

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1507
 Wednesday, May 23, 1984, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery	Beckstrom	Compton	Linker, Legal
Flick	Draughon	Gardner	Department
Higgins	Rice	Lasker	
Hinkle, Secretary		Martin	
Kempe, 1st Vice			
Chairman			
Woodard			
C. Young, Chairman			
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, May 22, 1984, at 11:00 a.m., as well as in the Reception Area of the INCOG offices.

Chairman C. Young called the meeting to order at 1:32 p.m.

MINUTES:

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to approve the Minutes of May 9, 1984 (No. 1505).

REPORTS:

Committee Reports:

Mrs. Hinkle, Chairman of the Comprehensive Plan Steering Committee, advised that the committee will meet on June 6, 1984, at 11:30 a.m., to discuss proposed amendments for the District 7 Plan. It was advised that there would be a letter sent out reminding the committee members of the meeting.

Director's Report:

Mr. Lasker informed the Commission that the City Commission took action on the new Central Business District zoning yesterday, and the only change which came about from the Planning Commission's recommendation was a change in parking from 1 space per 100 square feet except for bars, taverns, night clubs which was changed to 1 space per 75 square feet. The City attorney is now looking into the provision that the new parking requirements take effect with the change of a liquor license or food license. Therefore, when an establishment changes hands or uses it can be acted upon at that time. The Staff will come back with the actual change of the zoning district at a later date.

Director's Report: (continued)

Mr. Lasker also reminded the Commission of the work session for the City Commission, County Commission, and Planning Commission to be held on Wednesday, May 30, 1984, at 1:30 p.m., in Room 1116 of City Hall to discuss zoning and planning policies.

CONTINUED ZONING PUBLIC HEARING:

PUD #360 Poe & Associates (Tri-Angle) NW corner of 91st Street and Memorial
Drive (CS and RM-0)

Chairman C. Young advised that a letter was timely filed with the Staff requesting that this item be continued to the June 13, 1984 hearing (Exhibit "A-1").

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to continue consideration of PUD #360 until Wednesday, June 13, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-103 Present Zoning: RS
Applicant: Martindale, Frank Proposed Zoning: CS
Location: SW corner of Skyline Drive and 65th West Avenue

Date of Application: January 19, 1984
Date of Hearing: May 23, 1984
Size of Tract: 3.3 acres

Presentation to TMAPC by: Robert Nichols
Address: 111 West 5th Street Phone: 582-3222

Relationship to the Comprehensive Plan:

The Comprehensive Plan for the Sand Springs Metropolitan Area, designates the subject property as rural residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.3 acres in size and located at the southwest corner of Skyline Drive and 65th West Ave. It is partially wooded, gently sloping, vacant and zoned RS.

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

Zoning and BOA Historical Summary -- Past zoning actions have established the surrounding area as being residential in nature.

Conclusion -- The Development Guidelines and the Comprehensive Plan identify the intersection of Skyline Drive and 41st Street as being the appropriate location for limited commercial, not the location of the subject tract. Skyline Drive and 41st are zoned commercial and would meet the commercial needs of the area. There are no commercial uses at the subject intersection or zoning patterns to support the proposed request. Therefore, the Staff recommends DENIAL of the requested spot CS zoning.

Applicant's Comments:

Mr. Robert Nichols represented Frank Martindale and L. C. Curtis who jointly own the subject property. He submitted an aerial photograph (Exhibit "B-1"), three photographs of the subject property (Exhibit "B-2") and three letters from surrounding property owners who are in support of the application (Exhibit "B-3"). The subject tract is located at the intersection of two secondary arterial streets. The Comprehensive Plan recognizes 65th West Avenue as a second arterial, however, it does not recognize Skyline Drive as being a secondary arterial but a residential collector street. In reviewing this tract with the County Engineer it was shown that the traffic count on Skyline Drive at two locations indicated a count of 528 cars per day and 579 cars per day at another location. It was advised that 65th West Avenue which has been designated as a secondary arterial in the Comprehensive Plan has a traffic count of 570 cars per day. Therefore, this is a situation that both of these streets are serving the subject tract and should

Case No. CZ-103 (continued)

both be considered secondary arterials.

There are 33 homes and businesses served by Skyline Drive. Mr. Nichols stated that he has been advised by the Traffic Engineers office that if it was truly a residential collector street it might generate 150 trips per day but as stated previously it accommodates over 500 cars per day.

The Staff Recommendation in its conclusion recognizes that the Development Guidelines identify the intersection of 41st and Skyline as an appropriate location for limited commercial but not the subject property. He felt that the physical facts would not allow it to be developed as suggested by the Staff and it would be logical to provide additional commercial locations at the location of the subject tract.

The Staff has recommended denial of the request because they consider it to be spot zoning. Mr. Nichols submitted a definition of spot zoning which was taken from a legal encyclopedia (Exhibit "B-4"). The concept of spot zoning is to inject into an area a zoning classification that is inconsistent and damages the surrounding properties and which does not fit in with the total comprehensive planning situation. He informed the Commission that this application does not fit that definition. This is a request of commercial zoning, is at an intersection of two secondary arterials and is a part of our Comprehensive Planning Theory. It is also an application that will benefit all surrounding property owners as a demonstration of the support they have shown and it also demonstrates the need for commercial zoning in this area.

The intent of these property owners is not to take full use of the commercial zoning. The applicant plans to build a feed and agriculture supply store on the subject tract. Mr. Curtis also plans to build his house immediately south of these 3 acres because he owns the surrounding 7-acre tract. Mr. Nichols advised that this is an area with unique physical facts with a unique traffic count situation. It is an application that is consistent with good planning and stabilizes property values in the area.

Comments:

Mayor Young stated that he was quite familiar with the area and could not be supportive of the zoning request because of the terrain at the intersection of 41st and Skyline Drive as it would prevent that intersection from becoming a full commercial node. He felt that argument concerning the road system could be made for commercial zoning all along that area which would drastically change the character of the area. His greatest concern is the condition of 65th West Avenue as it comes south from Skyline Drive. Sixty Fifth West Avenue is very narrow and quite hilly in portions with many drop-offs. The improvements that would be necessary to make it safe under current conditions are beyond the means of the County. He stated he was not persuaded that a commercial operation would be conducive in that area and for good driving conditions. He concluded his statements by saying that the zoning would not be consistent with the surrounding area.

Mr. Flick felt that a feed store is a very low traffic generating operation and did not feel that it would greatly impact the traffic conditions in that area. Mayor Young stated that the feed store possibly

Case No. CZ-103 (continued)

would not generate a numerous amount of traffic but successive businesses at that location could create numerous problems in that area. He again stated that CS zoning would not be appropriate in that area. Chairman C. Young felt that if the requested CS zoning were approved it would lead to strip zoning in the area.

Instruments Submitted: Aerial Photograph (Exhibit "B-1")
Three Photographs of subject property (Exhibit "B-2")
Three Letters in support of the Zoning
request (Exhibit "B-3")
Definition of Spot Zoning: (Exhibit "B-4")

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-1-0 (Connery, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; Flick, "nay"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to DENY the requested CS zoning on the following described property:

A tract of land triangular in shape lying in the S/2 of the NE/4 of the NE/4 of Section 30, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and beginning at the SE corner of the NE/4 of the NE/4 of Section 30; thence West along the South line of the NE/4 of the NE/4 a distance of 657 feet to a point of Intersection with Skyline Drive; thence in a Northeasterly direction along the Southern Boundary of Skyline Drive as presently located to point of Intersection with the East line of the NE/4 of the NE/4; thence South along the East line of the NE/4 of the NE/4 to a point of beginning, containing 3.3 acres, more or less.

Application No. PUD #179-J
Applicant: Taylor (Century Tower)
Location: 74th Place and South Memorial Drive

Present Zoning: CS, RM-T, AG

Date of Application: April 12, 1984
Date of Hearing: May 23, 1984
Size of Tract: 8.58 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1918 East 51st Street

Phone: 749-4694

Staff Recommendation:

The subject tract is located approximately 1/4 mile south of the southeast corner of 71st Street and South Memorial Drive. It is 8.58 acres in size and the Staff has recommended approval of OL on the southern portion which would make the underlying zoning a combination of OL and CS. The applicant is requesting the PUD Supplemental Zoning to develop an Office/Commercial complex.

The Staff has reviewed the submitted Outline Development Plan and cannot support the proposal because it proposes to "flip-flop" the commercial and office uses from what is designated on the Comprehensive Plan. This would push commercial uses farther south along Memorial and place additional pressure on allowing Memorial to strip out as commercial between 71st and 81st Streets. The TMAPC recently recommended denial of a CS request just south of this tract because of the potential of commercial stripping.

The Staff sees this proposal as using the PUD to zone a land use pattern that could not be conventionally zoned or supported by the Comprehensive Plan. Therefore, the Staff recommends DENIAL of PUD #179-J.

The Staff would be supportive of a continuance of this application in order to redesign the proposal and develop appropriate standards to protect against the commercial stripping of Memorial.

Applicant's Comments:

Mr. Tom Tannehill represented Century Tower Partnership and stated that the applicant would be willing to amend PUD #179-J and to delete therefrom Development Area C. The applicant is also willing to agree to the continuance request by the Staff.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to continue consideration of PUD #179-J until Wednesday, June 6, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5947 Present Zoning: IL
Applicant: Wilkins, Wm. H. Proposed Zoning: RMH
Location: 1,300 feet West of Sheridan Road on 30th Street North

Date of Application: April 3, 1984
Date of Hearing: May 23, 1984
Size of Tract: 1-acre

Presentation to TMAPC by: Mr. Bill Wilkins
Address: 7955 South 69th East Avenue - 74133 Phone: 496-0212

Relationship to the Comprehensive Plan:

The District 16 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 RMH District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1- acre in size and located on the south side of 30th Street North, west of Sheridan Road. It is partially wooded, flat, vacant, and zoned IL and RMH.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, on the east by vacant property under construction zoned IL, on the south by vacant property under construction zoned RMH, and on the west by vacant property zoned IL.

Zoning and BOA Historical Summary -- Recent zoning and BOA activity has allowed medium intensity uses including RMH zoning in the area.

Conclusion -- Based on the Comprehensive Plan and established zoning and development patterns in the area, the Staff finds the request to be comparable with the area and recommend APPROVAL of the RMH request.

Applicant's Comments:

There was discussion concerning the unusual shape of the subject tract. The Staff advised that there is a large mobile home park under construction adjoining this property and the subject tract is needed to complement the rest of the land and give additional access to the park.

Mr. Bill Wilkins, owner of the subject property, stated that the subject tract will provide additional lots to the existing park layout. The park to the west is under construction and will consist of approximately 88 lots and the unplatted park to the south is planned for an additional 40 lots. To the east of the subject tract is unplatted land zoned IL.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described

Application No. Z-5947 (continued)

property be rezoned RMH:

That part of the SE/4 of Section 22, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to wit: Commencing at the NE corner of the SE/4 of Said Section 22; thence South $01^{\circ}-17'-47''$ East along the East line of Said Section a distance of 380.20 feet; thence South $88^{\circ}-51'-37''$ West a distance of 1,314.88 feet to the "Point of Beginning"; thence South $01^{\circ}-21'-10''$ East along the East line of Cavalier Park I a distance of 580.24 feet; thence North $88^{\circ}-47'-20''$ East a distance of 74.14 feet; thence North $01^{\circ}-16'-35''$ West a distance of 580.15 feet; thence South $88^{\circ}-51'-37''$ West a distance of 74.91 feet to the "Point of Beginning".

Application No. Z-5948
Applicant: Fred May
Location: 2720 East 51st Street

Present Zoning: RS-2
Proposed Zoning: OM

Date of Application: April 6, 1984
Date of Hearing: May 23, 1984
Size of Tract: .479 acre

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan:

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 Distircts", the requested OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .479 acre in size and located at the southwest corner of 51st Street and Columbia Place. It is non-wooded, flat, contains a single-family dwelling and zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north by various apartment complexes zoned RM-2, on the east by a four-story structure under construction zoned OM/PUD, on the south by single-family dwellings zoned RS-2, and on the west by a church zoned RS-2.

Zoning and BOA Historical Summary -- Medium intensity uses have occurred east of Columbia Place.

Conclusion -- Development in the area is in accordance with the Comprehensive Plan in that medium intensity development has occurred east of Columbia Place but not to the west. The subject tract is abutted by a church on the west. Based on the Comprehensive Plan and existing development patterns, the Staff cannot support any medium intensity zoning west of Columbia Place and, therefore, recommend DENIAL of the OM request. Based on the surrounding zoning and land use, the Staff can support OL zoning on the subject tract which is a "may-be-found" in accordance with the Comprehensive Plan, and therefore, we recommend APPROVAL of OL zoning.

Applicant's Comments:

Mr. Charles Norman represented Mr. and Mrs. Fred May who own the subject property. There is a single-family residence on this property which faces north on 51st Street. Development has occurred from the east to the west in this area. Approximately 2 years ago there was a PUD and rezoning application filed on Mr. Moody's property which resulted in a recommendation by the Staff that this property be rezoned to a depth of 200' to the OM zoning classification. Additional OM zoning has been granted farther to the east. The request today is to allow OM zoning 139' in width and 150' in depth to line up with the existing OM farther to the east than the Moody's property. Mr. Norman stated he talked to the property owner immediately south of the subject property, and they have no objection to the requested OM zoning

Application No. Z-5948 (continued)

request. Immediately west of the May's property is a church which extends more than 500' to the south.

Mr. Norman stated that his disagreement with the Staff Recommendation relates to the place to draw the zoning line on an isolated piece of property across from medium intensity zoning to the east and to the north. The church and location of this large tract provides an acceptable stopping point for any farther medium intensity development to the west. Mr. Norman did not feel that the church would be abandoned because of the size of the church. If the church was ever abandoned the church property would be a much better place to draw a transition with a back-up in relation to the side lots to 51st Street. One of the neighbors asked him about the likelihood of taller buildings on this property. The depth of this property will limit severely the height of any building on the subject tract. There are setbacks which must be adhered to which will limit the size of the building pad. In the OM zoning there is an increased setback from adjacent residential district of 2' additional setback for each one foot of height in excess of a building height over 15'. If a 2-story building were built there would be a 30' setback from that property line over the OM standard, and any higher building would reduce the building pad to an unacceptably small size.

The Staff Recommendation is based upon the Comprehensive Plan as originally adopted, but that Plan has been amended in spirit and intent many times. He requested that the OM zoning request be granted. The OL zoning classification as recommended by the Staff restricts buildings one-story in height and limits the floor area to 30% as compared to 50% on the OM zoning district. The Staff Recommendation imposes a significant and substantial penalty with respect to the properties immediately adjacent to them.

Protestants: None.

Chairman Young advised that the Staff had received a letter from Mark Brewer requesting that the zoning remain as it presently exists (Exhibit "C-1").

Instruments Submitted: Letter from Mark Brewer (Exhibit "C-1")

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-1-0 (Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye "; Connery, "nay"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM as requested:

The North 150 feet of Lot 2, Bethel Union Heights Addition to the City of Tulsa, Oklahoma.

Application No. Z-5949 Present Zoning: RS-2
Applicant: Harry Cramton Proposed Zoning: P
Location: North of the NW corner of East 11th Street and Allegheny Avenue

Date of Application: April 9, 1984
Date of Hearing: May 23, 1984
Size of Tract: 1 acre

Presentation to TMAPC by: Florence Caraway
Address: 2110 East 30th Street - 74114 Phone: 743-7770

Relationship to the Comprehensive Plan:

The District 5 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 P District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1-acre in size and located just north of the northwest corner of Allegheny Avenue and South 11th Street. It is partially wooded, flat, contains two single-family structures and a small parking lot and is zoned RS-2.

Surrounding Area Analysis -- The tract is abutted on the north and east by a single-family neighborhood zoned RS-2, on the south by an existing retail plant store zoned CH, and on the west by an auto supply and parking lot zoned CH.

Zoning and BOA Historical Summary -- In 1968 the BOA denied a request to use the southernmost lot for parking. Field checks and aerial photos identify that the back-half of this lot is, however, being used for parking.

Conclusion -- The subject request represents a nonresidential encroachment into a residential area; therefore, based upon the Comprehensive Plan, the Development Guidelines and the existing condition, the requested Parking District cannot be supported. Approval of this request would adversely effect the existing single-family dwellings along the east side of Allegheny which would be forced to front into the proposed parking lot.

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

Applicant's Comments:

Ms. Florence Caraway stated she owns the subject property. One of the main reasons that the P zoning is being requested is because Mr. Cramton owns the property to the south and it backs up to his beauty college and flower shop, and additional parking is needed. Ms. Caraway's property is rental property, but most of the other houses in the area are single family and owner occupied. She felt that if the house on her property is torn down in order to provide for a parking lot it would improve the area.

Application No. Z-5949 (continued)

Protestants and Interested Parties:

Daryl Mayfield	Addresses:	916 South Allegheny Avenue
Robert Woods		909 South Allegheny Avenue
Victor Banham		552 South Allegheny Avenue

Protestants and Interested Parties Comments:

Mr. Mayfield stated that he lives to the north of the subject property and is not opposed to the requested zoning. He submitted a petition bearing 12 signatures of property owners in the area supporting the zoning request (Exhibit "D-1"). The subject property is an eyesore for the neighborhood, and the neighborhood would like to see that property cleaned up. The concerns of the neighborhood is that the parking lot be paved and that it be reasonably lighted to insure safety but not flood the neighborhood with excessive lighting. The neighborhood also wants to be assured that there will be a privacy fence erected to the north with a minimum height of 6' and a barrier of some type on the east side being a minimum height of 3' and a barrier on the west side to prohibit a drive-thru from Yale to Allegheny. One of the major concerns of the neighborhood was the barrier on the west side to prohibit a drive-thru from Yale to Allegheny. Mr. Cramton has agreed to those restrictions. If this zoning application is approved the neighborhood has suggested that these stipulations be put in as covenants running with the land.

The Staff advised that in order to prohibit any through traffic from Yale east through the commercial area and east to Allegheny you would have to leave a strip of residential on one side. With P zoning the applicant is required to have 10% landscaped area or open space. He suggested that there could be a strip 10' wide along the western boundary which would keep traffic from coming across the residential strip going east to Allegheny. In order to control access along the eastern boundary there would have to be a residential strip provided for. If you left the south 30' to allow cars to enter or exit at that point then there would be no crossing of Allegheny to the east any farther north than where you left that strip.

The Staff also advised that there is a provision that there would be a 6' screening requirement on the north boundary with a 3' or 4' screening fence on the eastern boundary except the access point which is required by the Zoning Code.

Mr. Robert Woods stated he was in agreement with Mr. Mayfield's comments. He was supportive of the requested P zoning, subject to the restrictions noted in the petition. He also submitted a letter requesting that certain requirements be imposed if the zoning is approved (Exhibit "D-2").

Mr. Banham stated that the petition which was submitted does not represent the feelings of the whole neighborhood. He stated that one of the concerns that he has seen in Tulsa is encroachment into residential neighborhoods, and this is one more example where the commercial interests are trying to come into a well-established neighborhood. It might be argued that each initial change does not effect the character of a neighborhood a great amount. He stated he has seen the effect of every little change and the accumulative effect does make a lot of difference in a neighborhood.

Application No. Z-5949 (continued)

One thing which the Commission needs to consider is that the applicant is presently violating the Zoning Code and, as a result, the neighborhood has deteriorated. There has been gravel thrown on the grass of the front and back yards of the subject property, and there has been a reserved parking sign erected in the back yard of the residential house. Mr. Banham did not feel that the applicant would comply with the restrictions suggested by the neighborhood if the zoning is approved since he is presently not conforming to the rules and regulations. He felt it would be ludicrous to say that since Ms. Caraway's house is run down it would be best to sell it to a business. This type of action is not encouraging to the rest of the neighborhood who are attempting to maintain their older homes. It would be a tragic sight if everyone in the neighborhood should follow this example by letting their property deteriorate and state that it would be an improvement to turn it into a parking lot or a business.

In his closing remarks, Mr. Banham stated that businesses should adapt themselves to the appropriate zoning and move into another building if additional parking is needed or to move their parking where parking is available rather than expecting the neighborhood to change its character to accommodate the business. He felt it was of primary concern for the Commission to consider the broad picture of this zoning request. He suggested that rather than always yielding to some commercial interest who are interested in personal gain and do not live in the neighborhood that the Commission discourage this type of action.

Instruments Submitted:

Petition in support of the zoning request signed by 10 property owners (Exhibit "D-1")
Letter from Mr. Robert Woods (Exhibit "D-2")

TMAPC Action: 8 members present.

On MOTION of KEMPE, the Planning Commission voted 6-2-0 (Connery, Flick, Kempe, Woodard, C. Young, T. Young, "aye"; Higgins, Hinkle, "nay"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to DENY the request for P zoning on the following described property:

Lots 3 and 4, Block 31, White City Addition to the City of Tulsa, Oklahoma.

Application No. Z-5950 Present Zoning: OL
Applicant: Union Properties (Richardson, Dryden) Proposed Zoning: IL
Location: East 61st Street South and 99th East Avenue

Date of Application: April 9, 1984
Date of Hearing: May 23, 1984
Size of Tract: 1 acre

Presentation to TMAPC by: Rusty Richardson
Address: 12221 East 51st Street - 74146 Phone: 250-9632

Relationship to the Comprehensive Plan:

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

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 1-acre in size and located on the northwest corner of 61st Street and 99th East Avenue. It is non-wooded, flat, vacant, and zoned OL.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by single-family dwellings zoned RS-3, on the south by a church and vacant lot zoned RS-3, and on the west by a children's day care center zoned RS-3.

Zoning and BOA Historical Summary -- Recent TMAPC action has allowed IL zoning on several tracts located in the immediate area.

Conclusion -- Based on the Comprehensive Plan and existing zoning patterns in the area, the Staff can support IL zoning and recommend APPROVAL as requested.

Applicant's Comments:

Mr. Rusty Richardson stated that the property is currently zoned for office. The building will be built for a multi-tenant office warehouse facility which will be slightly below the 30% utilization ratio and will have less traffic than a typical office building. The type of structure proposed would be in accordance with the Comprehensive Plan. There is currently IL zoning to the west and east, and Mr. Richardson felt that the whole area would eventually be zoned IL. The primary access to the subject property will be from 61st Street, and 99th East Avenue would only be a secondary access into the project. Mr. Richardson stated that the applicant has talked with the owner of the child care facility located to the west of the subject property, and they are supportive of the zoning request. The applicant has 50% of the homeowners in the Guy Cook Subdivision who signed a petition agreeing to the request.

Chairman Young advised that there was a protest petition submitted bearing 26 signatures stating 7 reasons for their opposition to the zoning request (Exhibit "E-1").

Protestants: Gerald Hicks Addresses: 5944 South 99th East Avenue
Mrs. A. E. Brentlinger 5933 South 100th East Avenue
Don Barnes Address Unknown

Application No. Z-5950 (continued)

Protestants' Comments:

Mr. Hicks began his presentation by describing the subject property and surrounding properties. He advised that there is a 75' setback restriction on the proposed structure from the centerline of 99th East Avenue to the east from the adjacent residential properties and a day care center to the north. The proposed structure will not meet the requirements. The proposed structure will be 70' x 132', and Mr. Hicks stated there would be no way to place the proposed structure on the property and conform with the setback requirements. The two lots in question are only 30,330' which is 13,230' short of an acre in size. There is a 20' elevation drop off from 61st Street to 59th Street. There is a 10' drop-off from east to west on the subject property which would create a bad runoff water problem for the residents in the area. Mr. Hicks expressed his extreme opposition to the zoning request and asked that it be denied.

Mrs. Brentlinger stated that most of the homes in the Guy Cook Subdivision were constructed about 25 years ago, and the owners of those homes take pride in the upkeep and improvement to their homes. Mrs. Brentlinger stated that she and her husband purchased their house several years ago. Her husband is disabled and, as a result, they plan to make this their permanent residence. She stated she was very much opposed to any type of industrial business being constructed at this location. She advised the Commission of a recent industrial business to the east on 61st Street, and many of the employees work until 10 o'clock in the evenings creating a disturbing noise at night in operating the business. She read from Title 42 some of the industrial uses which might be permitted in the proposed use and expressed her opposition to any of those uses.

Mr. Barnes stated he lives directly behind the subject property. He stated his main concern is the water problem in the area. The City Hydrologist has stated that there will be an underground retention area. He was confused how the applicant would be able to construct the building within the setbacks, build the retention area and parking lot within the designated subject area.

Applicant's Rebuttal:

Mr. Richardson stated that with the current zoning the applicant could have a land utilization ratio of 30 percent which would allow for a 9,000 sq. ft. building which is proposed at this time. The industrial building which is proposed will have less detrimental affects on the neighborhood than an office building because there will be much less traffic. On the corner of 61st Street South and 99th East Avenue there is a new industrial park which John Zink developed. There are many industrial developments in the surrounding area. Mr. Richardson agreed that the streets in the area are narrow and are not built well enough to support the traffic, but the applicant plans to use those streets only for secondary access. The primary access into the subject property will be from 61st Street. The property directly to the west of the subject property is in support of the requested zoning. He did not feel this is an unreasonable application and requested that the zoning be granted.

Mr. Connery asked that the drainage and water problems be addressed. Mr. Steve Fulps, builder and developer of the subject property, stated

Application No. Z-5950 (continued)

that he is very familiar with the property. He plans to build up one of the corners where there is a drop-off in the land and bring the water back to 61st Street. He stated that the building will be a quality type structure.

Mayor Young suggested that the property be zoned a combination of OL and IR with the possibility of a PUD being filed on the application. Mr. Flick stated he was familiar with the area and was not totally supportive of the industrial zoning but did not feel the Commission has the right to reject the application as it is consistent with the Comprehensive Plan and has a recommendation for approval by the Staff. Mrs. Kempe felt that the area will eventually be zoned IL but felt that this application might be somewhat premature. She stated she could be supportive of the application if there were some controls placed on the zoning and suggested that the applicant file a PUD.

There was limited discussion as to the possibility of the applicant filing a PUD application. The Commission members suggested that the zoning request be continued to allow the applicant to file for a PUD and if that is followed through the Planning Commission could act on the zoning and PUD at the same time. Chairman Young stated that he would be against the request unless it was recommended for a combination of OL and IL with some assurances that the applicant would come back to the Commission with a PUD application. Chairman Young also suggested that during the interim the applicant deal with the neighborhood. Mr. Richardson stated that he had personally visited each individual homeowner in the area and stated their plans. He stated he would have no objection to filing a PUD on the subject property.

Chairman Young advised a protest petition bearing 26 signatures was submitted (Exhibit "E-1").

Instruments Submitted: Protest Petition (26 signatures)(Exhibit "E-1")

TMAPC Action: 8 members present.

On MOTION of FLICK, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to continue consideration of Z-5950 until Wednesday, June 13, 1984, at 1:30 p.m., in Langenheim Auditorium to allow the applicant time to study his alternatives with the possibility of filing a PUD.

Application No. Z-5951 Present Zoning: RS-3
Applicant: Lewis (Southwest Properties) Proposed Zoning: CS
Location: SW corner of 81st Street and Union Avenue

Date of Application: April 12, 1984
Date of Hearing: May 23, 1984
Size of Tract: 2.06 acres

Presentation to TMAPC by: Rocky Lewis
Address: 5558 S. 79th E. Place - 74145 Phone: 627-6100

Relationship to the Comprehensive Plan:

The District 8 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 CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.06 acres in size and located at the southwest corner of 81st Street and Union Avenue. It is partially wooded, rolling, vacant, and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property with a water tower zoned CS, on the east by vacant property zoned AG, on the south by a single-family dwelling zoned RS-3, and on the west by several single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- Medium Intensity zoning has been approved on the northeast and northwest corners of the intersection in accordance with the Comprehensive Plan.

Conclusion -- Based on the Comprehensive Plan and Development Guidelines, which calls for 5-acre nodes at the intersection, and based on the existing zoning patterns in the area, the Staff can support and does recommend APPROVAL of the requested CS zoning.

Applicant's Comments:

Mr. Lewis stated that the individuals who have shown an interest in purchasing the subject property have a printing business. He then described the subject property including the landscaping on the property and access to the property. The use would fall under the Use Unit 14 classification. Mr. Lewis stated he was not sure if the structure would be a metal building or a tilt up building. The subject property will not be used as a bar or a convenience store.

Protestants: Ralph Turney Addresses: 1733 West 82nd Street
Don Favor 8025 South 28th West Avenue
Mary Beth Dolan 2500 West 81st Street

Protestants' Comments:

Mr. Turney stated at the present time there is no city sewage system on the property. There was an oil well at the center of the property previously and there is presently a pipe sticking up from the ground at that location.

Application No. Z-5951 (continued)

Mr. Turney was under the impression that the well was improperly plugged at that time. There is a well at one corner of the property, and he was fearful that the runoff water would come on his property which lies to the southwest. He stated he would like to have assurances from the applicant that the water would not come across and drain on his property.

Mr. Favor stated that even though the applicant stated the subject property would not be used for a convenience store the neighborhood has no assurances that it would not come about. The proposed location is a bad intersection and there have been several wrecks at that location. There is no City sewage or City water in this area. There is a water line coming south on Union which turns on the north side of 81st going to Jenks which is a supplemental water line. However, the residents in this area have not been allowed to tap into that line. The water pressure in that area in the summer time is very low. Mr. Favor stated this area has a country atmosphere, and the residents would like to keep it that way. The residents are fearful that once you let commercial in an area it will set a precedent.

Mrs. Dolan stated she lives one-half mile west of the subject property on 81st Street. She stated she is against the whole intersection going commercial. She stated this neighborhood is a rural residential neighborhood and was very much opposed to the commercial request.

Applicant's Rebuttal:

Mr. Lewis stated that the proposed business will employ from 10 to 12 full time employees, and the business will be a wholesale business. He stated there will be a septic system installed for the proposed use. He assured the Commission that the Pine trees which are presently on the front of the property will remain in place.

Comments:

Mayor Young stated that there seems to be a lot of CO zoning in the surrounding area. He felt that this application might be premature by approving additional high intensity zoning. He felt that the Commission should see how the existing higher intensity zoning might be used before we approve additional commercial zoning.

Mr. Flick suggested that this zoning request is consistent with many of the other requests which the Commission has approved. The Staff is recommending approval of the zoning, and he did not feel that we should ask the applicant to wait to see what happens in the area before he is permitted to develop his property.

FLICK made a MOTION to approve the CS zoning as requested but because of a lack of a second to the motion the motion died.

Mrs. Higgins stated that she agreed with Mr. Flick that it is not fair for the property owner to have to wait to see if other properties in the area develop commercially. The Staff has recommended approval of the request and it is in conformance with the Plan.

Mrs. Kempe stated that in view of the tremendous amount of CO zoning in the area and the future zoning between Union and the B-line maybe

Application No. Z-5951 (continued)

the Commission should take another look at the Comprehensive Plan for that area. She stated she would support a motion for denial of the CS request.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 5-3-0 (Connery, Kempe, Woodard, C. Young, T. Young, "aye"; Flick, Higgins, Hinkle, "nay"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to DENY the request for CS zoning on the following described property:

Lot 1, Ross Homesites, Subdivision of the City of Tulsa, Okla.

Application No. CZ-108 Present Zoning: AG
Applicant: Anderson (Hunter) Proposed Zoning: RE
Location: North side of Coyote Trail, approximately 1/4 mile West of 225th West Avenue

Date of Application: April 12, 1984
Date of Hearing: May 23, 1984
Size of Tract: 50 acres

Presentation to TMAPC by: Barbara Anderson
Address: Rt. Box 410, Sand Springs, Okla. Phone: 363-7674

Relationship to the Comprehensive Plan:

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not include the subject tract; however, the Development Guidelines do apply and the area is designated as a sub-district.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 50 acres in size and located on the north side of Coyote Trail west of what would be 225th West Avenue. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, on the east by two mobile homes zoned AG, on the south by single-family dwellings on large lots zoned AG, and on the west by mostly vacant property and one single-family dwelling zoned AG.

Zoning and BOA Historical Summary -- None.

Conclusion -- Although there is no zoning or BOA action in the area, the property on the south side of Coyote Trail has developed in something other than the typical AG fashion. Several lot-splits have been approved on the south side of Coyote Trail creating lots ranging in size from .4 acre, plus or minus, to 10 acres plus or minus in size.

With the above mentioned development, the Staff feels the request would be compatible with existing activity and with the Comprehensive Plan. The Staff recommends APPROVAL of the requested RE zoning.

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 7-1-0 (Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; Connery, "nay"; Beckstrom, Draughton, Rice, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RE:

The SW/4 of the SE/4, LESS the East 220 feet AND,
The S/2 of the NW/4 of the SE/4, LESS the East 220 feet
in Section 28, Township 19 North, Range 10 East of the
Indian Base and Meridian, Tulsa County, Oklahoma.

Application No. PUD 362
 Applicant: Tuttle (Newport Realty)
 Location: East 71st Street South and Delaware Avenue

Present Zoning: RS-1

Date of Application: April 12, 1984
 Date of Hearing: May 23, 1984
 Size of Tract: 8.5 acres

Presentation to TMAPC by: John Rupe
 Address: 6603 South Evanston Circle

Phone: 492-0592

Staff Recommendation:

The subject tract is located on the south side of 71st Street, 1/2 mile east of Lewis Avenue. It is approximately 8.5 acres in size and has an underlying zoning of RS-1. The applicant is requesting PUD supplemental zoning to develop a 16 lot single-family development, some lots fronting private streets and some fronting public streets. RS-1 zoning requires lots having an average of 100 feet and a lot area of 13,500 square feet. A survey of the proposed lots reveals that the average lot width at the building setback line is 116 feet, and the average lot area is 19,253 square feet (Exhibit 362-1).

<u>Block No.</u>	<u>Lot No.</u>	<u>Lot Frontage</u>	<u>Lot Area</u>		
1	1	100	15,800	square	feet
	2	100	15,800	"	"
	3	87	13,750	"	"
	4	87	13,830	"	"
	5	90	15,030	"	"
2	1	120	15,042	"	"
	2	80	18,780	"	"
	3	90	21,399	"	"
	4	155	15,360	"	"
	5	108	19,710	"	"
	6	112	17,136	"	"
	7	130	19,200	"	"
	8	112	17,360	"	"
	9	120	18,150	"	"
	10	90	28,345	"	"
	11	280	43,355	"	"

Average Lot Frontage -- 116 feet* measured at the building setback line.
 Average Lot Area -- 19,253 square feet** excludes private and public right-of-way.

The Staff has reviewed the applicant's Outline Development Plan and find the proposal to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #362, subject to the following conditions:

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

Application PUD #362 (continued)

(2) Development Standards:

Land Area (Gross):	8.5 acres
Permitted Uses:	Detached Single-family and accessory uses
Maximum Number of Lots:	16 Lots
Maximum Building Height:	35 feet
Minimum Livability Space:	
Total:	112,000 square feet
Per Lot:	5,000 square feet
Minimum Lot Width:	85 square feet
Minimum Lot Area:	13,500 square feet
Minimum Building Setbacks:	
Front Yard (From):	
Right-of-Way of Public Street:	35 feet
Centerline of Private Street or Drive:	35 feet
Rear Yard:	25 feet
Side Yard:	
One Side:	10 feet
Other Side:	5 feet
Minimum Off-Street Parking:	2 covered spaces

- (3) That all private streets shall be a minimum of 26 feet in width.
- (4) That signage shall be consistent with Section 1130.2 (b) of the Zoning Code and approved by the TMAPC prior to installation.
- (5) That the approval of a Final Plat can be considered as approval of the Detail Site Plan.
- (6) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy of any buildings, including any screening fences or landscaping and the design of the entryway.
- (7) That a Homeowners Association be established to maintain all common paved streets or open space areas.
- (8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Rupe stated that he is not requesting any change in the zoning and does not wish to change any of the standards in the area. The proposed lot sizes are larger than in the area immediately to the west and smaller than

Application PUD #362 (continued)

the subdivision to the north and east. There are two basic reasons for using the PUD. The first is to provide private streets in order to accomplish some aesthetic possibilities such as maintaining a center island at the end of the private street. The applicant had intended to continue 72nd Street through for health, safety and fire measures. The second reason for the PUD is to establish a homeowners association to maintain the lake that has been there for many years and to maintain the lake in an aesthetic and proper fashion.

The applicant has a sketch plat presently working on this subdivision. There will be 16 lots contained within the 8 1/2 acre subject tract. He felt that this subdivision would be in keeping with the surrounding area. They will restrict the minimum size of the dwellings commensurate with the houses to the north, east and west.

<u>Protestants:</u>	D. M. Garrison	Addresses:	2626 East 72nd Street
	Charlie Stephenson		2812 East 71st Street
	Bill Lee		2750 East 72nd Street
	Phil Baxter		7207 South Columbia Avenue

Protestants' Comments:

Mr. Garrison stated he is a resident of the Woodridge Subdivision which borders the subject property, and the residents in that area are opposed to this PUD. They do not feel that the proposed PUD is consistent with RS-1 zoning or with the surrounding neighborhoods. The Woodridge Subdivision is united in their protest against PUD #362 and a protest petition bearing 140 signatures was submitted to that effect (Exhibit "F-1"). They are not opposed to development of the subject tract but are opposed to the PUD in the way it is designed. Mr. Garrison stated that the plan is not in keeping with the spirit and purpose of a normal PUD. He then read the purposes of a Planned Unit Development contained in Section 1110 of the Zoning Code and summarized that the applicant is not meeting any of the stated purposes. The Commission was then informed that all of the lots in surrounding subdivisions front on public streets that are curbed and guttered. It was Mr. Garrison's understanding that the applicant is proposing 26' wide streets with no curbs and guttering and intends to use the surrounding residential streets to access the public streets, namely 71st Street, instead of providing direct access. Mr. Garrison did not feel that the proposed lots would conform to RS-1 standards with regard to width, area, livability space, or building setback.

The PUD, as proposed, will squeeze the homes closer together in order to achieve an RS-1 development, and the surrounding neighborhoods are opposed to that endeavor. In closing, Mr. Garrison stated that the Code requires that an Outline Development Plan be submitted with the application which has not been done. The omission of the required filing does away with the rights of the neighborhoods to review and add input to the Commission for their consideration of the PUD.

Mr. Stephenson stated that his property abuts the subject property. He stated he does not object to development that is compatible with the neighborhoods. He stated he would not be opposed to standard RS-1 development of the tract. He stated his main concerns are safety and congestion in the area in conjunction with 71st Street. Seventy First Street is a heavily travelled street with approximately 14,000 cars per day traveling east on 71st Street and 18,000 per day traveling west. Those figures were calculated

Application PUD #362 (continued)

prior to the 71st Street bridge being constructed. There are only two exist and entrances onto 71st along the south side which this property can use. This will place additional traffic into the existing neighborhood areas.

Mr. Stephenson then addressed the issue of safety in conjunction with the proposed narrow private streets. He felt that the narrowness would jeopardize the area including his residence if emergency vehicles needed to access the subject area.

Mr. Lee stated he lives to the south adjacent to the proposed development. He stated he was opposed to this PUD for two reasons. First, the PUD seeks to subdivide a parcel of land which Mr. Lee owns and the PUD proposes to construct 3 dwellings on the only access he has to his residence. Mr. Lee stated he purchased his land in 1977 and came before the Planning Commission for a lot split. The lot split was granted with a requirement that a strip of land 20' wide and 200' long be in the conveyance from the owners. That procedure was accomplished and the proper deeds filed. If the 20' were to be taken from Block 1, Lot 5 it would reduce the size of that lot to 67' which would be below RS-1 standards. On October 6, 1968, the seller of the property and Mr. Lee entered into a mutual agreement for a driveway easement and provided for a perpetual easement which ran with the land allowing ingress and egress to his residence. If this PUD is approved Lots 3, 4, and 5, of Block 1, would be placed directly and superimposed on the lot that leads to his dwelling. Therefore, Mr. Lee requested that this application be denied.

Mr. Linker, Assistant City Attorney, stated that if Mr. Lee's documents were properly recorded giving him the right-of-way out then Mr. Rupe would not have the right to interfere regardless of what this Commission decides.

Mr. Phil Baxter stated that he backs up to the subject property. The pond on the subject property is the focal point for that tract. Historically the pond has been a very picturesque location within the neighborhood. Previous owners have kept the pond well-maintained. Mr. Baxter stated his question deals with the future use of the pond and how it would be maintained. He was concerned with the pond in relation to the water problems in the area. He stated that the only use which the pond could serve would be for a retention pond because Woodridge cannot afford to have any more water. Unless the pond is converted to a retention pond they will have immense water problems as a result of the intensity of homes being palced on this small tract of land.

Mr. Garrison concluded the protestants' presentation by submitting 6 pictures showing drainage problems in the subject area (Exhibit "F-2"). He stated his big concern is that if the Commission approves the PUD he felt that land will begin to be moved and devleopment will begin tomorrow. He stated if that were to happen and heavy rain came as a result he would seek legal recourse. He also reiterated that the neighbors are not opposed to development of the tract but feel this PUD is incompatible with the existing neighborhood and is not in compliance with RS-1 zoning standards. The neighbors are extremely distressed that no detail plan or Outline Development Plan for the development of the subject tract has been submitted for review, therefore, it was requested that the request be denied.

Applicant's Rebuttal:

Mr. Jeff Tuttle, engineer for the applicant, felt that the applicant has complied with the requirements of the PUD. He stated that under a blanket

PUD #362 (continued)

RS-1 zoning the applicant would be able to place approximately 24 lots on the subject property which would require excessive earth change and destroy the pond. The applicant is trying to sculpture the street through the property and maintain large lots that are 20,000 square feet on some of the lots. The applicant is only requesting 16 lots as opposed to 24. The applicant did submit a development plan to the Staff approximately one month ago, and the Technical Advisory Committee has already reviewed the property. All of the requirements of the PUD have been submitted.

The subject property is a very difficult piece of property to deal with because there is a severe drop from one side to the other. The owner is being very gracious in only proposing 16 lots. There will be curbed and guttered streets 26' wide from face of curb to face of curb which meets the City of Tulsa standards. There will also be a 50' roadway easement. The owner wants the right of the private streets going north off of 72nd with the option to install a security gate. The lake will remain and will be used as a retention pond. It will be designed wet so that there is water in the pond at all times. The existing runoff will be no greater than when it is developed.

Mr. Tuttle stated that the sketch plat was submitted before Mr. Rupe ever purchased the property and since the title opinion has been accomplished, the applicant is aware of the 20' requirement which was made reference to by Mr. Lee. The applicant has confronted Mr. Lee twice proposing alternative locations for his driveway.

Mr. Tuttle stated that he felt that the applicant is far exceeding RS-1 development standards. He stated that 72nd Street will be continued east to west through the project. All of the requirements of engineering will be met. There will be no access off of 71st Street in this addition because they feel the traffic is heavy. He stated that the terrain of the land does not lend itself to providing access to 71st Street because there is a 20' drop behind the existing house. To preserve the integrity of the property the applicant chose to develop the property without access to 71st.

Mr. Flick asked what would be done in relation to using the pond to slow up some of the water runoff. Mr. Tuttle stated that the storm water will be routed through the detention pond and so designed that the runoff when in a fully developed site will not exceed what goes there now. The pond will be increased in size and will be redesigned. They will have to increase the surface area to get the volume they want for the storm water retention.

Mr. Rupe stated that the reason for the PUD request was truly to keep the aesthetics of the property and be able to maintain more of the trees on the property. He stated he wanted to keep the pond because he planned to put a spray in the pond which would be illuminated at night. He wanted some kind of governmental body to be able to maintain the pond so that it could be stocked with fish and maintained. The first thing Mr. Rupe did before purchasing the subject property was visit with the City Hydrologist and considered any problems which might be encountered. He felt that bringing the water into a more controlled manner by bringing it into the pond and slowing it down will allow the 100-year rains to be controlled into that storm sewer in a far more effective fashion than presently. He felt that these lots far exceed RS-1 standards. He stated he is truly not trying to over develop the property by density. The PUD was designed in order to maintain the pond and to potentially maintain a private road.

PUD #362 (continued)

Mr. Gardner compared the density of the subject property with the type of development on Birmingham Court on the north side of 71st Street. He stated that the subdivision to the east and south are not conventional RS-1 zoning classifications. The streets as proposed are 26' in width as stated and are the same size as the subdivision to the west. The Staff too was concerned with the streets and the density and, therefore, took a second look at the proposal and have recommended approval of the PUD as requested based on the review. He stated there is not a minimum standard in the PUD as to the size of the structures, but the Commission could impose that if they so desire.

Mr. Flick stated in light of the density issue, the Staff Recommendation, and the engineering describing the redesign of the pond and the quality of housing which is proposed he would be in support of the PUD.

Mr. Rupe stated he would be willing to amend his application to include two additional requirements that the proposed project include two car garages and that each of the houses contain a minimum of 2,500 square feet.

Chairman Young advised that he could not support this application because there is no access provided to the subject property from 71st Street.

Instruments Submitted: Protest Petition (Exhibit "F-1")
6 Photographs (Exhibit "F-2")

TMAPC Action: 8 members present.

On MOTION of FLICK, the Planning Commission voted 7-1-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, T. Young, "aye"; C. Young, "nay"; no "abstentions"; Beckstrom, Draughton, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be approved for a Planned Unit Development and including two additional conditions: 1) That each house include a two car garage; and 2) that each house contain a minimum of 2,500 square feet.

The East 14 Acres of the NE/4, NW/4 of Section 8, Township 18 North, Range 13 East, LESS and EXCEPT the South 507.00 feet, City of Tulsa, Oklahoma.

Application No. Z-5952
Applicant: Taylor (Tulsa South Inv.)
Location: 74th Place and South Memorial Drive

Present Zoning: AG
Proposed Zoning: OL

Date of Application: April 12, 1984
Date of Hearing: May 23, 1984
Size of Tract: 2.5 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1918 East 51st Street

Phone: 749-4694

Relationship to the Comprehensive Plan:

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 2.5 acres in size and located just south of the southeast corner of 74th Place and South Memorial Drive. It is non-wooded, flat, contains a church and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned CS, on the east by vacant land zoned OL, on the south by one single-family dwelling zoned OL, and on the west by an apartment complex across Memorial Drive zoned RM-1.

Zoning and BOA Historical Summary -- Past zoning actions have established the area as appropriate for OL and RM-1 transitional zoning.

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

Applicant's Comments:

Mr. Tom Tannehill represented Century Tower Partnership and stated the applicant is in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 8 members present.

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

The N/2 of the S/2 of the NW/4 of the SW/4 of the NW/4, Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Application Numbers Z-5953 and PUD 363

Applicant: Johnsen (Cannizaro)

Location: North and East of the NE corner of 36th Street North and Yale Ave.

Present Zoning: AG

Proposed Zoning: RMH, FD

Date of Application: April 12, 1984

Date of Hearing: May 23, 1984

Size of Tract: 25 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall - 74103

Phone: 585-5641

Relationship to the Comprehensive Plan: Z-5953

The District 16 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 RMH District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 25 acres in size and located $\frac{1}{4}$ mile north of the northeast corner of 36th Street and North Yale Avenue. It is wooded, gently sloping, contains two single family dwellings and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a nursing home and commercial chicken farm zoned RM-2, on the east by the Mohawk Golf Course zoned RS-3, on the south by an industrial use and another commercial chicken farm zoned AG and IL, and on the west by vacant land zoned AG and IL.

Zoning and BOA Historical Summary -- Past zoning actions have allowed medium intensity districts both north and south of the subject tract.

Conclusion -- Given the fact that the Comprehensive Plan designates the RMH as a "may-be-found" and the subject tract is abutted on the north and south by medium intensity zoning Districts (RM-2 and IL), the Staff can support the requested RMH zoning on the western portion. However, we feel that the eastern portion which is adjacent to Mohawk Park should be lesser density and serve as a transition area. Therefore, the Staff recommends APPROVAL of RMH on the western 1,100 feet (15 acres) and RS-3 on the remainder of the tract (10 acres).

For the record, appropriate access must be worked out in the platting process to properly serve the subject tract.

Staff Recommendation: PUD #363

The subject tract is $\frac{1}{4}$ mile north of the northeast corner of Yale Avenue and 36th Street North. It is approximately 25 acres in size and the Staff had recommended an underlying zoning combination of RMH and RS-3. The applicant now is requesting PUD supplemental zoning to spread the mobile home density across the entire tract and develop a manufactured home subdivision.

5.23.84:1507(29)

PUD #363 and Z-5953 (continued)

The Staff has reviewed the applicant's Outline Development Plan and find the concept to be consistent with the intent of the PUD Ordinance, however, we cannot support the proposed Site Plan. We find the circulation within the proposal to be very poorly conceived with insufficient turn-arounds in dead-end streets and erratic street patterns that impede smooth traffic flow. We recommend that a revised Development Plan be submitted to and approved by the TMAPC prior to the hearing before the City Commission (Staff provided the applicant two alternative layouts which we feel meet the requirements as to proper circulation).

With a revised and approved Development Plan, the Staff recommends APPROVAL of PUD #363, subject to the following conditions:

1. That the applicant's Text and Amended Development Plan be made a condition of approval as being representative of the proposed project.
2. Development Standards:

Land Area (Gross):	24.98 acres
Permitted Uses:	Single-family dwellings consisting of either site built or manufactured homes attached to permanent foundations and customary accessory uses.
Maximum No. of Dwelling Units:	114 units
Maximum Building Height:	1 story
Minimum Lot Size:	6,200 square feet
Minimum Lot Width:	60 feet
Minimum Livability Space per Dwelling Unit:	2,000 square feet
Minimum Setback from Abutting Public Street:	25 feet
Rear Yard:	20 feet
Side Yards:	5 feet
Off-Street Parking:	2 per dwelling unit
3. That signs shall meet the requirements of Section 1130.2 (b) of the Code.
4. That after the approval of the Amended Development Plan the Final Plat approved can serve as meeting the requirements for Detail Site Plan.
5. That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of

PUD #363 (continued)

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. Johnsen advised that the proposed development is a single-family subdivision intended to have 114 platted lots for individual ownership. The structure type is manufactured housing where the sections are attached on-site to a permanent foundation. It is not a mobile home park or rental property which often draws intense objection. A PUD was filed in order to give this Commission the opportunity to impose the type of development conditions that would assure the type of development is what occurs after this hearing.

Mr. Johnsen then described the 25-acre subject tract and the surrounding properties. There will be two points of access into the subject tract off of 39th Steet and one off of the Park Road. The density of the subject property is 114 units which is quite low. The District 16 Plan for this area provides that low density residential development should be continued and expanded north of 36th Street and south of Mohawk Park which is the subject property. The Plan contemplated that this area would develop in a residential manner. The definition of low density in this district is defined as less than 6 residential units per acre and the computation for the subject tract is 4.7 dwelling units per acre. The subject property does have utilities available for development. There is a 10" water line along the south boundary and a sanitary sewer main to the east of the property that will be accessible to the site. The open space around the tract is in place and should be maintained.

The key factor in this development is that these will be platted lots and the minimum lot will have 60' of frontage with 6,200 square foot lot sizes. It was designed in this manner to permit a manufactured structure that has two 14' wide sections joined to a permanent foundation with an attached single family garage, entry and storage area. Mr. Johnsen then submitted some of the possible layouts for the homes (Exhibit "G-1").

The concept of the project is that the developer plat the property, put in the streets and drive and construct three or four model houses on-site. The customer will then select the model, have those sections ordered and delivered to the site. The developer attaches and constructs those units and attaches it to a permanent foundation. The garages will be stick built and will not be a carport. There will be various options offered to the customer but the garage is a key feature and is required by the development standard.

The project will be a single family subdivision in all respects. The only departure from any other single family subdivision is that the structure itself has been manufactured somewhere else, brought to the site and assembled and attached to a permanent foundation. This is not a mobile home park or rental park. What is proposed is and can be placed in the PUD conditions of approval.

There was limited discussion as to the definition of mobile homes in the City and County Zoning Codes. Mr. Linker, Assistant Attorney, asked if the homes would have a permanent chasey. Mr. Johnsen stated that some

PUD #363 and Z-5953 (continued)

of the structure would be on a chasey but once attached to the foundation the wheels will be taken off.

<u>Protestants:</u>	Ron Buckner	Addresses:	4938 Park Road
	R. A. Turley		5217 East 36th Street North
	L. S. Radford		5110 East 41st Street North
	R. E. Wallace		4110 Park Road
	Amos Alberty		3914 North Winston Avenue
	Paul Aldridge		4814 Mohawk Boulevard
	Zelma Marino		4950 Park Road
	Eabert McGehee		3912 North Winston Avenue
	Cecil Knight		3910 Park Road

Protestants' Comments

Mr. Buckner submitted various photographs of mobile homes on permanent foundations similar to the proposed development, photographs of houses in the surrounding area and photographs of the streets in the area (Exhibit "G-1"). Mr. Buckner stated that this is a unique area because there is a lot of open space. This area has a park like atmosphere. He was fearful that the proposed project would be similar to a mobile home park which tends to draw in transients. He was fearful that the proposed project would cause property values in the area to decrease, and he was very much opposed to the proposal. He stated there is another mobile home park in the area which has been an eyesore, and the property owners wish to stop this from happening again. He was also concerned with the density which is proposed because of the poor condition of the roads in the immediate area.

The smallest lot in the surrounding subdivisions is 1 1/4 acres in size. Mr. Buckner stated he has been in contact with the Park Department who is very concerned with the proposed development. Mr. Buckner stated his biggest concern is that it is not harmonous with the surrounding area.

Mr. Turley stated he was tremendously opposed to the proposed development on the subject tract. He did not feel that a trailer park should be placed in this area. He was concerned about the roads in the area and the increased traffic which this development would encounter.

Mr. Radford stated he purchased his property in this area because of the country like atmosphere. He stated his property includes 1.4 acres, and all of the properties in the neighborhood contain that much acreage or more. He stated he was opposed to the proposed type of housing being placed in this neighborhood. He felt that the development would definitely be a mobile home park and would cause property values to decrease. He felt that this type of development would attract a class of people who would be most undesirable. He asked that the Commission consider the rural like atmosphere of this area and deny the applicant's request.

Mr. Wallace stated he likes the quiet and peaceful atmosphere in this area, and he did not want that atmosphere destroyed by allowing 114 dwelling units in this neighborhood.

Mr. Alberty stated that he concurs with the statements made by the property owners in the subject area. He, too, stated that he enjoyed the country like atmosphere in the area. He was concerned if the proposed

Z-5953 and PUD #363 (continued)

development is approved that it would cause water problems in the area. He also expressed his concern that there would be an increase in traffic in the area and was concerned about the condition of the roads in the area. Mr. Alberty also stated his fear about the density of the project and felt that the density figure would be increased after space for roads and open space were considered. He was also fearful that the housing might be used as rental property in the future and was extremely opposed to that possibility. If the proposed development is approved it will cause a decrease of property values in the immediate area.

Mr. Aldridge stated he watched Lakeview Addition going into this area which has brought about many problems, and he felt that this development would bring about even more problems. He felt that extra police protection would be needed for the additional 114 units, and therefore, requested that the application be denied.

Mrs. Marino stated she objected to the application because there are no schools in this area and if the proposal is granted the children would have to be bussed to various other schools.

Mr. McGehee stated he was aware of the problems created when the Lakeview Addition was added to this area and was fearful of the problems which lie ahead if this project is approved. He did not feel this area should be destroyed by a development such as that being proposed.

Mr. Knight stated he works for Regency Park Nursing Home and stated that there are no complaints from their corporation based in Houston except they have a 4" water line going directly across the subject property. The Corporation in Houston has requested a copy of the plat showing where the water line lies. The Corporation is concerned what the applicant will do with the water line because it supplies their fire protection system. He stated he needed something in writing about that water line.

Applicant's Rebuttal:

Mr. Johnsen advised the Commission that the nearest residence to the subject property is approximately 400' away. It is important for the Commission to note that the applicant does not have a typical neighborhood abutting them and do not have housing fronting into this property. He did not see how this property impacts any of the dwellings in this neighborhood except as a general proposition that they want it to stay in a rural classification. All of the dwellings in the area are far enough away from the property and there are many trees and other buffering, and he did not feel that the subject property directly affects them in any way. He felt that the rural description of the surrounding area is misleading to some extent. It is not a farm piece of property. The adopted Plan contemplates residential development in this area and establishes some density standards with the average density of 6 dwelling units per acre. There are public utilities available for the subject tract.

Mr. Johnsen stated that he would like to add to the conditions imposed by the Staff. There will be a minimum width of the finished structure of at least 20' which would require a double-wide module. There will also be a 1,200 square foot minimum size and the units will include a stick built garage and not a carport. Mr. Johnsen felt that the real issue is if development like this will be permitted. This location is

Z-5953 and PUD #363 (continued)

appropriate and meets the Plan for this area and fits well with other properties in the area. He concluded by stating that this use meets some of the communities needs for affordable housing.

Comments:

Chairman Young asked the Staff to explain the difference between mobile homes and manufactured housing. Mr. Gardner stated that according to the County Code manufactured housing, by definition, is two or more units attached permanently verses single-wides dropped in on a lot. The definition of a mobile home in the City Code is anything transported in is considered mobile even though there are various types of manufactured housing. There is nothing in our Ordinances that allows the applicant to do what he wants to do without RMH zoning and a PUD although we are in the process of amending the Ordinances. The conditions that were suggested are appropriate, but the Staff felt that the Commission should take it a step farther. He suggested that the Commission limit the units to no less than 1,200 square feet and enclosed attached garage, that the structures be no less than 20' in width which means that it has to be more than one unit attached in order to meet that definition on a permanent foundation.

Mr. Gardner stated that as the Staff has researched this topic the distinction which is made is usually a gable or pitch roof. If that is applied, what is eventually built looks very much like a stick built house. The gable roof might be a condition which the Staff would want to impose.

Mr. Flick stated he was sympathetic with the property owners in the area, but he felt that manufactured housing is much different than a trailer park or mobile home park as suggested by the Staff. He suggested that the Commission attach additional conditions to the PUD. He suggested that there be a homeowners association, that each unit have 30% masonry coverage with a gabled roof. He also suggested that there be no metal skin exposure, a width requirement and that there be restrictive covenants addressing automobiles, animals, fencing and landscaping that protect the area and which still provides for affordable housing. Mr. Johnsen stated that he would be supportive of all of those conditions with the exception of the 30% masonry coverage requirement as that will cause added cost to the owner. He reminded the Commission the purpose of this development is to provide affordable housing.

Mr. Ron Buckner addressed the Commission and stated he was knowledgeable of affordable housing. He felt that the Tulsa market is overabundant at this point. He conducted a survey of a 4-mile radius of the subject area and found that there are approximately 200 houses available in this area under \$35,000 which is considerably less than what the proposed development will offer. If there is truly a need for affordable housing in this area why are these houses not being filled.

Mrs. Higgins stated she would be interested in what the Park Department would say if this project is approved. The Staff stated that the Park Department has not been in contact with INCOG in reference to this situation. Mr. Gardner felt that their concerns were dealing with the roads in the area. Mrs. Higgins stated she was concerned with the density of the proposed project and felt that it is too high for a sparsely populated area. She requested that the Park Department notify the Staff on their

Z-5953 and PUD #363 (continued)

feelings because this proposal is in the middle of Mohawk Park, and she felt it would have an adverse affect on them.

Chairman Young stated that he talked with the Director of the Park Department prior to this hearing who was unable to attend this meeting. The conversation was in private, but his basic concerns where the traf-
fic problems and a concern with the water flow in the area. The Park Department usually does not take a position on residential developments such as the one in question.

Mr. Connery suggested that the application be continued so that the Park Department could be present for the hearing and express their concerns and make those statements public.

Mr. Woodard stated he was very familiar with the subject area, and he could not be supportive of this application because of the congestion it would add.

Mr. Flick suggested that RS-3 or RS-2 zoning be approved and allow the manufactured housing as proposed. The Staff advised that under RS-3 and RS-2 manufactured housing is not permitted unless a PUD is filed and some RMH is approved. He then suggested that the zoning as recommended by the Staff be approved and that the PUD with the additional require-
ments also be approved.

Chairman Young stated he could not support the Staff Recommendation and felt that RS-3 would be adequate for this area and would support open-
ing up Yale so the addition could be served by Yale to 36th Street North to keep some of that traffic off the park roads.

Instruments Submitted: Possible layouts for the project (Exhibit "G-1")
10 Photographs (Exhibit "G-2")

TMAPC Action: 7 members present.

On MOTION of KEMPE, the Planning Commission voted 3-4-0 (Flick, Kempe, Hinkle, "aye"; Connery, Higgins, Woodard, C. Young, "nay"; no "absten-
tions"; Beckstrom, Draughon, Rice, T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be approved for RMH on the western 1,100 feet (15 acres) and RS-3 on the remainder of the tract (10 acres) as recommended by the Staff.

Mr. Linker, Assistant City Attorney, felt that the Commission needs to have an affirmative recommendation because this motion failed. If it is a tie vote it goes to the City Commission with no recommendation. The Commission must vote again or defeat the existing motion.

There was discussion as to what would be in order. It was suggested again that the application be continued in order to hear response from the Park Department. Mr. Compton made a suggestion to reduce the amount of RMH to compare it with RS-3 zoning so it would be a development that had RS-3 density, but it would not relieve the problem of access as was expressed by Chairman Young.

The Commission asked if a re-vote of the existing motion would be in order and Mr. Linker answered in the affirmative.

Z-5953 and PUD #363 (continued)

PUD #363 LEGAL:

The S/2 of the SW/4 of the NW/4 of the SW/4 and the S/2 of the SE/4 of the NW/4 of the SW/4 and the NE/4 of the SW/4 of the SW/4 and the W/2 of the NW/4 of the SE/4 of the SW/4 in Section 15, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, containing 24.98 acres, more or less.

Z-5954 Johnsen (Reppe Development Company) NE corner of 101st Street and
Mingo Road AG to CS, RM-2, RS-3,
and FD

PUD #364 Johnsen (Reppe Development Company) NE corner of 101st Street and
Mingo Road AG

Chairman Young advised that the Staff received a letter requesting that these two items be continued to the June 6, 1984, meeting. (Exh. H-1)

Mr. Adrian Watts, 10205 East 101st Street, was present as an interested party stating that he has no objection to the continuance request.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, "absent") to continue consideration of Z-5954 and PUD #364 until Wednesday, June 6, 1984, at 1:30 p.m., in Langenheimer Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Final Approval and Release:

Rolling Oaks (1992) West 36th Street and South 74th West Avenue (RS)

One Summit Plaza (PUD #274) (3293) South Lewis at East 59th St. (OM, RS-2)

Shadow Ridge (PUD #298) (1383) 87th Street and South 88th E. Ave. (RS-3)

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

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, T. Young, "absent") to approve the final plats of Rolling Oaks, One Summit Plaza and Shadow Ridge, and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #320 -- Minor Amendment -- Detail Site Plan Review

Staff Recommendation:

The subject tract is approximately 16.05 acres in size and located south of the southeast corner of 81st Street and South Delaware Avenue. It is wooded and contains a private club, swimming pool, tennis courts and picnic tables. It has been approved for a 119 unit single-family attached condominium complex.

The Staff has reviewed the applicant's Detail Site Plan and compared it to the approved Outline Development Plan and have identified some areas of minor concern. In two locations buildings that back up to each other have not met the 20-foot spacing requirement. However, the spacing between these buildings is adequate for providing a private living space for each unit. In addition, there are 12 units that do not meet the front setback, but only one is located on a through street. All others are located on private drives that service no more than three units. We feel that these encroachments are minor in nature and are brought about because the units have increased in size (floor area), and they are being located around the existing club and tennis courts.

We would recommend two revisions to the submitted Detail Site Plan, (1) moving one Unit E located in the south central part of the proposal as far south as it can be located in order to provide as much front setback as possible, and (2) add two parking spaces on the north side of the emergency access drive to help keep this drive from being blocked when needed.

Considering the above modifications the Staff compared the approved conditions and the submitted site plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Net Area:	16.05 acres	16.05 acres
Permitted Uses: Single-Family attached condominiums and accessory uses.		Single-family attached
Maximum No. of Units:	119 units	119 units
Maximum Height:	35 feet*	35 feet*
Minimum Livability Space:	2,000 sq. ft. per dwelling	Exceeds
Minimum Off-Street Parking:	2 spaces per unit	2-car garages
Minimum Building Setbacks:		
From North, East and West Property Lines:	20 feet	20 feet
From Centerline of Delaware Ave:	75 feet	75 feet
Between Garage and Street:	20 feet	20 feet**
Between Buildings:	20 feet	20 feet**

PUD #320 (continued)

*In addition, there was a 2-story height limitation on the total project, less and except any unit which is totally or partially within the east 50 feet shall be limited to 1-story in height. The Staff has found that this is being met.

**These requirements are being met except as outlined above and exceptions are considered minor.

Given the above review, the Staff recommends APPROVAL of the Minor Amendments and Detail Site Plan, subject to the modified plan submitted.

The Staff would note that extensive fencing and landscaping was required around the perimeter of the project. This will be reviewed as a part of the Detail Landscape Plan and shall be installed prior to occupancy.

TMAPC Action: 7 members present.

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, T. Young, "absent") to approve the Minor Amendments and Detail Site Plan, subject to the modified plan submitted.

PUD #197-1

Staff Recommendation -- Amended Development Plan:

The subject tract is commonly referred to as the Methodist Manor and is located on the south side of 31st Street, between South Pittsburg Avenue and South Sandusky Avenue. It has been approved for a variety of housing types with the locations shown on the Development Plan. The applicant now wishes to amend the land use in the southwest corner of the Development Plan. Originally this area was proposed for an apartment complex with single-family along the south and west boundaries to buffer the adjacent single-family. The amended Development Plan now shows a proposal for attached one-story garden homes through the entire corner with one row of detached patio homes along the east side backing up to the drainageway. In addition, the new proposal would represent a total of 97 units as opposed to the original request of 101 units.

The Staff has reviewed the proposed Development Plan and compared it to the original Development Plan and find that the most significant change is in the land use relationships along the west and south property lines. Along the south property the original plan shows 6 single-family lots backing up to 33rd Street, the new plan shows the side lot of one detached patio lot and the fronts of four attached garden homes served by a private drive paralleling 33rd Street. The Staff sees no real significant change in this point of the proposal, in fact, it is a reduction of density by one unit. We do feel that the private drive serving the units should be screened by landscaping where it is adjacent to 33rd Street.

Along the west property line there are 6 single-family lots proposed, there are now 10 attached garden homes and a private drive. The Staff feels that given the type of housing and the elderly tenants living in

PUD #197-1 (continued)

this project, that the traffic on the private drive will be minimal. We would be supportive of a screening fence and buffering landscaping along the back lot lines of the six existing single-family homes. With these additions the Staff feels that the requested changes are appropriate.

Therefore, the Staff recommends APPROVAL of the revised Development Plan and building allocations as follows:

<u>Existing Buildings</u>	<u>No. of Stories</u>	<u>Floor Area Square Feet</u>
a. Central Residence	4	52,800
b. Geriatrics & Kitchen	1	10,050
c. Nursing	1	14,000
d. Masonry Accessory	1	1,375
e. Residential	1	11,250
f. Residential	1	13,520
g. Utility & Custodian	1	1,800
h. Nursing	1	15,650
<u>Proposed Buildings:</u>		
a. Residential	1	30,800
b. Residential	2	24,200
c. Residential	2	24,200
d. Multi-Use	1	12,350
TOTAL		211,955

That 32 Cottages, 55 Garden Homes, 9 Patio Homes, and 1 Duplex be permitted with the above stated residential buildings and accessory buildings. This recommendation is subject to:

- (1) The Development Plan submitted;
- (2) detail Site Plan approval prior to the issuance of a building permit of each phase or area;
- (3) detail Landscape Plan approved and installed prior to occupancy, including screening fence and landscaping along the back lot lines 1 through 6 of Block 2, of Virginia Terrace Addition and landscaping along the south property line where the private drive parallels 33rd Street; and
- (4) that all of these conditions be made a part of the existing PUD Plat.

TMAPC Action: 7 members present.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, T. Young, "absent") to approve the revised Development Plan and building allocations stated above.

PUD #355 (Phase I)

Staff Recommendation -- Detail Site Plan Review:

The subject PUD is located at the northwest corner of 91st Street and South Yale Avenue. It is 10.27 acres (gross) in size and contains mostly vacant land and three single-family structures. It has been approved for an Office complex use with some accessory commercial uses located within office buildings.

The Staff has reviewed the approved PUD conditions and compared them to the submitted Detail Site Plan and find the following:

Item	Approved	Submitted	Remaining
Land Area (Net):	9.05 acres	± 4.44 acres	± 4.61 acres
Permitted Uses:	As permitted by right within an OM District and a restaurant, and other commercial uses provided they are located within a principal office building.	Same	Same
Maximum Floor Area:	160,000 sq. ft.*	50,000 sq. ft. (office)	110,100 sq. ft.*
Maximum No. of Stories:	5 stories	4 stories	5 stories
Maximum Building Height:	75 feet	54 feet	75 feet
Minimum Principal Building Setbacks:			
From Centerline of Yale Avenue:	130 feet	135 feet	130 feet
From Centerline of 91st Street:	150 feet	290 feet	150 feet
From Centerline of 89th Street:	150 feet	195 feet	150 feet
From West Boundary:	200 feet	520 feet	200 feet
Parking Ratio:			
Office Use:	1 space per 300 sq. ft. of floor area	167 required 218 provided	Same
Restaurant & Other Commercial uses:	1 space per 225 sq. ft. of floor area	None proposed	Same
Minimum Landscaped Open Space:	30% of net area	Exceeds	30%

*Includes a maximum of 14,000 sq. ft. for the restaurant and all accessory commercial facilities located within principal office building.

Based upon the above review, the Staff recommends APPROVAL of the Phase I Detail Site Plan, subject to the plans submitted.

PUD #355 (continued)

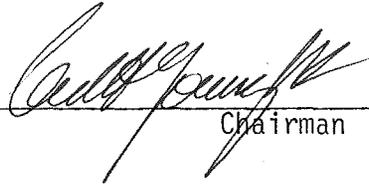
TMAPC Action: 7 members present.

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Flick, Higgins, Hinkle, Kempe, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Rice, T. Young, "absent") to approve the Phase I Detail Site Plan, subject to the plans submitted.

There being no further business, the Chair adjourned the meeting at 6:35 p.m.

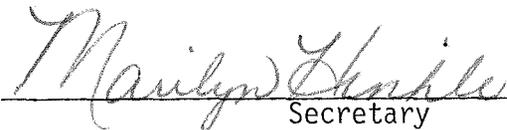
Date Approved

June 6, 1984



Chairman

ATTEST:



Secretary