal; however, in order to be consistent with the Planning Commission request the Staff would recommend that the 175' x 135' tract in the southwest corner not be deleted from the tract, but remain as an expanded Development Area "A". It should be restricted to 1 single-family dwelling and area as shown with Development Area "B" being restricted to 20 units and an area of 2.48 acres, as shown.

Since the density over the total tract is being met and the livability per RS-3 on Development Area "A" and RS-3 duplex exception on Development Area "B" is being met, the Staff sees no reason to continue to require access to Development Area "A" from Development Area "B" even though we feel that they should both be under the control of the PUD to meet the Planning Commission's intent.

Based upon the above analysis, the Staff can recommend APPROVAL of PUD #324, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval, unless modified herein.
- (2) Development Standards:

Development Area "A"

Net Area:	0.64 acre
Permitted Uses:	Single-Family & Accessory Uses
Maximum Number of Units:	1 existing unit
Maximum Height:	35 feet
Minimum Livability Space per Dwelling Unit:	Per Plan Submitted
Minimum Setback from South Trenton Ave. property line:	25 feet
Minimum Rear Yard:*	20 feet
Minimum Side Yard:	5 feet

PUD #324 (continued)

Off-Street Parking 2 spaces

*There is an existing workshop building within the 20-foot rear yard which may remain.

Development Area "B"

Net Area:	2.48 acres
Permitted Uses:	Attached Single-Family & Accessory Uses
Maximum Number of Units:	20 units
Maximum Height:	35 feet
Minimum Land Area per Unit:	3,600 square feet
Minimum Livability Space per Unit provided within the Development Area:	2,500 square feet
Minimum Setback from Property Lines Adjacent to Streets:	10 feet - Ends of Buildings 25 feet - Backs and Fronts of Buildings 5 feet - Ends of Buildings 20 feet
Minimum Side Yards:	10 feet - Ends of Buildings
Minimum Rear Yard:	25 feet - Fronts and Backs of Buildings & Garages
Minimum Setback from Adjoining Residential Property:	10 feet - Ends of Buildings 25 feet - Fronts and Backs of Buildings & Garages
Minimum Off-Street Parking:	2 spaces/Unit

- (3) That one sign may be erected on each street frontage (total of 2). Each sign shall not exceed 32 square feet in surface area, nor 6 feet in height. Illumination, if any, shall be by constant light. Temporary real estate signs shall also be permitted.
- (4) That a Homeowner's Association be established to maintain all common paved or open space areas. The owner of the one single-family unit in Development Area "A" shall be a member of this association.
- (5) That a revised Development Plan be submitted to the Staff that includes the lot in the southwest corner of Development Area "A" and meet the requirements of the above conditions.
- (6) That no lighting be permitted on the tennis court and any lighting for the swimming pool be directed inward and down, so that minimal disturbance occurs to abutting properties.
- (7) That a Detail Site Plan for the total project be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (8) That a Detail Landscape Plan for Development Area "B" be submitted to and approved by the TMAPC prior to occupancy of any units in Development Area "B", including landscaped buffer areas and fencing as described in the text and shown on the Development Plan.

PUD #324 (continued)

- (9) 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.

Applicant's Comments:

Mr. Dennis Fletcher explained this proposal includes a private park with tennis courts and a pool. It was their plan to eliminate the single-family residence from the PUD; however, it is his understanding the structure can be sold separately. Various area residents were interested in keeping the look of the neighborhood by retaining the existing structure. The house will be renovated and expanded.

Commissioner C. Young wondered if the buyer of this house would be liable for the dues, maintenance and upkeep in the PUD. Mr. Gardner agreed. If this structure is not included in the PUD, it may be demolished or subdivided in order to develop additional units. If it is included in the PUD, the use would be limited to a single-family home. Mr. Fletcher agreed the buyer would be responsible at this time for homeowner association dues, but would not have access to the tennis courts and swimming pool and in the future their responsibility could be eliminated. Mr. Gardner explained that additions could be made to the home by right, but would have to receive permission from the Commission. He did not think this owner should be assessed dues to keep the streets paved that he does not use, but could obtain the right to use the pool and tennis courts, since it is a part of the PUD.

Commissioner C. Young thought the structure should be included entirely in the PUD, especially if the calculations are based on the overall acreage to limit the number of units that could be built. Mr. Fletcher stated the livability requirements and the square-footage requirements have been met. None of the square-footages within this lot have been used in calculations. No additional units will be built on this lot.

Mr. Gardner did not think this PUD was different from previous cases where multifamily and single-family subdivisions abut and all belong to the same Homeowner's Association. The single-family residents would have access to the amenities, but would not be assessed for the cost of upkeep on parking lots, etc., in the multifamily area. Commissioner C. Young was not bothered by the assessment aspect, as long as additional units are not allowed to be built on that lot. Mr. Gardner explained they are bound by a plot plan. The Staff's recommendation reflects the requirements stated by the Commission in the previous meeting. He suggested that future expansion be illustrated on the Detail Site Plan.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions" Gardner, Miller, Petty, 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:

PUD #324 (continued)

The E/2, N/2, W/2, SE/4, NE/4, NW/4, LESS the North and South 25' for Streets, and the S/2, W/2, N/2, W/2, of the SE/4, NE/4, NW/4, LESS the South 25' and West 25' for Streets and the N/2, S/2, W/2 of the SE/4, NE/4, NW/4, LESS the West 25' for Streets, All in Section 6, Township 18 North, Range 13 East, Tulsa County, Okla.

ZONING PUBLIC HEARING:

Application No. Z-5821 Present Zoning: CS
Applicant: Edward Cohn (Tower Ind., Inc.) Proposed Zoning: CG
Location: SE corner of Admiral and Garnett Road

Date of Application: March 22, 1983
Date of Hearing: May 25, 1983
Size of Tract: 9 acres, more or less

Presentation to TMAPC by: Charles Whitebook
Address: 2431 East 51st Street Phone: 745-1105

Relationship to the Comprehensive Plan: Z-5821

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 9 acres in size and located at the southeast corner of Admiral Place and Garnett Road. It is non wooded, flat, vacant and zoned CS.

Surrounding Area Analysis -- The tract is abutted on the north by a mobile home sales lot zoned CS and RS-3; a private school zoned RS-3; on the east by an office zoned CS; on the south by mostly vacant land zoned CS and on the west by commercial shopping center zoned CS.

Zoning and BOA Historical Summary -- The subject tract has, within the last year had two denials for mobile home sales in a CS District. In addition, past zoning decisions have limited the intersection of Admiral and Garnett to CS. The surrounding land uses to the south and east contain a City park, public school and single-family homes on platted subdivisions.

Conclusion -- Based upon the Comprehensive Plan, the existing land uses and the surrounding zoning patterns, the Staff recommends DENIAL of the requested CG zoning.

For the record, the present zoning permits by special exception with Board of Adjustment approval general commercial uses if appropriate for the area, without a change in zoning. The Staff believes this procedure is the appropriate method for allowing higher intensity where proper safeguards can be imposed by the Board.

Applicant's Comments:

Mr. Charles Whitebook, representing the applicant, was surprised at the Staff recommendation. The mobile home sales has nothing to do with the application. Mr. Whitebook submitted 2 enlarged copies of the official plats for the City of Tulsa (Exhibit "A-1" and "A-2"). Commercial zoning is in place throughout the area. An additional exhibit was presented which combined the two previous plats (Exhibit "A-3"). This illustrates the commercial, industrial and office zonings in place. Next Mr. Whitebook

Application No. Z-5821 (continued)

presented an aerial photo (Exhibit "A-4") with the mobile home sales and mobile home parks highlighted, as well as industrial uses from Garnett Road to 129th East Avenue. Industrial and commercial is also prevalent from Mingo Road to Garnett Road on Admiral. An aerial photo was submitted for this area (Exhibit "A-5").

Mr. Whitebook's client plans to build a sales agency for Panaluxe Building Systems, Inc. This company is a pre-built, custom-made, custom-designed system for houses. The company will send pre-built forms according to specifications from independent architects and homebuilders. The structures will range from a storage building to a restaurant or 2-3 story home, condominium or apartments. This is not the sale of any certain product. Dealings will be primarily with contractors and architects. They, in turn, will deal with the retail purchaser, the buyer and a few sales will be conducted with the buyer.

In past experience with this business, 80% of the traffic is with contractors and architects and about 20% would be people attempting to build on their own. These are not pre-fabricated, modular structures or mobile homes. This is a building system in which custom design work is brought in and the houses are built to order, shipped in panels and forms and erected by the contractor on the buyer's lot. The building panels would run from 4' x 4' x 12', with circular units. Various safety precautions are taken during the fabrication in regards to fire and insect barriers.

Mr. Whitebook presented a drawing of the proposed use and surrounding uses (Exhibit "A-6"). The subject property is now vacant, although it previously was developed as a quality addition. A picture of the subject property was presented, as well as photographs of the businesses to the east and west of Garnett Road on Admiral (Exhibit "A-7"). He also presented an illustration of a 3-level condominium development in California, as well as illustrations of one-story homes, restaurants and churches built by this company (Exhibit "A-8").

It is proposed to build several models on the site, demonstrating the types of homes that can be constructed and the method used. None of these model buildings will be sold, unless someone is in a hurry and a small portable building could be sold and moved. There will be no open storage. The proposed use would fall under the existing CS category; however, as a matter of precaution, CG was requested due to the possible sale of a portable building. This will be an improvement to the area and may be the rejuvenation of better businesses and more attractive uses in this area.

Mr. Gardner explained there is no CG zoning between the traffic circle at Mingo Road and 1/2 mile east of Garnett Road. There are approximately 6 illegal uses at this time in this area and all have been cited. This does not justify the increase in density. The proposed use would not be legal without a zoning change or BOA approval.

Commissioner C. Young was concerned because there is no other CG zoning in the area. He did not feel the Commission could change the zoning.

It was Mr. Whitebook's contention that CG zoning is in place across the way. The proposed use should be taken into consideration by the Commission.

Application Z-5821 (continued)

Commissioner C. Young commented that CG zoning would allow more extensive uses than the proposal and the Commission has to consider these uses instead of the proposed use. The applicant might change his mind and sell the property.

Protestants: Truman Rucker Address: Green Country Christian Academy;
11391 East Admiral

Protestant's Comments:

Mr. Truman Rucker is the attorney for the Green Country Christian Academy, a private school. Written notice was not received by the school, but they did receive notice by word of mouth. The CG zoning is not compatible with the Comprehensive Plan. This would allow more intense uses to be brought into the area. Mr. Rucker's client would not have spent substantial amounts of money in improving their property if it was felt there was a chance that the nature of the surrounding property would be dramatically changed.

The rejuvenation of the neighborhood has already begun and CG use would be the beginning of the end for this rejuvenation and would create an industrialized area. If the use proposed by the applicant is premitted under the CS zoning, there is no need for the requested change.

Applicant's Comments:

Mr. Edward Cohn, president of Tower Industries, is well acquainted with planning and zoning after serving on the Board of Adjustment. He purchased this property 15 years ago with the idea the neighborhood would go through a more rapid change than it has. The most significant change in the neighborhood was the Green Country Christian Academy. The notice of this meeting was sent to the school board instead of the Academy, which is why it was not received.

The shopping center on the southwest side includes several industrial uses. The reason this area has not developed more rapidly is because a shopping center was built just west of the Mingo Valley Expressway and now has many vacancies. No commercial businesses are being attracted to the area. Most of this ground is rock-covered. The north side of the street contains almost all mobile home sales. This is becoming a mobile home area and he cannot see much CS use that will develop except in a minor way. This is presently a nuisance to the neighborhood and the proposed plan would only enhance it.

Special Discussion for the Record:

Mr. Jackere explained that model homes for display purposes with the sale of occasional structures is a Use Unit 15 and is not permitted in a CS District by right.

Instruments Submitted:

Copy of Official Plat for the City of Tulsa	(Exhibit "A-1")
Copy of Plat for City of Tulsa	(Exhibit "A-2")
Plat combining previous 2 Plats	(Exhibit "A-3")
Aerial Photograph with Highlighted Areas from Garnett Road to 129th East Avenue	(Exhibit "A-4")
Aerial Photograph Showing Area between Mingo and Garnett on Admiral	(Exhibit "A-5")
Chalk Drawing of Proposed Development	(Exhibit "A-6")

Application Z-5821 (continued)

Photographs of Subject Tract & Surrounding Uses (Exhibit "A-7")
Illustrations and Floor Plans of Structures
Built by Panalux (Exhibit "A-8")

TMAPC Action: 7 members present.

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

A tract of land that is a part of Lot Five, Section 5, Township 19 North, Range 14 East, Tulsa County, Oklahoma, a part of the SE/4 of the NW/4 of Said Section 5, Said Tract being described as follows, to wit: Beginning at a point, Said point being the Northwest corner of Said Lot 5 of Section 5; thence South along the West line of Section 5 for 775' to the Northwest corner of Western Village Heights Addition; thence East and parallel to the North line of Said Lot 5 of Section 5; and along the North line of Said Western Village Heights Addition for 730' to the Northeast corner of Western Village Heights Addition; thence North and parallel to the West line of Said Section 5 for 585'; thence East and parallel to the North line of Said Lot 5 of Section 5 for 95'; thence North and parallel to the West line of Said Section 5 for 190' to a point on the North line of Said Lot 5 of Section 5; thence West along the North line of Said Lot 5 of Section 5 for 825' to the point of beginning of Said Tract of land, LESS and EXCEPT all street, road and highway rights-of-way of record along the West and North lines of Said Tract of land, excepting a Tract of land beginning at a point 825' East and 75' South of the Northwest corner of Lot 5, Section 5, Township 19 North, Range 14 East; thence West 426'; thence South 325'; thence East 331'; thence North 210'; thence East 95'; thence North 115' to the point of beginning located in the County of Tulsa, State of Oklahoma.

Application No. Z-5828

Present Zoning: RS-3

Applicant: Bernard A. Tower

Proposed Zoning: RM-T

Location: North of the NE corner of 37th Place and Riverside Drive

Date of Application: April 7, 1983

Date of Hearing: May 25, 1983

Size of Tract: 11,343 sq. ft.

Presentation to TMAPC by: Michael Tower

Address: 7413 East 30th Street

Relationship to the Comprehensive Plan: Z-5828

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1/3rd of an acre in size and located just north of the intersection of Riverside Drive and 37th Place South. It is partially wooded, flat, contains a residential structure and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by single-family dwelling zoned RS-3; on the east and south by a single-family neighborhood zoned RS-3, and on the west by Riverside Drive and River Parks zoned RS-3.

Zoning and BOA Historical Summary -- The subject tract has had Board of Adjustment approval for a duplex use. In addition, previous zoning in the surrounding area has established multifamily and townhouse uses in close proximity to the subject tract.

Conclusion -- Based upon the existing land uses and the fact that the surrounding area contains multifamily zoning and uses and that the tract has direct access to Riverside Drive, the Staff recommends APPROVAL of the requested RM-T zoning.

Commissioner T. Young wondered if more units could be developed with a PUD and Mr. Gardner explained the maximum would be 3 or 4 units even with a PUD.

Applicant's Comments:

Mr. Mike Tower explained a small townhouse development is proposed for this property, consisting of three units. The number of units is limited due to the size of the tract. There are numerous tracts in the area that are converting. The requested zoning provides a buffer to Riverside Drive from the single-family homes.

Interested Party: Les Cook

Address: 3711 Riverside Drive

Interested Party's Comments:

Mr. Cook explained that a survey was completed on the subject tract and it was off by about 6 feet. He has no objection to the townhouse development, but the pins are set about 2 feet into his property on the

Application No. Z-5828 (continued)

east and west line of the subject tract's northern portion. The fence line has been in place since about 1940 and all he is concerned about is that the fence line not be torn down. Mr. Cook had a survey done yesterday and it is in conflict with the pins that are set. Commissioner C. Young suggested Mr. Cook seek legal counsel because the Planning Commission cannot settle this problem.

TMAPC Action: 7 members present

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

That part of the South-Half of Lot 5, Section 24, Township 19 North, Range 12 East of the I.B. & M., Tulsa County, Oklahoma described as follows: Beginning 645' West and 295' South of the Northeast corner; thence South 75'; thence West 133' to the East line of Riverside Drive; thence North 11°-25' West 76.51'; thence East 148.15' to the Point of Beginning.

Application No. Z-5830 and PUD #325
Applicant: Norman (Tulsa Elks Lodge)

Present Zoning: RM-2, RS-2
Proposed Zoning: RM-2, RM-0,
RM-1, RM-T and RD

Location: North and East of South Harvard Avenue and East 54th Street South

Date of Application: April 14, 1983

Date of Hearing: May 25, 1983

Size of Tract: Z-5830 = 8.29 acres
PUD #325 = 17.92 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5830

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-2 District is not in accordance with the Plan Map and the requested RM-1, RM-0 and RM-T Districts may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 8.29 acres in size and located east of the NE corner of 54th Street and South Harvard Ave. It is partially wooded, flat, vacant and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by a shopping center zoned CS, on the east by single-family area zoned RS-2, on the south by single-family zoned RS-2 and on the west by the Elks Club zoned RM-2.

Zoning and BOA Historical Summary -- Past zoning decisions have been established an oversized medium intensity node at the intersection of 51st Street and Harvard Avenue. The subject tract abuts this node on both the west and north.

Conclusion -- The Staff's recommendation was developed in four steps. First, a review of the Development Guidelines points out specifically that within a subdistrict, "a 300-foot deep strip of RD and/or less dense RM-0 classification may be allowed in the subdistricts as a transitional intensity separating the subdistrict from adjacent high or medium intensity areas". Given this Guideline's statement, the Staff could support a 300-foot strip of RM-0 (Residential Multifamily Lowest Density District) along the west and north sides of the subject tract. However, the second step of our analysis excepts out that portion of the RM-0 where it would be directly across the street from existing single-family uses. The Staff feels that unrestricted multifamily zoning fronting into single-family is inappropriate. This is not to say that, given the proper design considerations, multifamily and single-family cannot exist in harmony in a fronting situation, but State Statutes does not allow special design considerations to be placed on a conventional multifamily zoning district

The third step of our analysis addressed the interior portion of the subject tract that is not covered by the 300-foot strip of RM-0, but

Application No. Z-5830 & PUD #325 (continued)

would back up to existing single-family or proposed single-family zoning. Since the Guidelines would allow RM-0 on the majority of the tract without question and since placing multifamily against the back of single-family lots is an appropriate and widely used method of transitioning from multifamily to single-family, the Staff can support RM-0 on this portion of the tract.

Finally, this tract has the unique physical feature of Little Joe Creek bisecting it from the far southeast corner to the northwest corner. The City Hydrologist has identified that the 100-year floodway would be contained in the improved channel. The Staff supports excepting that portion of the tract contained within the improved channel from its present RS-3 zoning to FD zoning.

Based on the above analysis, the Staff recommends APPROVAL of RM-0 on the entire tract, less and except the improved channel to be zoned FD and less and except a portion located in the NE corner (175' x 370') to remain RS-2 and a portion along the southern boundary to also remain RS-2 (115' x 332'). A zoning map depicting the recommended zoning pattern and dimensions is attached to the record.

NOTE: The Staff supports the down-zoning amendment irrespective of the accompanying Planned Unit Development.

Staff Recommendation: PUD #325

Planned Unit Development No. 325 is located at the NE corner of 54th Street and South Harvard Avenue. It is approximately 18 acres in size and vacant, except for the existing Tulsa Elks Lodge located on the west portion of the tract. The western portion of the tract has existing RM-2 underlying zoning while the eastern portion has been recommended by the Staff for a combination of RM-0 and RS-2 zoning.

The existing and recommended zoning pattern would allow the following number of units:

Zoning District	Area	Units
RM-2	10.38 acres	376.7
RM-0	5.55 acres	86.3
RS-2	2.35 acres	9.4
FD	1.15 acre	0
Totals	19.43 acres	472.4

In addition to a residential housing project, the applicant is proposing to continue to use a portion of the tract for a new Elks Lodge, which would contain no more than 30,000 sq. ft. of floor area. The Code calls for a .5 floor area ratio. Therefore, 60,000 sq. ft. of land area must be subtracted from the RM-2 area to support the 30,000 sq. ft. of floor area proposed for the Elks Lodge. This would revise the preceding table to look as follows:

PUD #325 and Z-5830 (continued)

Zoning District	Area	Dwelling Units	Floor Area
RM-2	10.38 acres	326.7	30,000 sq. ft.
RM-0	5.55 acres	86.3	0
RS-2	2.35 acres	9.4	0
FD	1.15 acres	0	0
Totals	19.43 acres	422.4	30,000 sq. ft.

The applicant's proposal is for a total of 404 Dwelling Units and the 30,000 sq. ft. of floor area for the Elks Lodge. The Staff finds from the above review that the recommended zoning pattern will support the requested PUD proposal.

Since the underlying zoning will support the requested proposal, the Staff sees design for compatibility as being the major concern of the requested PUD. First, the Elks Lodge has existed on this tract for years and under the Zoning Code can be placed anywhere on the tract with Board of Adjustment approval. However, because the applicant is moving the location closer to the single-family on the south, he will provide a screening fence and extensive landscaping. In addition, the Lodge use will serve as a buffer for the multifamily proposed farther to the north. Secondly, the applicant is also requesting to extend multifamily use into a single-family zoned area along the south property line. In reviewing this area for design compatibility, the Staff found that only one end of the one building encroached into the RS-2 underlying zoning. The remainder of the area is devoted to parking, open space, and landscaping. Plus, the screening fence and landscape buffering theme in front of the Elks Lodge will be continued in front of the multifamily area. Thirdly, the applicant is requesting to extend multifamily use into a single-family zoned area along the east property line. Here the applicant has slightly over 1/2 of one building encroaching into the RS-2 underlying zoning. The remainder of this area is devoted to parking, open space, Little Joe Creek Channel, and a proposed area that will be used for either an unlighted tennis court or a single-family lot. Along the abutting property line, the applicant is proposing a solid wood screening fence and emergency access only from the cul-de-sac. The Staff feels that to ensure compatibility the same screening fence and landscape buffering proposed along the south property line should be used along the east property line and that it should extend north to a point that matches the front of the existing single-family structure to the east. From that point, the property line becomes a side lot or rear lot line and a solid wood screening fence would be appropriate. In addition, if the area south of the Creek is to be used as a tennis court, the Staff feels the same screening fence and landscaping theme should be used along the east property line. The original plans submitted to the Staff had primary access to the cul-de-sac street (Louisville) and no bridge over the Creek. The Staff could not support the proposal under that plan and the applicants amended their plan to include primary access over the Creek and only emergency access to Louisville Avenue.

Based upon the above review, the Staff can recommend APPROVAL of PUD #325, subject to the following conditions:

- (1) That the applicant's Plan and Text be made conditions of approval.
- (2) Development Standards:

PUD #325 and Z-5830 (continued)

Development Area "A"

Land Area (Gross):	11.05 acres
Land Area (Net):	10.29 acres
Permitted Uses: Development Area "A" less the east 170 feet thereof, Attached residential dwelling units and related accessory uses such as: Off-street parking, private drives, clubhouses, recreational facilities, including tennis courts and swimming pools, open space areas and security gates.	
The east 170 feet of Development Area "A". One single-family dwelling unit, or unlighted recreational facilities and open space areas.	
Maximum Number of Dwelling Units:	344 units
Maximum Building Height:	39 feet
Minimum Building Setbacks:	
From Harvard Avenue;	65 feet
from 54th Street;	60 feet*
from Development Area "C";	60 feet
from Development Area "D";	0 feet
from Louisville Avenue;	200 feet
from north boundary of Woodland Acres 4th Addition;	50 feet
from west boundary of Woodland Acres 4th Addition.	Per Amended Concept Illustration

Minimum Internal Landscaped Open Space per D. U.:	450 sq. ft.**
Minimum Off-Street Parking Ratio for each efficiency or One-bedroom Unit;	1.5
Two-bedroom Unit.	2.0

*One building as per amended Concept Illustration.

**Landscaped Open Space area includes street frontage landscaped areas, Landscaped parking islands, landscaped yards, plazas and pedestrian areas, but it does not include parking, buildings or driveway areas.

Development Area "B"

Land Area (Gross):	2.22 acres
Land Area (Net):	2.10 acres
Permitted Uses: Attached residential dwelling units and related accessory uses such as; off-street parking, private drives, clubhouses, recreational facilities, including tennis courts and swimming pools, open space areas and security gates.	
Maximum No. of Dwelling Units (per Amended Plan) 60 units	
Maximum Building Height:	39 feet

PUD #325 and Z-5830 (continued)

Minimum Building Setbacks:	
From commercial boundary line;	60 feet
from east boundary line;	80 feet
from Development Area "D"	0 feet
Minimum Internal Landscaped Open Space Area per D. U.:	700 sq. ft.*
Minimum Off-Street Parking Ratio for each efficiency or One-bedroom Unit;	1.5 unit
for each Two-bedroom Unit.	2.0 unit

*Landscaped open space area includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas, but does not include parking, buildings or driveway areas.

Development Area "C"

Land Area (Gross):	3.63 acres
Land Area (Net):	3.00 acres
Permitted Uses: Private Lodge facility with customary facilities and related accessory and recreational uses such as: Swimming pools, tennis courts, cabanas, gazebos, off-street parking and private drives.	
Maximum Building Floor Area:	30,000 sq. ft.
Maximum Building Height:	35 feet
Minimum Building Setbacks:	
From Harvard Avenue;	50 feet
from 54th Street;	25 feet
from north boundary line;	10 feet
from east boundary line;	50 feet
Minimum Internal Landscaped Open Space Area 10% of Gross Land Area:	14,500 sq. ft.*
Minimum Off-Street Parking Ratio for each 200 sq. ft. of floor area:	1.0 space

*Landscaped open space area includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas, but does not include parking, buildings or driveway areas.

Development Area "D"

Land Area (Net):	2.53 acres
Permitted Uses: Drainage channel and access easement for maintenance equipment.	

(3) That perimeter screening shall be as follows:

- (a) A brick column and wrought-iron fence along East 54 Street with extensive landscaping on the external side of the fence, per the amended Typical Landscape Buffer Detail Plan as submitted;
- (b) a solid wood screening fence along the north and west boundaries of Lou North Woodland Acres 4th Addition abutting Development Area "A";

PUD #325 and Z-5830 (continued)

- (c) a brick column and wrought-iron fence along South Louisville Avenue where it abuts Development Area "A" with extensive landscaping on the external side of the fence, per the amended Typical Landscape Buffer Detail Plan as submitted, if east 170 feet is used for other than single-family;
 - (d) a brick column and wrought-iron fence (except for emergency access wrought-iron gate) along the east boundary of Development Area "B" from the Little Joe Creek Channel to a point that matches the front of the closest single-family dwelling to the east with extensive landscaping on the external side of the fence, per the amended Typical Landscape Buffer Plan as submitted;
 - (e) a solid wood screening fence along the remainder of the east boundary line and the north boundary line of Development Area "B"; and
 - (f) a 25-foot landscaped buffer area along the east boundary line of Development Area "B".
- (4) That if recreational uses are developed within the east 170' of Development Area "A" they shall not be lighted for night use.
 - (5) That the building north of Lot 1, Block 2, Lou North Woodland Acres 4th Addition be no more than 2 stories in height and have no south facing windows.
 - (6) Sign Standards:
 - DEVELOPMENT AREA "A": Signs may be erected as permitted in the RM-1 Zoning District.
 - DEVELOPMENT AREA "C": One identification sign may be erected on the Harvard Avenue frontage not to exceed 32 square feet of display surface area and 15 feet in height.
One identification sign may be erected on 54th Street frontage not to exceed 8 sq. ft. of display surface area and 6 feet in height.
 - (7) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy, including signs, locations and design.
 - (8) That a Detail Site Plan (by Development Area) be submitted to and approved by the TMAPC prior to the issuance of a building permit.
 - (9) That no building permit shall be issued until the property has met the requirement 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.

Z-5830 and PUD #325 (continued)

Applicant's Comments:

Mr. Charles Norman represented the Elks Lodge and Lincoln Properties. The Lodge has owned and occupied the subject property since the late 1950's. A number of proposals have been presented to them for development of the property. After consideration of these proposals, the Elks were confronted with a decision as to relocate or remain in the area. There are presently over 700 members, most of whom live in this part of south Tulsa. It is their proposal to demolish the existing structure and reconstruct in accordance with this Plan. A number of developers and potential purchasers of the property were interviewed and Lincoln Property Company was chosen. A contract was entered into for purchase of all the property except the three-acre tract, which is to be the new home of the Lodge.

A number of professionals have been involved in the project for survey and drainage plans, architects and landscape architects.

In the immediate vicinity surrounding 51st Street and Harvard Avenue, there are a number of locations where RM-2 has been in place for a number of years. The RM-2 zoning on the subject tract covers more than half of the parcel and extends 660' from the centerline of Harvard or 610' from the property line to the east. Mr. Norman feels this line is significant. The existing RM-2 zoning would permit 376 dwelling units. The zoning including the RS-2 would permit 412.9 units. The Planned Unit Development, as amended, is requesting 404 dwelling units to be approved. The only reason for any increase in zoning is to give additional credit for mapping of one-acre of the channel in the FD District, since no units are allowed in that area, and to adjust for the location of the Elks Lodge building within the 3-acre tract. The Lodge could be permitted within the RS-3 District either through a PUD or by approval of the Board of Adjustment. A copy was presented of the amended PUD (Exhibit "B-1").

The eastern portion of the tract was advertised for a number of classifications in order to allow consideration of the full range of multifamily uses. The Staff recommendation could be debated; however, Mr. Norman believes the recommendation is justifiable with or without the PUD and provides sufficient number of dwelling units to permit the PUD as proposed. The critical changes are in the portions requested for RM-T and which the Staff is recommending remain RS-2. Townhouse development in this type of relationship to existing single-family can be supported. However, the Staff recommendation would provide sufficient density to give credit for the loss of density in the FD down-zoning and the transfer of the Lodge to the corner.

The original application would include 442 dwelling units. Mr. Norman met with area residents on three different occasions and the residents have been provided copies of the PUD as submitted, as well as the Site Plan as amended. In discussion with these residents, amendments were proposed and have been submitted to the Planning Commission.

Mr. Norman outlined what he felt to be the most important considerations in developing this PUD. The tract immediately south of the Lodge property is zoned commercial with an office building, retail sales and a filling station further south. There are 8 single-family dwelling units opposite the 54th Street frontage, across from the Lodge property. Four of those dwellings are across from the existing RM-2. There are 4 dwelling units

Z-5830 and PUD #325 (continued)

directly south of the 54th Street frontage in Development Area "A" which are proposed for multifamily development. There is a substantial area of large trees along 51st Street with a number of varieties, some of which need to be removed.

On the north side of 54th Street there are three dwellings that side or back up to the proposed PUD.

The property owned by Mr. Bastien is unique because of the elevation of the deck in the rear yard, which is 3 to 4 feet higher than the top of his back fence. The property drops off about 10 feet from the back of the home to the back lot line. Consequently, a problem exists in providing screening or some type of view interruption. Therefore, it is important to deal with the west side of the Bastien property and the north side of all three lots. It was decided that the Lodge and Lincoln Properties would propose a common PUD, with particular reference to the landscaping and screening concept to be utilized on the property.

The original proposal called for access from Louisville to the two-acre tract on the north side of the channel. It also located buildings immediately to the north of the three, single-family homes. The buildings were closer to 51st Street and oriented in what was later determined to be an improper fashion because the buildings would be facing the single-family homes. After consideration, the submitted amended Plan was devised.

The major changes occurred in the area to the east of the RM-2 zoning line by moving the location of the buildings in various directions. Two buildings were eliminated, as well as the parking lot behind Mr. Bastien's home. It is also proposed that the east 170' of that area be limited to recreational uses or that only one single-family unit be permitted.

The original design of the area north of the channel created opposition from the Staff and from the neighbors because it used South Louisville Avenue for access to that development area. The cost and feasibility of a bridge was investigated over the channel. After discussion with the City Engineer and the engineering firm retained by the applicants, it is proposed a bridge costing approximately \$120,000 be construction. Primarily access to this area will be limited from the south side of the creek and Louisville would be used to provide emergency access only to that development area. The result was that the number of units was reduced from 442 to 404.

With the redesign the first building on the south side is approximately 90 feet from the property line and there is an additional 90 feet from the property line to the front of the single-family homes on the south side of the street. The second building is 165' north of their own property line and about 250 feet from the front of the single-family house on the south side of the street. The other buildings vary in setbacks and the only portion that is located within the area recommended by the Staff to remain RS-2 zoning is a portion of the first building. The separations are significant and far in excess of other developments where multifamily dwellings abut single-family neighborhoods. The orientation of those buildings as proposed and required by the Staff are such that the privacy of the three homes are preserved.

The amended Plan will reserve as many of the existing trees as possible. There is a significant area of trees in the east 25' of Development Area

Z-5830 and PUD #325 (continued)

"B". It is proposed this be left for open space, which is 25'; and the buildings will be set back 80' from the property line. This is in excess of what the Ordinance requires of multifamily areas and what has been done in other locations. The landscape and screening plan was developed in order to provide an attractive exterior appearance. Landscaping and screening would be installed on the Harvard frontage of both the Lincoln Property tract and the Harvard and 51st Street frontage of the Elks Lodge tract on 54th Street. The Staff agreed to this plan. The concept is to construct a fence with brick columns and wrought-iron sections with major landscaping on the outside of the fence. A detailed list of plant materials is included in the landscape plan. This represents a definite commitment by the applicants to the exterior attractiveness of this site. The proposed plan includes a solid screening fence along the west side of the Bastien lot and the north side of the three, single-family homes, as well as the property line between the subject tract and the commercial development to the north.

It is Mr. Norman's opinion that this plan answers the questions ordinarily asked about providing for the development of multifamily buildings in an area that has single-family residences either backing or fronting into the project. The setbacks and separations between the houses are greater than any in the City. The access point has been located within the RM-2 area, which is difficult. There will be two access points on Harvard. Lincoln Property is now providing a system for security within multifamily projects and turn-around space has been provided for persons not authorized to be within the project.

The drainage and utilities have been extensively investigated and no conditions have been found which would preclude the development of the property as proposed. All of the surface water will drain directly to the Little Joe Creek Channel and can enter the channel without affecting its capacity. The development areas also include the limitation that no use can be made of the channel area except for those purposes.

The sign limitations are more severe than those in existence across the street to the west or south. The sign for the Elks Lodge would be comparable to one permitted for an OL use.

It is Mr. Norman's contention that these development standards have produced a plan that has won the approval of the Staff and has been approved by the Elks Lodge as a part of the contractual relationship. He asked the members of the Elks Lodge who were present and approved the plan to stand. Mr. Norman felt this is a good project and requested the Commission recommend approval.

Commissioner T. Young was concerned about the discrepancy between the number of dwelling units in the proposal and the number recommended by the Staff in Development Area "B". Mr. Norman explained an additional 20 units were requested if the bridge should not be approved or financially feasible. This would use a cul-de-sac street. It is his understanding from the recommendation that only 60 units could be built, subject to the crossing of the channel through a bridge.

An analysis of the traffic was submitted and the trip generation characteristics of a number of uses that might be made of this property. Commissioner C. Young suggested access on Harvard only. Mr. Norman explained

Z-5830 and PUD #325 (continued)

this tract is nearly 1,300 feet deep; and, for safety and accommodation reasons, access is needed on 54th Street. Under the present zoning, there is already a right to access on 54th Street.

<u>Protestants:</u>		<u>Addresses:</u>	
Hayden Crawford		1714 First National Bank Bldg.	
Barbara Moat		3364 East 54th Street	
Ramona Locker		3819 East 54th Street	
John Sieler		5206 South Harvard Avenue	
Kenneth Does		5413 South Louisville Avenue	
Frank Munn		5945 South New Haven Avenue	
Ralph Moretta		5307 South Louisville Avenue	
Jim McAlwrath		5424 South Marion Avenue	
Vic Bastien		3631 South 54th Street	
Stephen Higman		3451 East 58th Street	

Protestants' Comments:

Mr. Hayden Crawford represented the area residents. He did not feel the concern was for the landscaping and screening requirements. In 1975, when a rezoning application relating to this same area, was present to the City Commission, the Street Commissioner stated the traffic at 54th and Harvard had reached its saturation point. The applicant is proposing to place over 400 families into the area that reached its saturation point 8 years ago. This area has repeatedly been referred to as the most congested area in the City. Residents moved into the area on the representation this would be developed as single-family homes.

This tract is not on an arterial street and the plans submitted today relate normally when the tract is bounded by an arterial street. The applicant has not shown any need for multifamily homes in this area. The 300 units that could be built with the existing zoning cannot be done with the Elks Lodge on the tract.

Mrs. Barbara Moat lives directly across from the east-half of the Elks property, fronting the proposed 3-story apartments. The subject tract has been vacant since Mrs. Moat purchased her property and she realized the future use of the property was of great concern. She was advised that the Elks Lodge had promised the neighborhood the back part of the property would not be developed commercially. The zoning was checked and found to be single-family. A zoning change was denied previously by the Planning and City Commissions. She requested this previous decision be upheld.

Mrs. Ramona Locker was also concerned about the traffic situation. There are presently 9 apartment complexes in the immediate area. None of these are filled to capacity. There is also a vacant parcel of land where the Stratford House burned and is already zoned for multifamily. Tulsa is growing to the south and a lot of the traffic is on Harvard. Such an influx of density would detract from the quality of life the residents are trying to preserve.

Mr. John Sieler has lived directly across from the Elks Lodge for approximately 8 years. The concern of the residents in Harvard Park is the high density proposed. In a two week period of time, this intersection carries over a million cars. Within the last two months, the City has found it necessary to eliminate left turns onto the Skelly Bypass going south on Harvard because the traffic backed up too far. It has been

Z-5830 and PUD #325 (continued)

proven that residents of apartment complexes come and go more often than residents of single-family neighborhoods. Mr. Sieler also wished to discuss the drainage problems that still exist, even with the improved drainage channel. The problem is Harvard itself. On two separate occasions this spring, cars were totally stalled in traffic because of the standing water on the street. This happens frequently in the neighborhood. Other recent developments in the area have caused increase flooding in the yards of the Harvard Park residents, which resulted in a lengthy law suit. The proposed development might cause the same type of problems. This neighborhood has always been single-family residential in nature and the high density development would be too much. He requests a lower density.

Commissioner C. Young felt traffic would be a problem wherever a project such as this were built; and, in addition, utilities would have to be installed in areas farther to the south. Traffic would still be heavy on Harvard. Mr. Sieler understands that traffic on Harvard will be increased no matter what happens, but at various places. The problem is having driveways directly across Harvard from existing ones.

Commissioner C. Young asked Mr. Sieler if any improvements have been made to Harvard in this area. Mr. Sieler explained it has been many years since any improvements have been made and the most recent action was to eliminate some of the access to the Bypass.

Mr. Crawford stated he had lived in the area and moved closer to downtown because of the traffic and the frequent accidents.

Mr. Kenneth Does was also under the impression the land use would remain single-family residential. He has consulted various appraisers and learned such a development would have an adverse affect on his property of about 15% to 25%. This is an established neighborhood. He did not think anyone would complain about a development within the present zoning restrictions, but they would oppose an increase. Value is affected by density and the easibility of access.

Mr. Frank Munn explained that the street he lives on, New Haven, is the mid-section line east and west between Harvard and Yale. Cars travel this street to avoid using Harvard or Yale. Traffic is compounded by the construction at 61st and Yale. There is a heavy population of children on New Haven.

Mr. Crawford presented 4 photographs of the intersection at 54th and Harvard (Exhibit "B-2"). Two of these photographs were taken at 12:10 p.m. and two were taken at 3:15 p.m. These times are when the traffic is not dense.

Mr. Ralph Moretta explained that an earthen ramp was used in the construction and improvement of Little Joe Creek, just east of Harvard and Louisville. A tree was uprooted and caused Little Joe Creek to almost overflow when it caught in the bridge. Mr. Moretta did not think a new bridge would be wise. This particular section is a green belt and he felt it should be kept as such because it affects property up and down the creek.

Mr. Jim McAlwrath wished to express his concern about the traffic. In the morning, traffic is backed up to 58th Street. Many people in this area will go to New Haven because it is the only bridge between Harvard and Yale.

School children walk down New Haven, then to 54th Street in order to get to Nimitz School. Traffic is the heaviest when the children are going to school.

Mr. Vic Bastien owns the property that would be most affected by this rezoning and PUD. He wished to correct a statement made by Mr. Norman. The amendments to the PUD were not made at the request of the residents. There were no negotiations made. Members of the Lodge had to receive a zoning change when the present building was constructed. An agreement was made at that time between the members of the Lodge and the residents that if the residents would go along with the zoning change, this property would never be developed. He feels it is not asking too much to keep the zoning at it is, which is a violation of the agreement already.

In 1979, 51st and Harvard was the second-most congested intersection in Tulsa with 58,734 cars passing through in one week day. In 1981, this intersection was the most congested intersection with 63,974 cars every 24-hour period. The projected rate for 1983 is 69,731 cars. This area is also number one in traffic accidents. Traffic from this complex will use 54th Street because they won't be able to get out onto Harvard and 54th Street was never intended to carry such a heavy flow.

Mr. Bastien felt it is up to the developer to use his structures for a buffer, instead of the existing single-family homes or landscaping and screening. No one has the right to destroy the value of other people's property.

Mr. Stephen Higman noted that the property where the Stratford house burned is owned by Lincoln Property and has been setting vacant at least 3 years. There has been no attempt to develop. It would be much better suited than this tract.

Applicant's Comments:

Mr. Norman commented that none of the protestants spoke adversely to the Staff recommendation for the zoning pattern or the detail development standards submitted by the applicant. The tract is surrounded by commercial zoning on three sides and the RM-2 depth on the west side of the street is perhaps a little greater than the east side. A good zoning classification backing a fully developed shopping center would be RM-0 or RM-T. If the application has been for medium or heavy office instead of RM-2, the Commission could not have reasonably denied the application because of the depth of zoning across the street, to the southwest and to the south. In fact, various zonings could have been requested and approved due to the zoning already in place.

Mr. Norman is aware of the traffic situation. A vehicle trip generation study was made and an apartment dwelling unit generates about one-half trips per day compared to a single-family residence. It also generates considerably less trips per day than the equivalent zoning in either office or commercial categories. This three page study is included in the PUD text and is based on information published by the Institute of Transportation Engineers. If the property were developed in a combination of commercial and residential, this tract could generate as much as 11,000 cars per day. This is probably comparable to the traffic for the shopping center on the south side of 51st and Harvard.

Z-5830 and PUD #325 (continued)

RM-2 can be converted with a PUD to a medium intensity office district; and, if this property were developed as offices, this property would generate about 2,899 additional trips per day. The application before you today would be the least of all the possible combinations, generated approximately 2,180 cars per day, not counting the trips made to the Lodge. A multifamily dwelling unit is considered to generate 5.4 vehicle trips per day and those trips could be generated on the front 10 acres of the property that is already zoned. If the Lodge decided to sell this property and move, someone could put 370 units on this and traffic impact on the neighborhood would be the same. The applicant is requesting only 40 more dwelling units to be placed on the additional 7 net acres. Those 40 units could be generated from an RS-2 zoning district if the applicant is not penalized for the channel running through the property. The additional zoning is justified on any basis used for analyzing requests from property owners.

The need for additional dwelling units in this area is not an appropriate consideration for the Planning Commission. This is left for the private sector and owners of the property, which is determined by the market. The entire area could be classified as corridor because it is within 3,000 feet of a main, east-west expressway and this area by definition would contain the most intense uses. Corridor permits approximately 43 units per acre. There are 9 existing apartment complexes in the area because this is the location for such uses - close proximity to shopping, arterial streets and the expressway. The fact there is a considerable amount of traffic is not the responsibility of the Elks Lodge or this property. It is the result of decisions made over many years of land use planning. The main point is this plan has still to be critisized in its essential elements.

It is Mr. Norman's opinion that the landscaping, the preservation of existing trees and setbacks are important and meaningful to the people who make decisions. These requirements are the very element out of which good land use relationships are considered. Mr. Bastien has never made a constructive or critical comment about the relationship proposed to exist between these buildings and his home. He has had the benefit of this wooded area for many years and does not want to see any development. The members of the Elks Lodge have never had an inquiry to purchase this land for single-family development. Proposals have been submitted for hotels, mini-storage, shopping center, office complexes and apartments. Considering this zoning pattern in place, single-family would not be appropriate. Mr. Norman is in position of trying to answer factors and considerations that are not attributable to this tract of land. This tract of land proposes a large use as a separation of the multifamily use from the office and commercial use to the south; it proposes acceptable transition relationships and single-family or duplexes are not the only way to buffer land use changes. Distances, visual barriers, screens and landscaping treatment are all considered acceptable methods of accomplishing a change in land use.

It is stated in the development text that the total open area of this site was 40%. Actually, it is 33% because the paved portion of the channel was included previously. However, this plan provides far more open space than required in most office parks, commercial development or most multifamily development. The proposed project is the product of reasonable planning and the effort of may professionals to conform and comply

Z-5830 and PUD #325 (continued)

with what is expected from people in the development business. He requested the zoning recommendation and the PUD.

Commissioner Higgins wondered if the Elks Lodge did make a verbal contract with the neighborhood that this would be developed only as residential. Mr. Norman had no knowledge of such an agreement. Mr. Loren Headrick is a past Exalted Ruler of the Elks Lodge when this property was purchased. At that time, the property was a cornfield with a muddy creek on the north side. Approval has to be received from the members of the Lodge and the Grand Lodge before any agreement can be made. All of the members are aware of this requirement. Mr. Headrick made no promise, as the Exalted Ruler, and neither did the succeeding ruler or the Board of Trustees when the original 10 acres were purchased. The second parcel was purchased in 1967, which is longer than the 11 years Mr. Bastien has resided in this area. The Harvard Avenue Residents Commission did not enter in with the Lodge to give the County right-of-way to widen Harvard to four lanes. Approval had to be received by the Lodge and the Grand Lodge to give this to the County without condemnation. The Harvard Avenue Residents Commission did not enter in when the Lodge objected to the City's evaluation of the property to widen Joe Creek. The Lodge did settle at the proposed figure without taking it to Court.

Commissioner C. Young commented that 413 units could be built under the existing zoning. The Elks Lodge could contain approximately 50 units with the existing zoning. The request is for 402 units plus the Lodge, so this is approximately 39 units under question. Mr. Gardner agreed this was correct within one or two units. Commissioner C. Young did not feel the 39 units was such a great increase in density. After calculation, Mr. Gardner noted the difference would be 41.7 units.

Special Discussion of the Record:

Chairman Kempe commented that everyone is aware of the traffic problems throughout the City both now and in the future. The question before the Commission is a matter of zoning. She does not find the additional 41 units unsupportable.

Commissioner Higgins also does not feel the 41 additional units is unreasonable, but realizes the traffic problem. However, development cannot wait until the City decides to improve this street.

MOTION was made by HIGGINS, second by HINKLE, to approve the Staff Recommendation.

Commissioner T. Young disagreed with the previous comments. The City must make decisions based on its ability to provide basic services. Approval of zoning contributed to the traffic problem. He agrees development at a closer location to the City is more economical because utilities are available. Existing zoning patterns in place for many years become an implied contract. A property owner has the right to use the property as they choose until it infringes on the collective rights of the community. Residents cannot expect property to lie vacant so they can view wooded areas. A compromise is required. He cannot support the motion.

Commissioner C. Young also could not support the motion, but would support leaving the zoning as it exists and spread with the PUD. This would re-

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duce the development by 41 units.

Commissioner Higgins did not feel the 41 units would make much of a difference either way. However, if she lived in this area, the additional 41 families might make a difference, so she could support Commissioner C. Young's suggestion and would withdraw the previous MOTION.

Instruments Submitted: Development Text (Exhibit "B-1")
4 Photographs showing traffic at 54th and Harvard (Exhibit "B-2")

TMAPC Action: 6 members present (Z-5830):

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

A tract of land, containing 17.9243 acres, that is part of the W/2 of the NW/4 of Section 33, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at the Northwest corner of said Section 33; thence South 0°02'00" West along the Westerly line of Section 33, for 1,506.20'; thence South 89°58'00" East for 50.00' to the "Point of Beginning" of said tract of land; thence North 0°02'00" East and parallel to the Westerly line of Section 33 for 678.90'; thence Due East along an extension of and along the Southerly line of "Southern Hills Mall Addition", a Subdivision to the City of Tulsa, Tulsa County, Oklahoma, for 1,271.57' to the Southeast corner of said "Southern Hills Mall Addition"; thence South 0°01'05" West along the Easterly line of the W/2 of the NW/4 of Section 33 for 213.69'; thence South 89°49'50" West for 25.00'; thence 0°01'05" West and parallel to the Easterly line of the W/2 of the NW/4 for 280.91' to a point on the Northerly line of the SW/4 of the NW/4 of Section 33; thence North 89°57'37" West along said Northerly line and along the Northerly line of Block 2 of "Lou North Woodland Acres 4th Addition", a Subdivision to the City of Tulsa, Tulsa County, Oklahoma, for 305.43' to the Northeast corner of the NW/4 of the NE/4 of the SW/4 of the NW/4 of Section 33; thence South 0°01'19" West along the Easterly line of the NW/4 of the NE/4 of the SW/4 of the NW/4 for 159.69'; thence South 86°19'38" West for 0.00' to a point of curve; thence Westerly along a curve to the right, with a central angle of 6°57'35" and a radius of 1,655.00' for 201.03' to a point of tangency; thence North 86°42'47" West along said tangency for 56.40' to a point of curve; thence Westerly along a curve to the left, with a central angle of 9°52'05" and a radius of 1,415.00' for 243.71' to a point of tangency; thence South 83°25'08" West for 60.07' to a point of curve; thence Westerly along a curve to the right, with a central angle of 6°36'52" and a radius of 2,050.00' for 236.66' to a point of tangency; thence North 89°58'00" West along said tangency for 144.99' to the "Point of Beginning" of said tract of land, LESS and EXCEPT the West 610' thereof.

Z-5830 and PUD #325 (continued)

TMAPC Action: 6 members present (PUD #325):

On MOTION of C. YOUNG, the Planning Commission voted 5-1-0 (Draughon, Higgins, Hinkle, Kempe, C. Young, "aye"; T. Young, "nay"; no "abstentions"; Benjamin, Gardner, Miller, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the conditions set out in the Staff Recommendation, reducing the number of dwelling units by 41 units:

A tract of land, containing 17.9243 acres, that is part of the W/2 of the NW/4 of Section 33, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Starting at the Northwest corner of said Section 33, thence South $0^{\circ}02'00''$ West, along the Westerly line of Section 33 for 1,506.20'; thence South $89^{\circ}58'00''$ East for 50.00' to the "Point of Beginning" of said Tract of land; thence North $0^{\circ}02'00''$ East and parallel to the Westerly line of Section 33 for 678.90'; thence due East along an extension of and along the Southerly line of "Southern Hills Mall Addition", a Subdivision to the City of Tulsa, Tulsa County, Oklahoma, for 1,271.57' to the Southeast corner of said "Southern Hills Mall Addition"; thence South $0^{\circ}01'05''$ West along the Easterly line of the W/2 of the NW/4 of Section 33 for 213.69'; thence South $89^{\circ}49'50''$ West for 25.00'; thence South $0^{\circ}01'05''$ West and parallel to the Easterly line of the W/2 of the NW/4 for 280.91' to a point on the Northerly line of the SW/4 of the NW/4 of Section 33; thence North $89^{\circ}57'37''$ West along said Northerly line and along the Northerly line of Block 2 of "Lou North Woodland Acres 4th Addition", a Subdivision to the City of Tulsa, Tulsa County, Oklahoma for 305.43' to the Northeast corner of the NW/4 of the NE/4 of the SW/4 of the NW/4 of Section 33; thence South $0^{\circ}01'19''$ West along the Easterly line of the NW/4 of the NE/4 of the SW/4 of the NW/4 for 159.69'; thence South $86^{\circ}19'38''$ West for 0.00' to a point of curve; thence Westerly along a curve to the right, with a central angle of $6^{\circ}57'35''$ and a radius of 1,655.00', for 201.03' to a point of tangency; thence North $86^{\circ}42'47''$ West along said tangency for 56.40' to a point of curve; thence West along a curve to the left, with a central angle of $9^{\circ}52'05''$ and a radius of 1,415.00' for 243.71' to a point of tangency; thence South $83^{\circ}25'08''$ West for 60.07' to a point of curve; thence Westerly along a curve to the right, with a central angle of $6^{\circ}36'52''$ and a radius of 2,050.00', for 236.66' to a point of tangency; thence North $89^{\circ}58'00''$ West along said tangency for 144.99' to the "Point of Beginning" of said Tract of Land.

PUD 326 Cox (Barnes) East of the SE corner of 15th Street and 77th E. Avenue

A Letter was presented from Kenneth Cox, requesting this item be continued (Exhibit "C-1").

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") to continue PUD #326 until June 1, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD 327 Roy Johnsen West of the NW corner of 81st Street and Memorial Drive

A letter was presented from Roy Johnsen requesting this item be continued (Exhibit "D-1").

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin, Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") to continue PUD #327 until June 15, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5831 Present Zoning: RS-3
Applicant: Kingham (Jones) Proposed Zoning: CS
Location: SE corner of East 61st Street and South Mingo Road.

Date of Application: April 14, 1983
Date of Hearing: May 25, 1983
Size of Tract: 297.6 x 137.5 acres

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

Relationship to the Comprehensive Plan: Z-5831

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and a potential for Corridor.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1-acre in size and located at the southeast corner of 61st Street and South Mingo Road. It is non-wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a resale commercial use zoned IL and a vacant office structure zoned OL; on the east by single-family dwelling zoned RS-3; on the south by single-family dwelling zoned RS-3 and on the west by a convenience store zoned CS.

Zoning and BOA Historical Summary -- Past zoning decisions have established two corners of the intersection node to be CS and the third is IL.

Conclusion -- Based upon the Comprehensive Plan designation of medium intensity at the intersection and the established land uses and zoning patterns in the area, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

Mr. Roy Johnsen was present and had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

The North-Half of Lots 3 and 4, Block 3, Union Gardens, a Subdivision of Tulsa County, State of Oklahoma, according to the recorded plat thereof.

PUD #131-C Murphy (Carney, McGraw) NW corner of 14th Street and Garnett
Road (CS, RM-1, OL)

A letter was submitted by Mr. Charles Murphy requesting continuance
(Exhibit "E-1").

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Benjamin,
Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays";
no "abstentions"; Gardner, Miller, Petty, Inhofe, "absent") to continue
PUD #131-C until June 15, 1983, at 1:30 p.m. in Langenheim Auditorium,
City Hall, Tulsa Civic Center.

SUBDIVISIONS:

For Final Approval and Release:

Woodland Springs Center (1283) South side of 71st Street, West of Mingo Road (CS)

Urbana Heights Two (PUD #284) (3393) NW corner of 53rd Street and South Urbana Avenue (RM-1 & RM-2)

Red Oak Bluff (PUD #321) (1683) 89th Street and South Urbana Avenue (RD)

The Staff advised the Commission that these plats have been reviewed and all approval letters had been received. Final approval and release was recommended.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Miller, Petty, Inhofe, "absent") to approve the final plats of Woodland Springs Center, Urbana Heights Two and Red Oak Bluff, and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #190 Garden Homes by Design Minshall Park I, Lot 3, Block 5; Lot 13, Block 7 and Lot 7, Block 12

PUD #294 Steve Schuller 96th Street and West side of Sheridan Road

Z-4900-SP-1 Paul Gunderson South of the SE corner of 71st Street and Mingo Road

PUD #128-A-4 Goble (R & S Development) Lot 41, Block 3, Kensington II Addition, Blocks 3-8 Amended

Due to lack of a quorum, the above listed items were continued to June 1, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

The meeting was adjourned at 4:54 p.m.

Date Approved

June 22, 1983

Cherry Kempe

Chairman

ATTEST:

Marilyn Hinkle
Secretary

