

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1468  
Wednesday, August 10, 1983, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom Draughon Higgins Hinkle, Secretary Kempe, Chairman Petty, 2nd Vice- Chairman T. Young Woodard	Flick C. Young Inhofe	Compton Gardner Martin	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on August 9, 1983, at 11:00 a.m., as well as in the Reception Area of the INCOG Offices.

Second Vice-Chairman Petty called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, C. Young, T. Young, Inhofe, "absent") to approve the Minutes of July 13, 1983 (No. 1464).

REPORTS:

Report of Receipts and Deposits:

The Commission was advised this report is in order.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, C. Young, T. Young, Inhofe, "absent") to approve the report of receipts and deposits for the month ending July 31, 1983.

PUBLIC HEARING:

PUBLIC HEARING FOR PROPOSED AMENDMENTS TO TITLE 42, SECTION 240.2

Mr. Petty opened the public hearing.

Mr. Compton advised Section 240.2 - Permitted Yard Obstructions was continued from the previous hearing at the Building Inspection Department's request. The Building Inspector no longer has a problem with the proposed amendment. Section 240.2 (h) deals with carports by special exception requiring Board of Adjustment approval. The proposed amendment is the deletion of that portion making it by variance rather than exception which requires the finding of a hardship. By deleting (h) of Section 240.2 the tenth item or item (i) would be known as (h).

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Petty, Woodard, "aye"; no "nays"; no "abstentions"; Flick Kempe, C. Young, T. Young, Inhofe, "absent") to close the public hearing to adopt Section 240.2 as amended.

ZONING PUBLIC HEARING:

Application No. CZ-88  
Applicant: Butler (Brand)  
Location: 6838 North Peoria Avenue

Present Zoning: RS  
Proposed Zoning: IH

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Date of Application: June 20, 1983  
Date of Hearing: August 10, 1983  
Size of Tract: 3.89 acres, more or less

Presentation to TMAPC by: Eddie Brand  
Address: 6834 North Peoria Avenue

Phone: 583-6295

Relationship to the Comprehensive Plan: CZ-88

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District -- Commercial.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.89 acres in size and located 1/3rd mile north of the northwest corner of 66th Street and North Peoria Avenue. It is partially wooded, flat, contains a used auto parts business with outside storage, zoned RS.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned IL, on the east and south by a mixture of single-family, commercial and industrial uses zoned RS, and on the west by scattered single-family zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have established a precedence for light industrial or medium intensity commercial uses.

Conclusion -- Based on the Comprehensive Plan, existing zoning patterns and good planning principles, the Staff finds IH or IM totally inappropriate, but can support IL light industrial zoning.

Therefore, the Staff recommends APPROVAL of IL zoning.

Applicant's Comments:

Commissioner Petty informed the Board a letter was submitted by Robert Butler, attorney representing Eddie and Doris Brand, requesting that this item be continued as Mr. Butler was scheduled for a court hearing out of town. The applicant, Mr. Brand was present and requested that the Commission disregard the continuance request and hear the case.

The Staff advised the letter of continuance was not timely filed.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, Kempe, C. Young, Inhofe, "absent") to DENY the request for continuance.

Application No. CZ-88 (continued)

Mr. Eddie Brand explained that a 14,000 square-foot building is located on the property used for the sale of truck parts. The property is not used as a salvage or junk yard. Mr. Brand said he has owned the subject property for approximately 5 years and has operated his business at this location during that time. The surrounding properties are used as a garage and storage lot, car lot and wrecker service with a railroad to the rear of the property. Mr. Brand felt the use of the property was very appropriate with the immediate area. There are no vehicles stored outside, but there are racks with automobile parts stored outside. The subject property has been fenced recently.

Chairman Kempe asked if the applicant could continue the existing business with the IL zoning as recommended and the Staff advised IL will allow automotive and allied activities, but would not allow any open salvage.

Commissioner T. Young asked if the land were rezoned IL if the applicant could receive Board of Adjustment approval to allow outside storage with certain restrictions. The Staff advised that a determination of the use would need to be made by the Building Inspection Department and if it were determined that the use was outside storage and not salvage it would be by right. Commissioner T. Young suggested that the property be approved for CG, but it has not been advertised for that zoning classification.

Commissioner Beckstrom questioned the Commission's recourse if the land were rezoned and the applicant continued the existing business. The Staff stated if a complaint was filed it would be determined if the use was a legal nonconforming business which existed before the adoption of the Zoning Code. If the use came into existence after the Zoning Code adoption the Building Inspection Department would issue a cease and desist order.

Instruments Submitted: A letter from Robert Butler requesting continuance (Exhibit "A-1")

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL.

The N/2 of the SE/4 of the NE/4 of the SE/4, less .73 acres for Railroad Right-of-Way and less .38 acres for Highway, Section 36, Township 21 North, Range 12 East, Tulsa County, Oklahoma, containing 3.89 acres.

Mrs. Kempe suggested that Mr. Brand spend some time with the Staff to get a better understanding of the various use units allowed in this classification and better understand the Staff's recommended IL.

Application No. Z-5862 Present Zoning: RS  
Applicant: Nole (Myers) Proposed Zoning: CS and IL  
Location: NE and East of the NE corner of 51st Street and Mingo Road

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Date of Application: June 29, 1983  
Date of Hearing: August 10, 1983  
Size of Tract: 4.3 acres

Presentation to TMAPC by: Charles Nole  
Address: 1410 South 117th East Avenue Phone: 437-3712

Relationship to the Comprehensive Plan: Z-5862

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I -- Industrial Development encouraged.

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

Staff Recommendation:

Site Analysis -- The subject tracts are approximately 4.3 acres in size and located at the northeast corner of 51st Street and South Mingo Road and just east of that location. They are partially wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tracts are abutted on the north and east by Alsuma Park and a mixture of different light industrial and single-family uses zoned IL and RS-3, and on the south and west by industrial, commercial and single-family uses zoned IL, CS and RM-2.

Zoning and BOA Historical Summary -- Past zoning actions have established CS at the intersection and IL zoning outside of the node.

Conclusion -- Based upon the Comprehensive Plan, existing zoning patterns, and the surrounding land uses, the Staff recommends APPROVAL of CS on the tract at the northeast corner of the intersection and IL on the easternmost tract.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS on the tract at the northeast corner of the intersection and IL on the easternmost tract:

A tract of land beginning at a point 673' East of the Southwest corner of Section 30, Township 19 North, Range 14 East; thence North 400' to a point; thence East 317' to a point; thence South 400' to a point; thence West 317' to the place of beginning AND

Application No. Z-5862 (continued)

the East 65' of a tract of land beginning 573' East of the Southwest corner of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, more particularly described as follows, to wit: Thence North 205'; thence East 100'; thence South 205'; thence West 100' to the point of beginning, Tulsa County, Oklahoma, according to the United States Government and Survey thereof.

Commissioner Petty stated a letter from Tom Tannehill was submitted requesting Z-5864 be continued for at least two weeks.

Tom Tannehill, attorney representing Mr. Never M. Fail, Jr., advised he had informed his client to submit a detail site plan prior to the application for CO. Charles Hart, hydrologist-engineer working with Mr. Fail, discovered an enormous drainage problem existent on the property, consequently, a detention facility would be required. After talking with the architects and engineers it was felt that all the information needed would not be ready in two weeks. Mr. Tannehill requested that the application be continued for three weeks to the August 31, 1983 meeting to assure the applicant adequate time in which to submit the needed information.

Mr. Compton advised the Board that August 31, 1983, is not a regularly scheduled meeting date, but will be used as a special meeting, therefore, the item could not be heard until September 7, 1983. Mr. Tannehill concurred with that suggestion.

Instruments submitted: A letter requesting continuance (Exhibit "B-1")

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to continue consideration of Z-5864 until September 7, 1983, at 1:30 p.m., in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5863 Present Zoning: RS-2  
Applicant: Lettich (Hecht) Proposed Zoning: RM-2  
Location: North of Fairview Street, between Osage and Country Club Drive

Date of Application: June 29, 1983  
Date of Hearing: August 10, 1983  
Size of Tract: 2 acres, more or less

Presentation to TMAPC by: Tom Lettich  
Address: 705 South 101st East Avenue Phone: 832-0532

Relationship to the Comprehensive Plan: Z-5863

The District 11 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-2 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2 acres in size and located 1/4 mile north of the northeast corner of Edison Street and Country Club Drive. It is partially wooded, gently sloping, vacant and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land and a pre-school zoned RS-2, on the east by multifamily apartments zoned RM-2, on the south by single-family dwellings zoned RS-2 and on the west by a single-family dwelling zoned RS-2.

Zoning and BOA Historical Summary -- Past zoning actions have maintained single-family zoning on either side of Country Club Drive.

Conclusion -- The Comprehensive Plan designates the area for medium intensity uses; however, the Development Guidelines requires that existing conditions be taken into consideration when making zoning decisions. In this case the tract is abutted on three sides by low intensity uses (single-family and pre-school). The fourth side is abutted by medium intensity multifamily residential. The tract as it exists, clearly serves as a transition from multifamily to single-family and the Staff feels that after development it should serve the same purpose.

Therefore, the Staff recommends APPROVAL of RM-0 on the east 125 feet of the subject tract and the remainder to be rezoned RS-3.

Applicant's Comments:

Mr. Tom Lettich represented the Patrick Ross Corporation, who proposes to construct three buildings on the subject tract which are two-story units. Each unit will have twenty units contained within the building with the north structure containing only ten units, therefore, making a total of 50 units included in the project. The project has been designed so as to buffer the single-family residences to the south with one of the 20 unit buildings occupied by the elderly tenants; and the younger residents to the north would be closer to the swimming pool and recreational area. The property is bounded by a day care center to the

Application No. Z-5863 (continued)

north, residential zoned property to the west which is owned by the State of Oklahoma and used as office space and juvenile residence area, and apartments on the property to the east. The developers of the project did take into consideration the single-family residences to the south.

<u>Protestants:</u>	Dale Gates, III	Addresses:	2732 East 22nd Street
	Gordon Webb		633 North Country Club Drive
	Charles West		506 West Fairview Street
	Maurice DeDinna		606 North Osage Drive
	Mozelle Webb		633 North Country Club Drive

Mr. Dale Gates, III, 2732 East 22nd Street, stated he has a contract to purchase the property at 620 North Country Club Drive and the house on that property would be valued at \$250,000. Mr. Gates advised he had been informed that the proposed units would be one-bedroom units with possible two-bedroom unit efficiency apartments. If the project is approved additional traffic will result which the street accessing the property will not handle. Mr. Gates was informed that the condominiums would be valued at \$30,000 and compared the units to the Osage Hills units which is a public housing project. He advised the developers of the project intend to construct a condominium project one block away which will be valued at \$60,000 to \$80,000 per unit, which conflicts with the proposed plans.

Gordon Webb felt if the condominium project were constructed property values in the surrounding area would decrease. He also expressed a concern with the proposed drainage for the project.

Charles West stated he was extremely opposed to the rezoning because he and other property owners in the area have spent a tremendous amount of money on their houses and upgrading their property. Mr. West was fearful that property values would decrease and traffic congestion would increase if the rezoning were granted.

Maurice DeDinna was present and merely reiterated Mr. West's comments concerning property values.

Mozelle Webb voiced her extreme objection to the proposed condominium project. She felt this area should cater to a higher class of people. Mrs. Webb also expressed a concern about adequate sewer being provided for the project.

Staff Comments:

Mr. Compton explained that any zoning requires a drainage plan be submitted for the City Engineer's review and approval. A Hydrology Report of on-site detention or fee in lieu would be required as a part of the platting process.

Applicant's Comments:

Mr. Lettich presented a drawing depicting the proposed condominium structures which will complement the single-family area. The buildings will be a combination of stucco and cedar exterior with a dark composition roof. Mr. Lettich advised the project as proposed is of a higher value than the existing Osage Hills Apartments and will not be rent subsidized, but will be owned by the individual unit owner.

There will be added traffic in the area, but Mr. Lettich did not feel that the traffic from the units would overload the street system in any way.

Application No. Z-5863 (continued)

A security wall is being added to enhance the development and screen out any unfavorable appearance to the surrounding neighborhood.

Commissioner Beckstrom asked if the property were zoned per Staff Recommendation (24 units) would it serve the applicant's purposes. Mr. Lettich stated if the project is approved per Staff Recommendation it would put the applicant at a real disadvantage.

Mr. Compton advised the subject tract contains approximately 2 acres. If it were not under PUD the maximum number of units would depend upon the mixture of the bedroom units. If there are no 2-bedrooms he could still get 26 units under RM-1 per acre, which would include 52 units for the two tracts if it were all zoned RM-1. If the total tract were zoned RM-0 one bedroom units would be permissible. The proposal before the Commission at this time is a mixture of RM-0 and RS-3. Under a PUD the applicant would be allowed a duplex exception which would give him a density comparable to RM-T.

Mr. Lettich felt with 30 units the project would be feasible, but fewer than 30 units would be economically unfeasible. Mr. Compton advised the Staff was looking for zoning classifications that were consistent with surrounding zoning patterns, past zoning decisions and comparable to RM-T densities.

Mrs. Higgins felt the Staff has looked at both sides of it very carefully and feel the residents and/or property owner's rights should be protected.

Commissioner T. Young was troubled as some of the protestants believe an individuals' income level relates to his suitability and acceptability in society. He advised there are many PUD's in Tulsa with high quality developments and was persuaded the proposed project would be compatible with the surrounding area. He felt the property should be rezoned to permit at least 32 units on-site.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-1-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, "aye"; T. Young "nay"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-0 on the east 125' and the remainder be rezoned RS-3:

LEGAL PER NOTICE:

All of Lot 3, and all of Lot 6, less the South 13 1/2 feet, and all of Lots 2 and 7, less the North 100 feet thereof, all in Block 3, in South Osage Hills Addition to the City of Tulsa, Osage County, according to the recorded plat thereof.

LEGAL PER PLANNING COMMISSION ACTION:

RM-0: All of Lot 3, and all of Lot 2, Less and Except the North 100', Block 3, Osage Hills Addition to City of Tulsa, Osage County, Okla.

RS-3: All of Lot 6, Less and Except the South 13.5' and all of Lot 7, Less and Except the North 100', Block 3, Osage Hills Addition to City of Tulsa, Osage County, Oklahoma.

SUBDIVISIONS:

The Argyle Addition (PUD #263-A) (383) North side of East 71st Street  
at Irvington Avenue (OL)

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

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young; "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to approve the final plat of The Argyle Addition and release same as having met all conditions of approval.

LOT SPLITS:

For Ratification of Prior Approval:

L-15918 (803) Willie Yarbrough  
15919 (292) Burleson Properties, Inc.  
15921 (1393) M. A. & Eula Harrell  
15922 (1803) Ralph & Loretta James  
15924 (1582) Frances Thompson

On MOTION of HINKLE, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") that the approved lot splits listed above be ratified.

Lot Splits for Waiver:

L-15870 21st Investment Company (3093) NW corner of 51st Street and So.  
(continued from 7/20/'83 - Moody) Lewis Avenue (CS)

This item was continued from last week to enable the applicant to work out a compromise that would provide some dedications and/or easements in connection with the Major Street Plan requirements on 51st Street and South Lewis Avenue. The applicant should have data available for the Planning Commission for this meeting, subject to the concurring approval of the Legal Department as to the format of documents or material to be submitted. (The T.A.C. and Staff recommendations were previously given.)

This is a request to split an unplatted tract at the northwest corner of this intersection which will result in an "L" shaped lot around the corner. The applicant is requesting two waivers, one being the frontages in the CS District and the other waiver being the Subdivision Regulations requiring conformance with the Major Street Plan. Both 51st Street and South Lewis Avenue are secondary arterial streets with an ultimate proposed right-of-way width of 50' from the centerline. Only 35' exists from the centerline of 51st and 40' from the centerline of South Lewis Avenue. No survey or other data was submitted initially, showing locations of any structures, but appearances are that the existing buildings are set back behind the Major Street Plan setback, (50' from the centerline). The Staff could support the request to waive the frontage in the CS District

because of the existing buildings. However, due to the commercial nature of the development and the congestion at the intersection, the Staff CANNOT support the applicant's request to waive the Major Street Plan requirements.

The applicant was represented by John Moody and Ken Cox.

Mr. Moody provided a survey and rendering which showed the existing buildings and how an additional building could be provided without any changes in the access points. The lot split was only to provide separate ownership of the Quik-Trip and the dry cleaners already built. It is not "subject to a plat", so a building permit could be obtained on the tract as it exists now.

The main concern of the T.A.C., particularly the Traffic Engineer, was that the bridge across I-44 will eventually need to be widened and intersection improvements made. Since the main concern on this application was the waiver of right-of-way, the Staff recommended the record show a specific vote of each member present, which was done as follows:

(a) Waiver of frontage, (Board of Adjustment): unanimous -- for approval.

(b) Waiver of Major Street Plan Requirements.

Traffic Engineer	-- denial
City Engineer	-- denial
Water & Sewer Dept.	-- denial
Staff	-- denial
Cable TV	-- "abstaining"
P.S.O.	-- "abstaining"
O.N.G.	-- "abstaining"

The request would be forwarded to the Planning Commission with recommendations as shown.

Mr. Compton advised the application has been continued several times. The T.A.C. has advised the lot split is ready for approval, subject to Board of Adjustment approval and the applicant was to contact the Legal Department concerning the right-of-way lines.

Mr. John Moody addressed the Commission and summarized the purpose and reason for the request stated when the case was originally heard. The applicant is requesting permission to split the lot presently owned by two partners to accommodate original partnership purposes and to permit one of the partners to own a portion of the property separate from the portion of the lot containing a Quik-Trip convenience store.

The lot is presently 205' on South Lewis Avenue and 180' on East 51st Street. The Zoning Code requires 150' minimum lot frontage for a commercial lot and the entire lot is zoned CS. The T.A.C. unanimously voted to waive the Subdivision Regulations requiring 150' frontage in the zoning district, subject to Board of Adjustment approval. The other waiver requested is the amount of right-

L-15870 (continued)

On MOTION of T. YOUNG, the Planning Commission voted 7-1-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Woodard, T. Young, "aye"; Petty, "nay"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to adopt the motion as amended.

OTHER BUSINESS:

Lot Split No. 15761

Recommendation from the Legal Department on Appeal

Legal Counselor Linker submitted a recommendation from Alan Jackere, Assistant City Attorney concerning an appeal of Richard Cleverdon on the denial of Lot Split No. 15761. Included in the recommendation was a transcript of the Court's Ruling.

The lot split application was the last of three applications in the area referred to as "Golden Pond". The evidence presented to the judge showed the application met all applicable regulations and Code requirements; and therefore, reversed the decision of the Commission. Mr. Jackere recommended that the Commission not appeal the decision to the Supreme Court of Oklahoma.

Instruments Submitted: Recommendation from Alan Jackere (Exhibit "D-1")

TMAPC Action: 8 members present.

On MOTION of DRAUGHON, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to accept the recommendation as submitted. s

PUD #286-1

Staff Recommendation - Minor Amendment:

The subject tract is located 150 feet west of the southwest corner of East 47th Place and South Mingo Road. It is 2.5 acres in size and approved for, "trade establishments primarily providing business and household maintenance goods and services ordinarily not found in primary retail districts because of differing market and site requirements as set forth in Use Unit 15 -- Other Trades and Services". The applicant is now requesting to amend his permitted uses to include Use Unit 12 (Eating Places Other Than Drive-Ins) for a Submarine Sandwich Shop.

The Staff has reviewed the zoning and PUD application and find that an original request for CS was denied because the intent of the Plan was not to allow the land between the Regency Park single-family neighborhood and Mingo Road to develop as typical free-standing commercial uses having activities after 5:00 p.m. Because of this, the permitted uses within the PUD were restricted to the above stated uses, business that would not be open after normal working hours.

In addition, the underlying OM and IL zoning only allow Use Unit 12 by exception in the IL District.

It is not the intent of the PUD to allow typical commercial uses and it is not the intent of the Plan to allow typical commercial uses,

therefore, the Staff cannot support the request as being minor in nature and recommends DENIAL of the request.

Mr. Steve Schuller, attorney represented Randy Barker and Robert Lemons the owners of the Mingo Trade Center. The Mingo Trade Center contains a one-story building containing 42,000 square feet. The request of the applicant is to permit the leasing of a 30' x 40' area in the NE corner for operation of a Submarine Sandwich Shop, which is consistent with the permitted use of the PUD and with the surrounding area.

The Trade Center is situated in a generally industrial and commercial area along Mingo Road, between the Broken Arrow Expressway and 51st Street. The IL zoning classification permits the Submarine Sandwich Shop only by special exception, or could be considered as an accessory use to the uses permitted under the zoning. The sandwich shop would serve the customers and employees of the Mingo Trade Center, but would also serve the surrounding commercial and industrial areas.

An amendment was added to the submitted plot plan. He noted the building is 45' from the western boundary and 25' from the eastern boundary. The PUD Development Plan and restrictive covenants provides adequate screening for the Trade Center from the residential areas to the west; and strict sign limitations were imposed on the PUD.

Discussion ensued concerning the request and Commissioner T. Young felt it was a major amendment rather than a minor amendment which would require proper advertisement.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Draughon, Higgins, Hinkle, Kempe, Petty, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Flick, C. Young, Inhofe, "absent") to continue PUD #268-1 until proper advertising can be conducted for a major amendment.

Brookside Study:

Chairman Kempe advised a letter was submitted to the Planning Commission from an anonymous homeowner in the Brookside area requesting that a 90-day continuance be granted on the study. The Commission did not feel the letter should be entered in the record as it had not been signed.

The Staff advised the Comprehensive Plan Staff has made several surveys of the businesses and streets and categorized the cars parked on the streets in the area. Traffic counts are now available for that study.

Commissioner T. Young asked the relationship between INCOG and the Protective Inspection Department in terms of the Commission's request to look at certain things. Mr. Gardner stated the Protective Inspection Department is the enforcement arm and INCOG can make recommendations to and requests of them to check into matters. Commissioner T. Young did not feel Protective Inspections has fulfilled one of the obligations in posting occupancy standards in the new clubs in the Brookside area. He felt the INCOG Staff should look at it. Mr. Gardner stated that a letter from the Planning Commission

PUD #286-1 (continued)

to both the City and County Commissions should be submitted about a specific area and the Commission could then instruct Protective Inspections to do so. Mr. Gardner advised the Staff could compose a letter addressed to the Mayor and Board of Commissioners with copies to the County Commissioners stating that the maximum occupancy has not been posted in the newly opened establishments on South Peoria Avenue. Included in the letter should be the fact that the Planning Commission Staff is studying the situation, but they wanted to make sure there are other laws applicable.

Without objection Second Vice-Chairman Petty instructed the Staff to write a letter to the Mayor and Board of City Commissioners.

ANNUAL ZONING INSTITUTE:

Mr. Gardner advised the Commission of the third annual Zoning Institute to be held October 2-4, 1983, in Chicago, Illinois and encouraged the Commissioners to attend.

There being no further business, the Chair adjourned the meeting at 3:45 p.m.

Date Approved

August 24, 1983

Cherry Kempe  
Chairman

ATTEST:

Marilyn Hendle  
Secretary