

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1491
Wednesday, January 25, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom Connery Higgins Hinkle, Secretary Kempe, Chairman Rice Woodard C. Young, 1st Vice-Chairman	Draughon Flick 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 Tuesday, January 24, 1984, at 11:42 a.m. as well as in the Reception Area of the INCOG offices.

First Vice-Chairman Young called the meeting to order at 1:37 p.m.

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, Kempe, Inhofe, "absent") to approve the Minutes of January 11, 1984 (No. 1489).

REPORTS:

Comprehensive Plan Committee:

Marilyn Hinkle, Chairman of the Comprehensive Plan Committee, advised that the Committee met today to study proposals for the 1984 Capital Improvements Program which will be presented in the form of a public hearing next Wednesday, February 1, 1984.

Comprehensive Plan and Rules and Regulations Committees:

It was advised that these two Committees will meet next Wednesday, February 1, 1984, prior to the regular scheduled TMAPC hearing to discuss proposed Zoning Code amendments concerning the new CBD (Central Business District.)

Assistant Director's Report:

Mr. Gardner advised that the Commission was in receipt of a letter from the Owasso City Planner which also included the Owasso Planning Commission Minutes from December 15, 1983 (Exhibit "A-1"). Mr. Gardner proceeded to read the letter for the Commission to review. The property is presently zoned under the RMH category, and the request comes from an attorney who wishes to rezone the property. A

Assistant Director's Report: (continued)

downzoning request can come from this Commission or the County Commission. It was suggested that this item be placed on the agenda for next Wednesday, February 1, 1984, to determine what action should be taken on this letter.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, Kempe, Inhofe, "absent") to place this item on the agenda for February 1, 1984.

ZONING PUBLIC HEARING:

Application No. Z-5913 Norman (Crews & MacNaughton) West side of River Road
(South Delaware Avenue) approximately 1/2 mile South & East of 101st St.
(AG to RM-T)

Mr. Charles Norman was present and stated that Mr. Roy Johnsen is a member of the Board of Directors of the Philcrest Tennis Club which abuts the subject tract. Mr. Norman stated he and Mr. Johnsen are jointly requesting that this zoning application be continued until February 22, 1984, in order to discuss the application.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, Kempe, Inhofe, "absent") to continue consideration of Z-5913 until Wednesday, February 22, 1984, at 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5914 Present Zoning: AG
Applicant: Norman (West Highlands Dev. Corp.) Proposed Zoning: CO
Location: East side of South Union Avenue, 1/4 mile North of East 71st St.

Date of Application: December 12, 1983
Date of Hearing: January 25, 1984
Size of Tract: 39 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5914

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low 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 CO District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 39 acres in size and located 1/4 mile north of the northeast corner of 71st Street and South Union Avenue. 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 U. S. Highway #75, on the south by mostly vacant land and three single-family dwellings zoned AG, on the west by the Page Belcher Golf Course, and vacant land and single-family residences zoned RM-1 and RS-3.

Zoning and BOA Historical Summary -- Actions taken on the tract have established Corridor zoning south of 71st Street, between Union Avenue and Highway #75.

Conclusion -- Based upon the Comprehensive Plan and past zoning actions the Staff feels that the requested Corridor zoning is appropriate in this location; therefore, we would recommend APPROVAL. However, in this location unprotected high intensity uses would clearly be inappropriate and detrimental to the surrounding existing development. The Staff would note that they will not support a Site Plan that proposes either strip commercial along the Union Avenue frontage or high intensity development without adequate buffering and specific protective development standards addressing the surrounding properties.

Applicant's Comments:

Mr. Charles Norman represented the applicant who is in concurrence with the Staff Recommendation.

Protestants: W. R. Heath
Robert Hubbard

Address: 6905 South Union Avenue
1520 West 71st Street

Application No. Z-5914 (continued)

Protestants' Comments:

Mr. Heath stated that he had not received notice of the proposed zoning change. He then inquired of the Staff the meaning and possible development under CO zoning. The Staff explained that the CO zoning would require another public hearing and would require that a specific plan for development be presented at that time. Mr. Gardner advised Mr. Heath of the possible uses which could be included in CO zoning. Mr. Heath then stated he did not want the property used for commercial stripping.

Mr. Robert Hubbard stated he was opposed to the application because he wants to protect the area from high density apartments and heavy traffic and does not want strip zoning to be permitted.

Applicant's Rebuttal:

Mr. Norman advised that the properties owned by Mr. Heath and Mr. Hubbard are within an area eligible for CO zoning. This area was probably the one used for the basis of the study done which lead to the CO District concept in that Union parallels an existing freeway which is less than 3,000' away. The entire area on the west side of Highway #75 has been designated as being eligible for CO zoning, but that is not the case for the area located on the east side of Highway #75 because it is more than 3,000 feet to the nearest paralleling arterial street.

Mr. Norman stated that he had talked with Mr. Drake who is a member of the District 8 Planning Team and he was not in objection to the zoning request. The proposed zoning is in accordance with the District 8 Plan.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-1 (Beckstrom, Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; Kempe, "abstaining"; Draughton, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO as recommended in the Staff Recommendation:

The Northwest Quarter of the Southwest Quarter of Section 2, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, LESS and EXCEPT that portion reserved for Highway #75 right-of-way, more particularly described as follows: Beginning at the Southeast corner of Said NW/4, SW/4; thence West along the South line of Said NW/4, SW/4, a distance of 42.3 feet' thence North 0°-10' West a distance of 1,320.00 feet to a point on the North line of Said NW/4, SW/4; thence East along Said North line a distance of 41.7 feet to the Northeast corner of Said NW/4, SW/4; thence South along the East line of Said NW/4, SW/4, a distance of 1,320.00 feet to the POINT OF BEGINNING.

Application No. CZ-102 Present Zoning: AG
Applicant: Purcell (Miller) Proposed Zoning: IL
Location: South of the SE corner of 126th Street North and Garnett Road

Date of Application: December 12, 1983
Date of Hearing: January 25, 1984
Size of Tract: 6.67 acres

Presentation to TMAPC by: Don Purcell
Address: 12505 North Garnett Road, Collinsville, Okla. Phone: 371-6275

Relationship to the Comprehensive Plan: CZ-102

The Comprehensive Plan for the Owasso Area designates the subject property Rural Residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 6.67 acres in size and located south of the southeast corner of 126th Street North and North Garnett Road (U.S. Highway #169). It is non-wooded, gently sloping, contains a commercial building which appears to be used for automotive repair and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by mostly vacant land zoned IL and AG, and on the east by vacant lands zoned AG. Farther to the east is a developed AG-R neighborhood and a developing large lot mobile home subdivision zoned RS/RE/PUD. The tract is abutted on the south by two single-family dwellings zoned AG and on the west by mostly vacant land zoned AG.

Zoning and BOA Historical Summary -- Past zoning decisions and a special zoning study have identified that a ten-acre medium intensity node is appropriate at the southeast corner of the intersection of 126th Street and Garnett Road. However, because of existing zonings and land uses, it was determined that the node should be elongated north and south so that it would not encroach east into a developing residential area, or influence additional medium intensity zoning beyond the Guidelines at the northeast corner of the same intersection. The subject tract was previously denied IL zoning in May of 1982.

Conclusion -- Based upon existing land uses, past zoning decisions, the special zoning study for the area, the Development Guidelines, and the Owasso Comprehensive Plan, the IL zoning request is inappropriate. The subject tract was designated and remains as an appropriate location for transitional or buffer uses between the medium intensity node and the residential existing and developing south and east of the tract.

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

Applicant's Comments:

Mr. Don Purcell requested that the IL zoning be granted on the property. He stated his expertise is in building of panels and automation and needs to find a location for a small panel shop. The applicant stated

Application No. CZ-102 (continued)

that he and his wife recently built a log cabin home on their property which they have made agreement with Lincoln Logs Company that they would become distributors by allowing their home to become a model home for their business. There is an accessory building also located on the property which Mr. Purcell intends to use as a shop for his business.

Chairman Kempe advised the Commission of two letters received concerning this zoning application. One was from the Owasso City Planner stating that this matter came before the Owasso Planning Commission who recommended denial of the application (Exhibit "B-1"). The letter indicated that if the Planning Commission wishes to act favorably toward the request it was recommended that only the west 440 feet be zoned IL and thus leaving the remaining area as AG. A second letter was submitted from a homeowner in the area, John Greenstreet, who requested that the zoning application be denied (Exhibit "B-2").

Commissioner Higgins asked the applicant if he had any employees and Mr. Purcell stated he does not have any employees at present, but might have two or three in the future. Commissioner Higgins suggested that the applicant make application before the Board of Adjustment for a home occupation. Mr. Gardner suggested that Mr. Purcell apply to the Board of Adjustment for the home occupation provision and a use variance to permit a sign and employees which would not be permitted under the provisions of a home occupation.

Instruments Submitted: Letter from the Owasso City Planner (Exhibit "B-1")
Letter from John Greenstreet (Exhibit "B-2")

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Inhofe, "absent") to DENY the request for IL zoning on the following described property:

The South 330 feet of the West 880 feet of the NW/4 of the NW/4 a/k/a Government Lot 4, Section 5, Township 21 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5915
Applicant: Latimer (Britton & Cannon)
Location: 1617 East Apache Street

Present Zoning: RS-3 & AG
Proposed Zoning: CG and FD

Date of Application: December 13, 1983
Date of Hearing: January 25, 1984
Size of Tract: 26.38 acres

Presentation to TMAPC by: Caesar Latimer
Address: 1153 North Hartford Avenue

Phone: 587-6482

Relationship to the Comprehensive Plan: Z-5915

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Public, Development Sensitive and a potential for Corridor.

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 26.38 acres in size and located north and west of the northwest corner of Apache Street and North Utica Avenue. It is partially wooded, gently sloping, contains one single-family dwelling and zoned RS-3/AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land proposed for the future Gilcrease Expressway zoned AG, on the east by vacant land and a single-family neighborhood zoned AG, RD and RS-3, on the south by American Beauty Products zoned CG and IL, and on the west by a single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- Actions taken on the tract have established the interior portion of the tract to be no greater than low intensity residential.

Conclusion -- The subject tract is mostly interior in location and surrounded on two sides by low intensity residential and in close proximity to a school. CG is totally inappropriate on the northern portion of this tract and would have a detrimental influence on the abutting single-family neighborhoods with truck traffic and commercial uses north on Utica Avenue. The residential lots to the west do back up to the subject property and the precedent for CG and IL zoning has been established to a depth of about 300 feet. Therefore, the Staff recommends APPROVAL of CG on the southern portion to the depth of the existing CG and DENIAL on the balance of the tract, except FD zoning be placed on that portion of the tract identified as being in a Floodway and the remainder to stay AG.

NOTE: The Staff would support residential zoning on the balance of the property if properly advertised.

Applicant's Comments:

Mr. Caesar Latimer, attorney, stated he sent a letter to the property owners directly affected by this application which was also submitted to the Commission members. Mr. Latimer submitted seven (7) photographs

Application No. Z-5915 (continued)

of the area (Exhibit "C-1"). The purpose of the application is to allow the applicant, Mr. Cannon, to expand the existing business located on the corner of Utica and Apache. By expanding the business, additional jobs will be created for the north Tulsa residents which are greatly needed.

Mr. Latimer requested that the entire tract be rezoned for commercial purposes although the entire tract will not be used for the expansion. It was felt that if only a portion of the tract were rezoned it would cause damage to the property owner as the property would be in transition.

Mr. Robert Copeland, attorney, represented the present owner of the property, G. M. Britton. Mr. Copeland stated that the zoning request will be an expansion of the existing business and will include parking and beautification of the whole tract. There are several creeks that run through the property which will require a considerable amount of planning to fill in and properly engineer the property for development. Mr. Copeland felt strongly that there should be no other development on the tract than business or commercial. He stated that he had talked with many of the property owners in the immediate area who stated their only concern was the drainage of the subject tract. Mr. Copeland assured the neighbors that construction could not begin without the blessing of the City Engineering Department. In closing, Mr. Copeland stated that if only a portion of the property were zoned CG there is no access to the rear portion of the tract.

Commissioner Young inquired of the Staff the approximately portion of the tract which would be designated as being in the floodway and the Staff suggested that 1/2 or more of the property could be designated as FD. The Staff stated that the property was never developed because of its location in the floodplain. It was suggested that the property be zoned CG, LESS and EXCEPT that property found to be floodway. The Staff then advised that the access street (Utica) is located on the east side and would serve as the access point into the interior of the tract.

Mr. Chapman R. Cannon, chairman of the board and president of American Beauty Products Company, stated that the company manufactures hair care products and cosmetics in Tulsa and distributes the products in the United States and overseas. It is the goal of the company to help north Tulsa to become more profitable which can come about by expanding their present facility to include more employees. At present, the American Beauty Products Company is operating out of three different locations, and it is their desire to take the property that is being unused to make an addition to their facility. When the business was first started in 1968 there were only 2 employees involved, but there are now approximately 200 employees. It is the desire of the company to expand which will allow 350 to 500 employees at the new location and to help north Tulsa become more productive.

Dr. Donnie Cannon, executive vice president and chairman of American Beauty Products Company, stated that she and her husband started the business which has blossomed and now makes it necessary for them to acquire the proposed acreage to expand the facility.

Application No. Z-5915 (continued)

The Staff showed a sketch of the property indicating the area which could be designated as floodway. Chairman Kempe explained to the Cannons that she was very supportive of their goals as expressed, but felt they should be informed of the potential floodway area which could be very detrimental to the development of the property because nothing can be built in that area without improvement.

Bob Collins, 1628 East Apache Street, executive administrative assistant and director of special projects, stated it was the desire of the company to purchase the subject property for commercial purposes which will be an economic contributing agent to the financing of the City of Tulsa and spur on other development in the area.

Commissioner Young stated that he was interested in hearing all the details concerning the property and expressed his concern that the applicant should go to an engineer to determine what portion of the tract can be developed and what portion is in the floodway. Mr. Collins stated they have had preliminary engineering studies made on the tract. He felt that 1/2 to 2/3rds of the property could be used for development and stated there would have to be some fill on the average amount of 4' to 5' in areas to salvage 1/2 to 2/3rds of the property.

Mr. Russell Linker, Assistant City Attorney, advised that sometimes in a restricted floodway one is prohibited from filling so it is necessary that the applicant check to see what would be or could be done under the federal guidelines and city guidelines concerning the floodplain area. Mr. Collins stated they would be checking with the Corps of Engineers, as well as the City Engineer concerning the floodway area.

<u>Protestants:</u>	Veneta Linwood	Addresses:	1912 E. 61st Court No.
	Josephine L. Jones		2619 North Trenton Ave.
	Mattie Barnett		2631 North Trenton Ave.
	Geneva Sewell		2734 North St. Louis Ave.

Protestants' Comments:

Mrs. Linwood stated that her mother lives at 2631 North Trenton Avenue, who she is representing. She stated she was opposed to the rezoning because she was unsure as to what would or could be developed under CG zoning. The Staff then advised Mrs. Linwood of the permitted uses under the CG zoning category.

Mrs. Josephine Jones stated she was not opposed to the idea of creating more jobs in the north Tulsa area, but she expressed her leanness about the development and some concerns with the floodway area which could cause detriment to the adjoining property owners. Commissioner Beckstrom stated the Commission wants to help north Tulsa with the added employment but does not want to hurt the adjacent owners. Mrs. Jones also stated that the notice which she received concerning the rezoning stated it was for CS rather than CG and had no mention of the proposed FD zoning.

Ms. Barnett stated she was not opposed to the beautification of the property or the creation of new jobs in the area but felt if the area were zoned for commercial it would set a precedent for other commercial establishments in the area.

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Mrs. Geneva Sewell stated that she had lived in the area for 30 years and appreciates the Cannon's desire to develop the area. She stated that the water flow comes from Peoria Avenue and has caused detriment to the area in the past and has been a real problem. She stated she did not want any honkey tonks coming in this area. She stated she did appreciate business and progress and was supportive of that.

<u>Interested Parties:</u>	C. D. Johnson	Addresses:	2611 North Trenton Ave.
	William Jacobs		2740 North Trenton Ave.
	Mabel Smith		2428 North Peoria Ave.
	Grover Britton		1617 East Apache Street
	C. B. Butcher		1620 East Apache Street

Interested Parties' Comments:

Mr. C. D. Johnson stated he has lived in the immediate area for 28 years and felt what is being proposed will only benefit the north Tulsa area and he expressed his support of the zoning application.

Mr. William Jacobs stated he recently made a \$20,000 improvement to his residence, and he felt the proposed development would be beneficial to his property value. He also felt that the development of the property would help alleviate some of the water concerns in the area.

Mrs. Mabel Smith stated she lives at the northeast corner of the present facility. She stated she had not been bothered by the water problem in the area but was very sensitive to the property owners who had been. She stated she was in support of the application as it will help beautify north Tulsa and will create more jobs in the area.

Mr. Grover Britton who presently owns the subject property stated that he desires to sell the tract to Mr. Cannon so that the land can be developed. He requested that the entire tract be rezoned because he does not want to sell a portion of the property, but the entirety. The applicant would have no use for the property and could not be developed if most of the property is not zoned as requested.

Mr. C. B. Butcher, 1620 East Apache Street, stated he owns the property to the south of the subject property. Mr. Butcher stated that he had high water problems on his property, but he had that corrected.

Applicant's Rebuttal:

Mr. Latimer stated that he had talked to the City Hydrologist about the floodplain. The applicant must first submit a plan as to how the water will be carried off the property for approval from the City Engineer and City Hydrologist before construction can begin.

Chairman Kempe suggested since this is a manufacturing company, and to further expand the use it would be more appropriate to receive approval of IL rather than CG zoning. Mr. Gardner stated that light manufacturing approval from the Board of Adjustment would be required if zoned CG. It was suggested that the zoning request be continued to allow time to readvertise for IL zoning.

After discussing the suggestion with the Cannons, Mr. Latimer stated that Mr. and Mrs. Cannon would be supportive of a continuation to allow

Application No. Z-5915 (continued)

for readvertising of IL.

Commissioner Woodard stated he was quite familiar with the subject area and felt the business would be an asset to the area. Commissioner Rice suggested if the property were rezoned CG it would not protect the rights of the people in the residential area, but if IL were approved it would give the applicant the right by use for all things which he proposes and would not allow some of the undesired uses suggested by some of the protestants.

Commissioner Young suggested that CG be approved on the southern portion of the tract and allow the applicant to readvertise for IL on the northern portion of the tract. Commissioner Beckstrom believed the best procedure would be to give the zoning which would allow the use by right which would be IL so it would not adversely affect the adjoining property owners.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Inhofe, "absent") to continue consideration of Z-5915 to Wednesday, February 22, 1984, in Langenheim Auditorium, City Hall, Tulsa Civic Center to allow time to readvertise for IL and FD zoning.

Application No. Z-5916

Applicant: Jenks

Location: SE corner of 91st Street South and South Mingo Road

Present Zoning: AG

Proposed Zoning: CS

Date of Application: December 13, 1983

Date of Hearing: January 25, 1984

Size of Tract: 7 acres

Presentation to TMAPC by: Loren Jenks

Address: 4823 Imagene, Houston, TX

Phone: (713) 668-7540

Relationship to the Comprehensive Plan: Z-5916

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, Low 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 on that portion designated Medium Intensity and is not in accordance with the Low Intensity or Corridor Designations.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 7 acres in size and located at the southeast corner of 91st Street and South Mingo Rd. It is partially wooded, contains a single-family dwelling and detached accessory building and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned CS, RM-0, RS-3 and PUD, on the east by one large lot single-family dwelling zoned AG, on the south by mostly vacant land and one single-family dwelling zoned AG and on the west by two modular units used as temporary church facilities zoned AG.

Zoning and BOA Historical Summary -- Actions taken on the tract have established a five-acre node at the northeast corner with a 300-foot RM-0 wrap-around buffer.

Conclusion -- Based upon the existing zoning patterns, Comprehensive Plan, and Development Guidelines, the Staff recommends APPROVAL of CS on the west 467 feet of the subject tract and DENIAL on the remaining portion. If properly advertised we could also support CO zoning on the remaining portion; however, commercial stripping extending east along 91st Street is not supported by the Comprehensive Plan or the Development Guidelines.

Applicant's Comments:

Mr. Loren Jenks was present and was in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Inhofe, "absent") to recommend

Application No. Z-5916 (continued)

to the Board of City Commissioners that the following described property be rezoned CS on the west 467 feet of the subject tract and DENIAL on the remaining portion, as recommended by the Staff:

The West 467 feet of the North 330 feet of Lot One (1), in Section 19, Township 18 North, Range 14 East, Tulsa County, Oklahoma, except the East 302 feet thereof.

Application No. Z-5917 Present Zoning: RS-3
Applicant: Manipella (Walters) Proposed Zoning: RD & OM
Location: East of the SE corner of 29th Street and Harvard Avenue

Date of Application: December 14, 1983
Date of Hearing: January 25, 1984
Size of Tract: 46 acres

Presentation to TMAPC by: Sam Manipella
Address: 5314 South Yale Avenue Phone: 492-6222

Relationship to the Comprehensive Plan: Z-5917

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 RD District may be found in accordance with the Plan Map, and the proposed OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .46 acres in size and located just east of the southeast corner of 29th Street and South Harvard Avenue. It is non-wooded, gently sloping, vacant, and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by single-family dwellings, one that is under construction zoned RS-3, on the east by a single-family neighborhood zoned RS-3, on the south by single-family dwellings and a parking lot zoned RS-3, and on the west by several commercial uses zoned CH.

Zoning and BOA Historical Summary -- Past zoning actions have not allowed medium intensity to encroach into the existing residential neighborhood.

Conclusion -- Encroaching or extending medium intensity uses into an existing residential neighborhood is clearly inappropriate. In addition, in this specific case, the OM request is directly across the street from a new single-family home under construction. Also, the requested RD zoning on the northern lot is not considered appropriate when it extends into the single-family neighborhood and is not used as a buffer district. The southernmost lot where RD zoning is requested will serve to buffer the single-family and is located where it fronts into a parking lot, not other single-family.

Based upon this analysis and the Comprehensive Plan designation, the Staff recommends APPROVAL of the requested RD zoning on the southern lot and DENIAL of the requested OM and RD on the northern two lots.

Applicant's Comments:

Mr. Sam Manipella requested that the 3 lots be zoned as requested. By allowing the OM zoning it will create a natural buffer zone between the CS property located adjacent to it. The duplex will be small and will be compatible with what presently exists in the area. The office structure as proposed will be in keeping with the neighborhood also. Mr.

Application No. Z-5917 (continued)

Manipella felt the plan is in keeping with the Master Plan as it is a natural buffer from CH to OM to duplex, and on the next lot a duplex will be built which will abut single-family.

Protestants: Jeff Weaver Addresses: 9146 East 26th Place
 Susan Snodgrass Unknown

Protestants' Comments:

Mr. Weaver stated he is opposed to the requested zoning as his new house is located across the street from the proposed office structure. He stated he was only opposed to the rezoning of the 2 northern lots as they would increase traffic congestion and would affect property values.

Mrs. Snodgrass stated she was in concurrence with Mr. Weaver's statements. She informed the Commission that the elderly gentleman who lives next to the office structure proposal is greatly opposed to this request.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for RD on the southern lot and DENIAL of the requested OM and RD on the northern 2 lots, as recommended by the Staff:

RD:

Lots 5 and 7, Block 3, Bellaire Heights Addition, to the City of Tulsa, Tulsa County, Oklahoma.

OM:

Lot 6, Block 3, Bellaire Heights Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5918 Present Zoning: RS-3
Applicant: Johnson (Ames) Proposed Zoning: OL
Location: North of 71st Street South, approximately 2200' West of Sheridan Road

Date of Application: December 2, 1983
Date of Hearing: January 25, 1984
Size of Tract: 1.25 acres

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

Relationship to the Comprehensive Plan: Z-5918

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

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

Staff Recommendation:

Site Analysis -- The Subject tract is approximately 1.25 acre in size and located at the northwest corner of 71st Street and South Irvington Avenue. It is partially wooded, gently sloping, contains one single-family dwelling and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned RS-3, on the east by a developing office park zoned OL/PUD, on the south by an apartment complex zoned RS-3/PUD, and on the west by vacant land zoned RS-3 and then a church zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have established the area as being appropriate for light office use.

Conclusion -- Based upon past zoning actions, Comprehensive Plan designation, and surrounding land uses, the Staff recommends APPROVAL of the requested OL zoning.

Applicant's Comments:

Mr. Roy Hinkle, attorney, represented the seller and proposed purchaser of the subject property. He was in agreement with the Staff Recommendation.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom Connery, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL:

A tract of land, containing 1.2502 acre, that is part of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3, Township 18 North, Range 13 East, Tulsa County, Oklahoma, Said tract of land being more particularly described as follows, to wit:

Application No. Z-5918 (continued)

"Beginning at a Point" on the South line of Said Section 3, Said point being the southeast corner of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3; thence North $0^{\circ}-02'-11''$ West and along the easterly line of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3, for 330.00'; thence North $89^{\circ}-52'-07''$ West and parallel to the Southerly line of Section 3, for 165.00'; thence South $0^{\circ}-02'-11''$ East and parallel to the Easterly line of the W/2 of the W/2 of the SW/4 of the SE/4 of Section 3, for 330.00' to a point on the Southerly line of Section 3; thence South $89^{\circ}-52'-07''$ East and along the Southerly line of Section 3, for 165.00' to the "Point of Beginning" of Said Tract of Land.

Commissioner C. Young stated that the applicant is requesting that this zoning matter be withdrawn and is also requesting that all or a portion of his fees be refunded. The Staff felt that a large portion of the fees paid had been expended, and it was explained that the applicant has not yet paid his Daily Legal News fees. The Staff advised that the applicant paid \$375 as his initial zoning fee, and it was stated that at least \$200 had already been expended.

On MOTION of HIGGINS, the Planning Commission voted 6-0-1 (Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; Beckstrom, "abstaining"; Draughon, Flick, Kempe, Inhofe, "absent") to withdraw Z-5919 and to refund \$175 of the zoning fees paid for the zoning request, contingent upon the applicant's payment to the Daily Legal News for his advertising costs.

Application No. Z-5920 Johnsen and Kouri (Leake-Gish) North of the NE corner of 45th Street and Harvard Avenue RS-3 to OL

PUD #351 Johnsen and Kouri (Leake-Gish) North of the NE corner of 45th St., and Harvard Avenue (OL and RS-3)

Commissioner C. Young advised that these two items need to be continued to the February 15, 1984, hearing because of an error in the legal publication.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Kempe, Inhofe, "absent") to continue consideration of Z-5920 and PUD #351 until Wednesday, February 15, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 352
Applicant: Moody (Wallace)
Location: East side of So. Peoria north of East 64th Street

Present Zoning: CS & RM-2

Date of Application: December 15, 1983
Date of Hearing: January 25, 1984
Size of Tract: 3.23 acres

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower

Phone: 588-2651

Staff Recommendation:

The subject tract is located just north of the northeast corner of 64th Street and South Peoria Avenue. It is 3.23 acres (net) in size and the applicant is requesting PUD supplemental zoning for an Office/Display/Storage-Complex.

The Staff have reviewed the applicant's Outline Development Plan and have identified a concern with the permitted uses. We recognize that the underlying zoning on the majority of the tract is CS; however, as designed, we feel unrestricted retail commercial usage on the tract would be inappropriate. Because of this, we would recommend specific conditions be placed on retail commercial uses.

Given the above review and modification, the Staff find the proposal to be: (1) consistent with the Comprehensive Plan, (2) in harmony with the existing and expected development of the surrounding area, (3) a unified treatment of the development possibilities of the project site, and (4) consistent with the stated purposes and standards of the PUD Chapter.

Therefore, the Staff recommends APPROVAL of PUD #352, 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:

Land Area (Net): 3.23 Acres

Permitted Uses: Uses permitted in Use Units 11 and 15, Mini-Storage, and Caretaker's Quarters. Use Unit 14 uses may be allowed by Minor Amendment, if the use is appropriate and if parking requirements can be met.

Maximum Floor Area:

Office/Display/Storage:	42,570 square feet**
Mini-Storage:	14,375 square feet
Caretaker's Quarters/Office:	1,500 square feet
TOTAL:	<u>58,445 square feet</u>

PUD #352 (continued):

** Any retail uses approved by Minor Amendment are included within this maximum floor area figure.

Minimum Building Height: 1 story/20 feet

Minimum Building Setbacks:

From North Boundary: 2.5 feet

From South Boundary:

West 341.58 feet: 2.5 feet

East 277.10 feet: 20 feet

From West Boundary:

From Peoria Centerline: 100 feet

South 157.20 feet: 20 feet

From East Boundary: 10 feet

Minimum Off-Street Parking:**

Use Units 11, 14 and 15: Per Code

Mini-Storage: 3 spaces

Caretaker's Quarters: 2 spaces

Minimum Open Space: 7,600 square feet

**No loading berths are required.

- (3) That one ground sign identifying the project 25 feet in height and 120 square feet of display surface shall be permitted at the Peoria entry. Wall signs identifying individual tenants shall be no greater than 1.5 square feet of display surface for each lineal foot of building wall.
- (4) That a Detail Landscape Plan be approved by the TMAPC and installed prior to occupancy, including significant landscaping along the Peoria Avenue frontage and a 6-foot high solid wood fence or masonry wall along the west, south and east sides where solid wall buildings are not backing to property lines.
- (5) That a Detail Site Plan be approved by the TMAPC prior to the issuance of a Building Permit, including elevations of the buildings.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied 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. John Moody represented the Watson and Taylor Company, a diversified real estate development company, who is in the process of developing, owning and operating office display storage facilities in Oklahoma, Texas and other states. Mr. Moody began his presentation by addressing

PUD #352 (continued):

the drainage and fencing concerns expressed by the surrounding property owners. The applicant has met with Staff and reviewed the site plan and is in concurrence with the Staff Recommendation.

Mr. Moody then submitted five (5) photographs of the proposed facility to be constructed on the subject property. (Exh. D-1) The property is a rapidly redeveloping area and it was advised that the construction would be consistent with the neighborhood.

The residential area on the east side of Peoria was developed before being annexed to the City of Tulsa and prior to the time that any storm sewers were installed in the area. As a result there is not in place a storm sewer facility, and most of the drainage on Peoria is handled in a bar ditch.

Charles Hart, a hydrologist and civic engineer, is working with the development of the project concerning drainage and detention plans which will be submitted to the City of Tulsa for approval. On site detention is proposed which will provide that there will be no release of water from this property greater than what presently flows under natural conditions.

There is a break in the topography of the property in the elevation with the water flow to the west of the property with the balance flow to the southwest corner of the property because there is no infrastructure or storm sewer in the area. There will be two detention facilities located on the subject property which will have landscaping designed to detain run-off from the western portion of the property. In addition, the rest of the property will be graded and improved and will contain and detain the water along the eastern portion in the drive in the southwest corner of the property and along the parking areas around the building. The water will then be released in its natural condition at the natural rate of flow that presently occurs in its undeveloped state and at the same location as flows naturally which is the southwest portion of the property.

Mr. Moody completed his presentation by addressing concerns of a screening fence. He advised that a 6' solid screening fence would be erected along the entire eastern boundary and southern boundary and lower portion of the west boundary.

Protestants: None.

Instruments Submitted:

5 photographs of the proposed structure (Exh. "D-1")

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, per Staff Recommendation:

PUD #352 (continued):

Lot Nine, Block Two, Valley View Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, Less the West 20 feet thereof
AND

The North 157.2 feet of Lot One, Block One, Orchard Park, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Application No. Z-5921
Applicant: Taylor (Puryear)
Location: 7272 East 101st Street South

Present Zoning: AG
Proposed Zoning: RS-3

Date of Application: December 15, 1983
Date of Hearing: January 25, 1984
Size of Tract: 9.02 acres

Presentation to TMAPC by: Mike Taylor
Address: 5359 South Sheridan Road

Phone: 622-0151

Relationship to the Comprehensive Plan: Z-5921

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I -- Low Intensity Residential (RS-1) with conventional zoning, higher in a PUD.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-3 District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 9.02 acres in size and located at the southeast corner of 101st Street and South 72nd East Avenue. It is partially wooded, contains two single-family dwellings and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a developing single-family neighborhood zoned RS-3, on the east by an existing single-family development zoned RS-1, on the south by the drainageway and open space for a single-family development zoned RS-2, and on the west by several large lot scattered single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have allowed RS-1, RS-2 and RS-3 in the surrounding area.

Conclusion -- The Comprehensive Plan had designated the area as a Special District because of the slope and highly erodible soils. The subject tract drops between 20 and 25 feet from front to back and is a part of this concern. Plus, the development south of 101st Street is generally developed at RS-1 standards or greater. In addition, the applicant is processing a plat and Board of Adjustment application that would allow an RS-1 subdivision on a private street.

Because of these reasons, the Staff recommends DENIAL of RS-3 and APPROVAL of RS-1. We would note that this action will require that the applicant readvertise his BOA application, but we feel this is the most appropriate means of accommodating the proposed development rather than compromising the Comprehensive Plan. Also, there is plenty of time to readvertise the BOA application for relief of front yard setback requirements prior to final plat approval.

Applicant's Comments:

Mr. Mike Taylor represented Sisemore-Sack-Sisemore and the proposed purchaser of the property, Dan Stefanoff. Mr. Taylor stated he was in concurrence with the Staff Recommendation, but would request that RS-3 zoning be granted rather than RS-1 or RS-2 because of the limited size of

Application No. Z-5921 (continued)

the tract. The sketch plat was previously approved by this Commission, and the preliminary plat approval will be before the Commission shortly. The applicant has also applied for a variance to the Board of Adjustment for a zero-foot frontage to permit a private street. Mr. Taylor felt that the RS-1 zoning classification was slightly too restrictive concerning the setback and rear yard requirements as the extra 10-feet are needed on each lot for the placement of the houses.

Mr. Taylor stated that RS-3 zoning would permit approximately 50 units, but the applicant only proposes to have 15 half-acre lots which would meet the RS-3 bulk and area requirements.

There was some discussion as to the proposed RS-3 zoning, and the Commission suggested that the applicant might develop the property under RS-2 or RS-1 standards. The Staff suggested that the Commission might want to continue the case to allow the preliminary plat approval to be acted upon by the Commission prior to the zoning request as was done on a previous case.

Commissioner Conery felt that the developer was aware of the problem before the purchase was made and just assumed that RS-3 zoning would be approved.

TMAPC Action: 7 members present.

On MOTION of CONNERY, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be zoned RS-1 as recommended by the Staff:

A tract of land being the E/2 of the E/2 of the NE/4 of the NW/4; LESS and EXCEPT the North 417.9' thereof, all in Section 26, Township 18 North, Range 13 East, Tulsa County, Oklahoma, and a tract of land being a part of the E/2 of the E/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East, being more particularly described as follows to wit:

Beginning at a point 96' East of the Northwest corner of Said tract; thence East 234'; thence South 417.93'; thence West 217.46'; thence Northwesterly 418.25' to the "Point of Beginning".

Application PUD #353 Hale (Goodwin) East of Mingo Road, South of 51st St.
(IL and RM-2)

Commissioner C. Young advised that this zoning application needs to be continued until February 22, 1984.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Kempe, Inhofe, "absent") to continue consideration of PUD #353 until Wednesday, February 22, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5922 Present Zoning: AG
Applicant: Norman (Gallemore) Proposed Zoning: RS-3 & FD
Location: South and West of Spring Valley Addition and North of Sheridan Hills
South Addition

Date of Application: December 15, 1983
Date of Hearing: January 25, 1984
Size of Tract: 10 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5922

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I -- Low Intensity (RS-1) if zoned and developed conventional by higher intensity if filed with a PUD and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RS-3 District is in accordance with the Plan Map designation for Low Intensity and may be found in accordance with the Special District.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 10 acres in size and located at the end of 98th Street, just west of 71st East Avenue. It is partially wooded, sloping, vacant, and zoned AG.

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

Zoning and BOA Historical Summary -- Past zoning actions have established RS-3 as being an appropriate zoning classification for the area.

Conclusion -- Based upon past zoning actions, surrounding land uses, and Comprehensive Plan designation, the Staff recommends APPROVAL of RS-3.

Applicant's Comments:

Mr. Charles Norman stated he was in concurrence with the Staff Recommendation. It was advised that all property to the north, south and east of the property is developed under RS-3 standards, and this zoning request is to continue that pattern of development. Mr. Norman stated the subject property as its only access 98th Street from the east.

Protestants: Richard Wollmershauser Address: 6910 East 99th Place

Protestant's Comments:

Mr. Wollmershauser, president of the Sheridan Hills South Homeowners Association, was present and submitted a protest petition bearing 65 signatures of residents in the area who feel that a zoning change is not in the best interest of the persons living in the area (Exhibit "E-1"). The residents were concerned with the fact that there is only one access into the Spring Valley Addition with access only to be gained by two streets which are residential streets within the Sheridan Hills Addition. A letter from the Board of Directors of the Sheridan Hills South Homeowners Association was submitted stating their concerns of the proposed

Application No. Z-5922 (continued)

development (Exhibit "E-2"). The Association was concerned in protecting the health, safety and welfare of future residents of these developing areas.

Discussion ensued concerning the access into the subject property and the Staff advised that there is a requirement for 2 points of access into the property and that there will eventually be 4 points of access into the 10-acre subject tract.

Applicant's Rebuttal:

Mr. Norman reminded the Commission that the protests were not in objection to the requested rezoning. He stated that there is only one point of access into the Spring Valley Addition at this time, but as the Staff pointed out there will be at least one more in the future. The solution proposed by the neighborhood is to not allow any interior lot to develop until the exterior tracts of the section are developed, this would be contrary to past policies of the Planning Commission or the City. There will be an inconvenience until such time that peripheral property is developed and streets are installed according to the Subdivision Regulations.

TMAPC Action: 7 members present.

On MOTION of BECKSTROM, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Flick, C. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3 as recommended by the Staff:

The SW/4 of the NE/4 of the SW/4 of Section 23, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5923 Norman (Kuhn) NE corner of 47th Street and South
Gary Avenue RS-1 to RS-2 & FD

Commissioner C. Young advised that a letter from the attorney representing some of the property owners in the area had been submitted requesting that this application be continued (Exhibit "F-1").

Mr. Charles Norman stated he was prepared to present his case, but he had talked with the attorney who requested the continuance and had agreed to a one week continuance at his request.

Martin Clayman, one of the property owners in the area, stated he had no objection to the continuance.

Kay Campbell, 4615 South Gary Avenue, suggested that the application be continued for a period of two weeks because the attorney representing the homeowners would be out of the country next week. Mr. Norman spoke to that request and stated he had made a verbal agreement with the attorney for a one week continuance.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Beckstrom, Connery, Higgins, Hinkle, Rice, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Kempe, Inhofe, "absent") to continue consideration of Z-5923 until Wednesday, February 1, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

