TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1459
Wednesday, June 8, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall,
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 10:35 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:50 p.m.

REPORTS:

Chairman's Report — A letter was submitted (Exhibit "A-1") from Tom Kane, Chief of Transportation Planning, informing the Commission of a workshop on Traffic and Land Development to be held on Tuesday, July 19, 1983. Interested Commission members were invited to attend.

CONTINUED ZONING PUBLIC HEARING:

Z-5822 Klebs South of the Southwest corner of 81st Street and Elwood Avenue
AG to IL

A letter was presented from Mr. Michael McHugh, attorney for the applicant, requesting a continuance of Z-5822 until July 13, 1983 (Exhibit "B-1"). There were no interested parties present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to continue consideration of Z-5822 until July 13, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-80 Present Zoning: AG
Applicant: Pilgram (Tower) Proposed Zoning: RE
Location: SE corner of 191st Street and Garnett Road

Date of Application: March 29, 1983
Date of Hearing: June 8, 1983
Size of Tract: 160 acres

Presentation to TMAPC by: Jessie V. Pilgram (c/o James D. Ferris)
Address: 320 South Boston Avenue, Suite 920 - 74103 Phone: 582-5281

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: CZ-80

The District 20 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area does not give any designation for the subject property. However, the Development Guidelines would call for rural, undeveloped areas being designated as Low Intensity -- No Specific Land Use.

The requested RE District is in accordance with the Development Guidelines.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 160 acres in size and located at the southeast corner of 191st Street and South Garnett Road. It is partially wooded, rolling, vacant and zoned AG.

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

Zoning and BOA Historical Summary -- There have been no zoning or Board of Adjustment cases in the area which would preclude consideration of RE zoning.

Conclusion -- Based upon the fact that both the tract and the surrounding area is undeveloped and the Development Guidelines would support Low Intensity -- Residential, the Staff recommends APPROVAL of the requested RE zoning.

The Staff noted there is a cemtery on the subject tract and there are procedures for relocating. If this is not proposed by the applicant, the Staff would suggest that the portion of the tract containing the cemetery be deleted from the application and remain agricultural.

Applicant's Comments:
The applicant was not present.

Protestants: None.

TMAPC Action: 6 members present.
On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to

recommend to the Board of County Commissioners that the following described property be rezoned RE, LESS and EXCEPT that portion designated for the cemetery to remain AG:

LEGAL PER NOTICE:

Northwest Quarter (NW/4) Section Eight (8), Township 16 North, Range 14 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION:

Legal to be furnished by the applicant.

Application No. Z-5826 Present Zoning: AG
Applicant: Tannehill (Fail) Proposed Zoning: RM-1
Location: NE corner of East 31st Street and 161st East Avenue

Date of Application: March 30, 1983
Date of Hearing: June 8, 1983
Size of Tract: 40 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1516 South Yorktown Place Phone: 749-4694

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5826

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the proposed RM-1 District is in accordance with the Plan Map's Medium Intensity designation and may be found in accordance with the Low Intensity.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 40 acres in size and located at what would be the intersection of 161st East Avenue and 31st Street South. However, both of these streets are unimproved and access to the tract at this time is by a dirt road from the end of the improved portion of 131st Street, approximately 1/4 mile east of the subject tract. The tract is partially wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG, on the east by one single-family dwelling and mostly vacant land zoned AG, on the south by vacant land zoned AG, on the southwest by vacant land zoned RM-1 and on the west by vacant land zoned AG.

Zoning and BOA Historical Summary -- The only recent zoning action that has occurred in the area was a 1973 case, which allowed Low Intensity -- Residential (RM-1 zoning) on the property to the southwest of the subject tract.

Conclusion -- The 24 acres of RM-1 approved at the southwest corner of the intersection was over and above the 10 acres recommended by the Staff; however, the Staff can see that the drainage ditch (zoned AG) would serve as a logical physical buffer from the subdistrict. The subject tract has no such physical buffer, making it difficult to support that amount of RM-1 under the Guidelines.

The Staff could support and does recommend APPROVAL of a 10-acre node of RM-1 (660' x 660') at the intersection and a 300-foot wrap-around transitional buffer of RM-0 with the remaining portion of the tract being RS-3.

Applicant's Comments:

Mr. Tom Tannehill represented the applicant, Mr. Never M. Fail, Jr., who is the purchaser of the property. It is a fact there are no completely dedicated streets at this location; however, there is nothing in the Comprehensive Plan for District 17, nor is there anything in the Development Guidelines stating the tract should be treated differently because the streets are not improved at this particular location. There have been three applications previously in this area and the Staff has recommended denial. It is Mr. Tannehill's contention that the Staff is basically backing up the previous recommendations for consistency. In each instance, the Planning Commission and the City Commission have disregarded the Staff recommendation.

There is existing sanitary sewer and other utilities because the area has developed. There is 13.7 acres of CS zoning at this particular corner. Due to the development in the area and further development to the south and west, Mr. Fail feels this tract would be perfectly suited for a development similar to Delaware Crossing or Shadow Mountain Condominiums. He would request the Commission look at the physical facts of this area. There will need to be some on-site detention. There are no protestants to the request and the density would be limited to 19.3 units per acre.

Commissioner C. Young thought 40 acres is a large tract and Mr. Tannehill advised none of the rezonings in this area have been small tracts. This may be why the Planning and City Commissions have looked favorably on what is basically a deviation from the original node concept. The applicant is willing to forego any CS or office configuration. The Staff recommendation would be about 70 or 80 units more than a common node configuration.

Chairman Kempe could understand the Staff recommendation because this is all vacant land. Commissioner Petty thought it is unusual for the Staff to take into consideration the condition of roads or access. If the Commission waited for the roads to be built, there would be no development. Mr. Compton explained the Staff's concern about traffic that Mr. Tannehill was referring to was directed toward the original application that requested CS at the corner. The Staff felt CS would generate significant traffic, we were not opposed to it, we simply feel it was before its time in this area without improvements. Also, the plan calls for a five-acre medium intensity node to be appropriate with two secondary arterials. If the applicant foregoes the medium intensity CS, the acreage could be doubled under a multifamily application, which was the same rezoning used for the recommendation at the corner opposite. The Staff recommendation for this rezoning is for the 10-acre multifamily double compensation over a normal CS node. The transitional RM-0 buffer would serve, in theory, as the creek on the other side, buffering the corner from the remainder of the subdistrict.

Commissioner C. Young wished to comment on the statement made by Commissioner Petty. In the past, Tulsa has not developed roads before development begins. The Commission cannot start now and say the roads and utilities most be in place before the zoning can be approved. Commissioner Petty agreed.

Application No. Z-5826 (continued)

Mr. Tannehill recognized the Commission might feel a buffer is necessary. He would recommend to his client to agree with an RS-3 buffer, if the Commission so desired. This would lower the density, but it will necessitate a PUD anyway. Commissioner C. Young was concerned about putting 40 acres of multifamily on one corner with 29 acres existing on the other corner and influencing a possible 40 acres, a piece on the remaining two corners, totaling a quarter of a section of multifamily at one intersection. Mr. Tannehill agreed, but pointed out that other big developments have not extended development in other areas of the City and did not believe development would be that heavy at this intersection. The 100-foot wrap-around of RS-3 would restrict construction in the future. There will also not be a 40-acre node on the south because the creek cuts through the tract and will probably be designated for floodplain.

Commissioner Petty did not see much problem with the request. If people buy property in this area later, they will be aware of the surrounding uses. Chairman Kempe asked about a buffer and Commissioner Petty agreed a buffer is needed.

Commissioner C. Young would prefer to zone a 960' x 960' portion of the tract RM-1 with a wrap-around of RS-3. He did not want 40 acres of multifamily. Mr. Compton explained that the solution would be 22.3 acres of RM-1 and about 17.7 acres of RS-3. Commissioner C. Young then suggested 30 acres of RM-1 and the remaining 10 acres used as a wrap-around of RS-3.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned 30 acres of RM-1 with a 10-acre wrap-around of RS-3:

LEGAL PER NOTICE

The Southwest Quarter of the Southwest Quarter, Section 14, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION:

RM-1: Southwest Quarter of the Southwest Quarter, Section 14, Township 19 North, Range 14 East, Tulsa County, Oklahoma, LESS and EXCEPT the North 177 feet and the East 177 feet, containing 30 acres, more or less.

RS-3: Southwest Quarter of the Southwest Quarter, Section 14, Township 19 North, Range 14 East, Tulsa County, Oklahoma, LESS and EXCEPT the South 1,143 feet of the West 1,143 feet, containing 10 acres, more or less.

PUD #326 Cox (Barnes) East of the SE corner, 15th Street and 77th East Ave. (RS-3)

A letter was submitted from Kenneth Cox, attorney for the applicant, requesting a continuance until June 15, 1983 for PUD #326 (Exhibit "C-1"). No interested parties were present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Benjamin, Miller, T. Young, Inhofe, "absent") to continue consideration of PUD #326 until June 15, 1983, at 1:30 p.m., in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5832 Present Zoning: CS, RS-2
Applicant: Morris (Prof. Investors Life Ins. Co.) Proposed Zoning: CS, RM-0, RM-1, RM-2, RS-3 and FD
Location: SE corner of 101st and Delaware Avenue

Date of Application: April 19, 1983
Date of Hearing: June 8, 1983
Size of Tract: 64 acres

Presentation to TMAPC by: Warren G. Morris
Address: P. O. Box 45551 - 74147 Phone: 437-7682

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5832

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-3 and FD Districts are in accordance with the Plan Map, the RM-0 and RM-1 Districts may be found in accordance and the RM-2 and CS Districts are not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 64 acres in size and located on both sides of Delaware Avenue, south of 101st Street. It is partially wooded, flat, contains 3 single-family dwellings and zoned a combination of CS, RS-2 and AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned a combination of CS, RM-0 and RS-3, on the east and south by mostly vacant land zoned AG and on the west by a sand company zoned CG and the river.

Zoning and BOA Historical Summary -- Past zoning actions have established a typical node at the northwest corner of the intersection based upon the Development Guidelines.

Conclusion -- Based upon the surrounding zoning patterns, existing land uses and the Development Guidelines, the Staff recommends APPROVAL of a 660' x 660' CS node at the southeast corner of Delaware Avenue and 101st Street and a 300' RM-0 wrap-around buffer. We also recommend APPROVAL of the extension of the CS and RM-0 lines across to the west side of Delaware with the remainder of the tract being RS-3, except the extreme eastern portion of the tract has been identified by the Hydrology Report as having a potential floodway problem and should be zoned FD.

The Staff would note that the applicant should meet with the City Engineer to determine what portion of the tract should be designated FD and provide us with a legal description.

Application No. Z-5832 (continued)

Applicant's Comments:

Mr. Warren Morris explained to the Commission there is a sand plant to the northwest of the subject tract, which is one of the big problems. The land backing to the river is high-intensity use. There is some interest in office zoning to the south of the sand plant since it is a shallow tract. Mr. Morris requested the Commission consider the CS and RS-3 as requested, but add onto the portion recommended for RM-0 on the west side of Delaware additional multifamily to within 100' of the southern boundary. He would also like to request changing the RM-0 to RM-1. This request will be subject to a PUD, so the Staff will have to help work out a plan. He feels his changes would give more variety to the PUD.

Protestant: Herb Zaborsky, District 26 Chairman Address: 9910 S. Allegheny Avenue

Protestant's Comments:

Mr. Herb Zaborsky, Chairman of District 26, stated the residents in the area were concerned about such a high density. They would prefer to have the buffer in a normal, conventional node as designated by the Comprehensive Plan. This would be commercial with an adequate buffer wrap-around. He also wished the Commission to consider the flooding and the traffic problems already existing. There is no provision in the Comprehensive Plan for improving Delaware Avenue to significantly overcome the current traffic problems. The neighborhood could support the Staff recommendation.

Staff Comments:

Mr. Compton explained that the Staff was concerned about increasing the request from RM-0 to RM-1 and extending it south because it might influence higher intensity development farther south on Delaware. The expressway system proposed north of the subject tract is the reason for supporting higher intensities (RM-1) between Delaware and the River. This is not true for the subject tract and approval of RM-1 could extend the multifamily or office use.

Applicant's Comments:

Mr. Morris commented the tract on the west side of Delaware is very shallow and backs to the River. As a compromise, he suggested this portion on the west side of Delaware be rezoned RM-1 and accepts the Staff recommendation as it is on the east side of Delaware.

Commissioner C. Young could support this compromise if a 100' strip of RS-3 is retained along the southern boundary and it all remaining RM-0, as recommended by the Staff.

Commissioner Petty thought RM-1 would be a better transition from the CS zoning, but he could go along with the RM-0 if the Commission thought it was adequate.

TMAPC Action: 6 members present.

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

portion to the west of Delaware Avenue to be RM-0, except the south 100' be rezoned RS-3:

LEGAL PER NOTICE

N/2 of the NE/4 of the NE/4 AND the NW/4 of the NE/4 of Section 29, Township 18 North, Range 13 East, Tulsa County, Oklahoma AND Lot 1, Section 29 LESS the North 200 feet and LESS and EXCEPT the following tracts which have heretofore been conveyed: A tract of land described as Beginning at the Southwest corner of the NW/4 of the NE/4 of Said Section 29; thence North along the West line, a distance of 495'; thence along the right-of-way of South Delaware Avenue in a Southeasterly direction until it intersects the South line of the NW/4 of the NE/4; thence Westerly 190.4' to the point of Beginning AND a tract being described as the East 143' of the South 105' of the NW/4 of the NE/4 of the NE/4 of Said Section 29, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION:

To be furnished by the applicant.

PUD #328 Morris (Prof. Investors Life Ins. Co.) SE corner 101st & Delaware(CS, RS-2)

A letter was presented from the applicant, Warren G. Morris, requesting this item be continued for thirty days (Exhibit "D-1"). No interested parties were present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to continue consideration of PUD #328 until July 6, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5833 Present Zoning: RS-3
Applicant: Dennis Hall Proposed Zoning: RD
Location: 4430 South Union Avenue

Date of Application: April 25, 1983
Date of Hearing: June 8, 1983
Size of Tract: 150' x 144.3'

Presentation to TMAPC by: Dennis Hall
Address: 4989 South Union Avenue - 74107 Phone: 446-3311

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5833

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1/2 acre in size and located just north of the northwest corner of 45th Street and South Union Avenue. It is partially wooded, gently sloping, vacant and zoned RS-3.

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

Zoning and BOA Historical Summary -- Past BOA actions have allowed RS-3 duplexes to occur in the interior of the neighborhood abutting the tract on the south and west.

Conclusion -- The zoning patterns of the area do not support the RD request; however, the Staff's field check uncovered (1) a small welding shop abuts the subject property on the north, (2) that within the neighborhood west of the tract there are nonconforming duplex uses and (3) at least one RS-3 exception duplex is located in the area west of the tract. In addition, the Staff feels that single-family dwellings fronting onto Union Avenue would be extremely difficult to develop and because of this, the slightly higher density of RD (10 DU's per acre) over the RS-3 exception (8.7 DU's per acre) can be supported.
Based upon the above review and the fact the Staff sees this as a good infill project, we recommend APPROVAL of the requested RD zoning.

Applicant's Comments:

Mr. Dennis Hall mentioned his plans are to build some nice duplexes on this site with about 844 square feet in each unit. They will be all frame units and will be compatible with the neighborhood. The lots drain now and additional grading work will be done to improve the drainage. There is no standing water on the lots.

Application No. Z-5833 (continued)

Commissioner Petty had some reservations about this case because it seems to be a Board of Adjustment issue.

Protestants: Mrs. Rosemary Gee Address: 4347 South Vancouver Ave.

Protestant's Comments:
A letter was submitted from Mrs. Rosemary Gee protesting the rezoning request due to drainage problems (Exhibit "E-1").

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

Lots 11, 12, & 13, Block 1, Hilldale Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof.

Application No. Z-5834 Present Zoning: AG
Applicant: Burton (Alexander) Proposed Zoning: CS
Location: West of the NW corner of 101st Street and Sheridan Road.

Date of Application: April 25, 1983
Date of Hearing: June 8, 1983
Size of Tract: 165' x 330'

Presentation to TMAPC by: Jimmie R. Burton and Jack D. Crews
Address: 2255 South St. Louis Avenue - 74114 Phone: 742-5074

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5834

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS District is in accordance with the Plan Map for Medium Intensity and is not in accordance with the Plan Map for Low Intensity.

Recommendation:

Site Analysis -- The subject tract is approximately 1 1/4 acres in size and located just west of the northwest corner of 101st Street and South Memorial Drive. It is wooded, gently sloping, vacant and zoned AG.

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

Zoning and BOA Historical Summary -- Past zoning actions have established a Medium Intensity node at the SW corner of the intersection with 660' of frontage along 101st Street and a 2 1/2 acre CS tract east of the subject tract.

Conclusion -- The dual designation placed on the nodes at intersections within the District 26 Plan was used to indicate that the tracts are or were undeveloped. In this case the rezoning of the intersection has already started and a precedent has been established consistent with the Development Guidelines.

Based upon the existing zoning patterns, Plans and Medium Intensity designation, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:
The applicant had no comments.

Protestants: None.

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

recommend to the Board of City Commissioners that the following described property be rezoned CS:

The West 165.02' of the East 495.06' of the S/2 of the S/2 of the SE/4 of the SE/4 of Section 23, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5835 Present Zoning: RS-3
Applicant: Dunham (Valentine) Proposed Zoning: IL
Location: 1504 West 37th Place

Date of Application: April 26, 1983
Date of Hearing: June 8, 1983
Size of Tract: 4 acres, more or less

Presentation to TMAPC by: Monte Dunham
Address: 6355-B East 41st Street - 74135 Phone: 627-4230

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5835

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 5 which encourages industrial development.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4 acres in size and located east of the Okmulgee Beeline on 37th Place. It is partially wooded, flat and contains one single-family dwelling zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned a combination of IL and IM, on the east by an industrial building and Philpott Park zoned IM and on the south and west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have established that the area surrounding the tract is transitioning to industrial uses.

Conclusion -- Based upon the Plan designation, surrounding land uses and existing zoning patterns, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:
Mr. Monte Dunham agreed with the Staff recommendation.

Protestants: None.

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

Lots 1 to 6, inclusive, Block 4, Interurban Addition, Tulsa County, Oklahoma, according to the recorded Plat thereof; LESS and EXCEPT that portion of Lots 1, 2 and 3, described as follows: Beginning at the SE corner of Said Lot 1; thence West along the South line of

Said Lot 1, a distance of 95' to a point; thence in a Northwesterly direction to a point 25' South and 30' West of the NE corner of Said Lot 3; thence North a distance of 10' to a point; thence in a Northwesterly direction to a point, Said Point being on the North line of said Lot 3, and 46.0' East of the Northwest corner of Said Lot 3; thence East along the North line of Said Lot 3, 2 and 1, to the Northeast corner of Said Lot 1; thence South along the East line of Said Lot 1, a distance of 330' to the Southeast corner thereof and place of beginning.

Application No. CZ-83 (Z-5836) Present Zoning: RS
Applicant: Mullen (Medina) Proposed Zoning: IM
Location: West of the NW corner of 51st Street and 65th West Avenue

Date of Application: April 28, 1983
Date of Hearing: June 8, 1983
Size of Tract: 5 acres

Presentation to TMAPC by: Robert Martin
Address: 717 South Houston, Suite 401 - 74127 Phone: 587-7234

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: CZ-83

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract; however, the Development Guidelines would designate the area as being in a subdistrict.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5 acres in size and located 660 feet west of the northwest corner of 51st Street and 65th West Avenue. It is non-wooded, gently sloping, vacant and zoned RS.

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

Zoning and BOA Historical Summary -- A past zoning action denied CS east of the subject tract on the northwest corner of 51st Street and 65th West Avenue because of the low-intensity, residential character of the surrounding area.

Conclusion -- Based upon the existing land uses and the surrounding zoning patterns the Staff recommends DENIAL of the requested IM zoning.

Applicant's Comments:

Mr. Robert Martin represented the applicant, who is the owner of Cartwright Transfering and Storage, Inc., a small trucking company. This work is conducted both in and out of Oklahoma. The company consists of only 5 trucks. There is currently an office set up in Sand Springs, but this area is more attractive. The proposed change in zoning is probably more extreme than the needs, but he wanted to be sure he was covered when the application was made. The trucks check in at night and leave in the morning. There is very little activity during the day.

Mr. Martin displayed a proposal for the tract, consisting of a mechanics building, an office and a parking area. This is a 5-acre tract with 330' of frontage and 660' deep. It abuts West 51st Street and is just west of South 65th West Avenue. A petition was presented (Exhibit "F-1) containing 16 signatures of residents in favor of the rezoning. All of these

residents are abutting property owners on the same side of the street as the subject tract. The residents protesting the rezoning are south of the street or farther east and west.

There would be no increase in traffic and no problem with drainage. There are water and gas lines in place. This would be a safe operation, Mr. Mullen would live on the tract part-time, using the back part of the section for agricultural purposes.

Mr. Compton explained the Staff considered the proposed use as being a trucking establishment and would fit in an IL District, but they could not support IL either.

Protestants:	Fred L. Brant	Addresses:	6620 W. 51st Street
	Bob Bellmyer		7316 W. 51st Street
	Tom Cannady		9005 W. 51st Street
	Mrs. Marvin Brewington		6850 W. 51st Street

Protestants' Comments:

Mr. Fred L. Brant wished to point out the lots containing single-family dwellings. The residents in the area feel a trucking company on this tract would be extremely dangerous. This is a heavily-traveled road. There are also school buses that use the road. There is a drainage problem in this area because the water turns off the hills. The bar ditches cannot handle the runoff.

Mr. Bob Bellmyer is also concerned about the traffic. His property is located on the curve in the road and cars are constantly running off the road and hitting his fence. There are two tight curves right at the location of the tract and a slow semi-trailer pulling out on the road would be dangerous. There is not enough clear visibility.

Mr. Tom Cannady stated that Sand Springs has a large development being constructed to the west and 51st Street has become overloaded. There is a school in the area and more houses are being constructed.

Applicant's Comments:

Mr. Martin can appreciate the comments made, but the residents abutting the subject tract have no objections to the rezoning. There is traffic on any road and 5 more trucks will not make much difference.

Mr. Mullen, the applicant, informed the Commission that his trucks would leave in the morning and not return until late in the evening. This will not affect school children and there is enough room for them to pull off and on the highway without effecting traffic. He would not have attempted to rezone the property if it were not safe.

Special Discussion for the Record:

Commissioner C. Young felt the use proposed sounds innocent; but, if the Commission could limit the use to 5 trucks, it would be different. However, if this request is approved, other applications could be considered for industrial zoning. He cannot support this because it is a classic case of spot zoning and would be in the middle of residential and agriculture.

Case No. CZ-83 (Z-5836) (continued)

Instruments Submitted: Petition of Support containing 16 signatures (Exhibit "F-1")
Petition of Protest containing 30 signatures (Exhibit "F-2")
Letter of Protest from Mrs. Marvin Brewington (Exhibit "F-3")

TMAPC Action: 6 members present.

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

The W/2, E/2, SW/4, SE/4, SE/4 and the W/2, S/2, SE/4, SE/4, SE/4 of Section 30, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

SUBDIVISIONS:

For Final Approval and Release:

Swan Lake Estates (793) NW corner of 19th Street and South Rockford Ave. (RS-3)

The Chair, without objection, tabled this item.

Golf Estates II Amended (PUD #313) (382) 61st Street and South 28th West Avenue (RM-T, RS-3)

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

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

OTHER BUSINESS:

PUD #111-B Schwers 31st Street and 136th East Avenue

Staff Recommendation - Minor Amendment

The subject tract is located on the north side of 31st Street at 136th East Avenue. The PUD was approved for townhouse uses and has a required 20-foot setback from 136th East Avenue. The applicant is now requesting to encroach the end of a building 8 feet into that setback. This request is the result of meeting a PUD condition of a second access to 31st Street.

Since the side yard requirement in RM-T zoning is 5 feet and the applicant will have 13 feet and since the building across the street will be moved slightly back to compensate for the encroachment, the Staff considers this request minor.

Therefore, the Staff recommends APPROVAL of a 12-foot side yard setback for Lot 1, Block 14, Eastpark Addition.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Benjamin, Higgins, Hinkle, Kempe, Petty, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Gardner, Miller, T. Young, Inhofe, "absent") to approve the requested minor amendment to PUD #111.

PUD #127 Bernier Willows Condominiums, Phase II NW corner of 71st Street and Lewis Avenue

Staff Recommendation - Detail Site Plan Review - Lot 1, Block 1, Collegiate Square Addition

The subject tract is located east of the southeast corner of 66th Place and South Victor Avenue. The applicant is requesting Detail Site Plan approval for a part of Lot 1, Block 1, Collegiate Square Addition. Phase I of what is now called the Willows Condominiums has received Site Plan approval and the request now is for approval of Phase II.

PUD #127 (continued)

The Staff has reviewed the PUD conditions, Phase I Detail Site Plan approval and the submitted Site Plan, and recommend APPROVAL, subject to the following conditions:

(1) That the maximum number of units not exceed 120 (this leaves 77 to be built in Phase III).

(2) That the minimum livability space be not less than 103,663 square feet as shown on the Plan.

(3) That a minimum of 245 off-street parking spaces be provided.

(4) That 3-story construction be permitted, provided the top of the roof shall not exceed 35 feet.

(5) That setbacks shall be as shown on the Plan.

(6) That the total land area for Phase II shall not exceed 202,752 square feet as shown on the Plan.

TMAPC Action: 6 members present.

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

There being no further business, the Chair adjourned the meeting at 3:00 p.m.

Date Approved June 22, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Hinkle
Secretary

6.8.83:1459(22)