

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1521
Wednesday, September 12, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Higgins Hinkle, Secretary Kempe, 1st Vice- Chairman Paddock Wilson Woodard C. Young, Chairman T. Young	Draughon Rice	Compton Gardner Wiles	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 11, 1984, at 11:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman C. Young called the meeting to order at 1:30 p.m.

MINUTES:

Ms. Wilson informed that under the Rules and Regulations Report in the Minutes of August 29, 1984, the first sentence of the third paragraph should read "the numbering of minor amendments to PUDs".

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Paddock, Rice, T. Young, "absent") to approve the Minutes of August 29, 1984 (No. 1519) with the above correction.

REPORTS:

Chairman's Report:

Chairman C. Young reminded the Planning Commission members of the Zoning Conference that is coming up in New York on September 23.

Director's Report:

PUBLIC HEARING for consideration of amending the Zoning Code pertaining to Chapters 15 and 16.

Mr. Gardner submitted a copy of the proposed language for amendments to Chapters 15 and 16 of the Zoning Code which was drafted by Alan Jackere of the Legal Staff in a memorandum to Bob Gardner (Exhibit "A-1"). The language read as follows:

SECTION 1500. DUTY OF THE CODE ENFORCEMENT SUPERVISOR,
NEIGHBORHOOD INSPECTORS AND OTHER OFFICIALS

It shall be the duty of the Code Enforcement Supervisor and Neighborhood Inspectors to enforce this Code. If the Code Enforcement Supervisor or Neighborhood Inspectors shall find that any of the provisions of this Code are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it, and shall take such other action to ensure compliance with or to prevent violation of its provisions as is authorized by law. All departments, officials, and employees of the City of Tulsa vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Code, and shall issue no permit or licenses for any use, purpose, excavation, construction, structure, building, or sign in conflict with the provisions of this Code.

SECTION 1520. PENALTIES FOR VIOLATION

Any person, firm or corporation violating any provisions of this Code or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall be deemed guilty of a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Nothing herein contained shall prevent the City of Tulsa or its authorized officials from taking other action, authorized by law, to remedy violation.

SECTION 1610. POWERS OF THE BOARD

The board shall have the power to hear appeals from the determinations of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors in enforcing this Code, to grant variances, and to make interpretations of the zoning map and text, in accordance with the substantive and procedural standards hereinafter set forth.

Director's Report: (continued)

SECTION 1630. NOTICE OF PUBLIC HEARINGS

The Board of Adjustment shall give notice and conduct a public hearing before acting on any appeal from a determination of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors, or before granting any Special Exception, or Variance, or Minor Variance, or Exception. The Board shall set forth in an adopted statement of policy a list of Variances and Exceptions which constitute Minor Variances or Exceptions and such statement of policy shall be approved by the Board of City Commissioners of the City of Tulsa.

Ten (10) days notice of public hearing shall be given as follows:

- a. For Special Exception, Variance or Appeal from a determination of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors:
 1. By publication in a newspaper of general circulation; and
 2. By mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property.
- b. For Minor Variance or Exception by mailing written notice to all owners of abutting property of the subject property. Nothing herein shall preclude the Board of Adjustment from requiring the giving of public notice of hearings to all owners of property within a 300-foot radius of the exterior boundary of the subject property for consideration of a Minor Variance or Exception.

The notice shall contain:

- a. The legal description of the property and the street address or approximate location of the property.
- b. The present zoning classification of the property and the nature of the relief sought.
- c. The date, time and place of the hearing.

The applicant shall furnish the names and mailing addresses of all owners of property within a three hundred (300) foot radius of the exterior boundary of the subject property, or in the case of a Minor Variance or Exception, the owners of abutting property of the subject property. Costs of publication shall be billed to the applicant.

Director's Report: (continued)

SECTION 1640. FEES

An application for an appeal from the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors or any variance or special exception shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by resolution of the Board of Commissioners of the City of Tulsa.

SECTION 1650. APPEALS FROM THE BUILDING INSPECTOR, CODE ENFORCEMENT SUPERVISOR AND NEIGHBORHOOD INSPECTORS

1650.1 General

An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureaus of the city affected, where it is alleged there is error in any order, requirement, decision or determination of the Building Inspector in the enforcement of this Code.

1650.2 Notice of Appeal

An appeal shall be taken with ten (10) days from the determination complained of by filing with the Building Inspector or Code Enforcement Supervisor and Neighborhood Inspectors and with the Secretary of the Board, a notice of appeal, specifying with the grounds thereof. The Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors upon receipt of notice, shall forthwith transmit to the Secretary of the Board, certified copies of all the papers constituting the record of said matter. Upon receipt of the record the Secretary shall set the matter for public hearing.

1650.3 Board of Adjustment Action

The Board shall hold the public hearing. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors.

1650.4 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors,

Director's Report: (continued)

from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the Board on due and sufficient cause shown.

SECTION 1660. INTERPRETATION

- a. The Board shall interpret the text of this Code or the Official Zoning Map upon an appeal from a determination of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors after compliance with the procedural standards of Section 1650.
- b. Where a question arises as to the zoning district classification of a particular use, the Board of Adjustment, upon written request of the Building Inspector, Code Enforcement Supervisor and Neighborhood Inspectors may find and determine the classification of the use in question and may, prior to such determination, order the giving of notice and hold a public hearing.

Mr. Gardner informed that Sections of Chapter 15 deal with the duty of the Code Enforcement Supervisor, Neighborhood Inspectors, and other officials. This amendment changes the responsibility of the enforcement of the Zoning Code from the Building Inspections Department and to a new department of Code Enforcement. He described how the amendment relates to Chapter 16.

Upon questioning, Mr. Gardner described how an appeal of violations of PUD conditions would be handled. The appeal would be first to the Board of Adjustment because they are the body that handles appeals from the decision of the Building Inspector. In that instance, the only thing the Board of Adjustment could do is to advise the applicants that their only relief is to go through the amendment process and come through the Planning Commission or appeal the matter to the District Court.

Alan Jackere informed the changes are very simple. He informed that right now the Building Inspector performs two functions: (1) He checks zoning and issues Zoning Clearance Permits and Building Permits, and (2) he checks zoning violations and enforces the Code with respect to violations. The new organization (the Neighborhood Development Team, the Code Enforcement Division of the Department of City Development) will be responsible primarily for the checking of zoning violations. Another change in the Code would be the penalty provision--he described the new penalty provision. Mr. Jackere informed that anywhere in the affected sections that "Building Inspector" appeared now appears both the "Building Inspector" and the "Code Enforcement Division and Neighborhood Supervisors".

Director's Report: (continued)

Chairman C. Young asked Mr. Jackere if the impetus for this is the new administration, and Mr. Jackere informed that the Mayor has been responsible for giving him direction to write provisions that will better enforce zoning and better preserve neighborhoods.

Ms. Higgins asked Mr. Jackere about the new penalty provision and how it compares with the old provision. Mr. Jackere informed that the old Code did say that each day's violation would constitute a separate offense. That is pretty standard in all of the penal provisions of the entire Code. Mr. Jackere informed that the Code Enforcement people will have the power to issue citations, but they will not, more than likely, have the power to issue a ticket for the maximum amount permissible.

Mr. Woodard asked where the Neighborhood Inspectors will come from, and Mr. Jackere informed they will be screened through the Personnel Department and be hired as City employees.

Ms. Wilson asked if there will be a mechanism in place where information on violations that is brought up before the Commission can be followed up by someone in the new department. Mr. Jackere informed that the Building Inspector has typically enforced the Code on a complaint basis. Code Enforcement has not been their primary function. The new department will not only take complaints from the public and from the TMAPC and Board of Adjustment, they will also be neighborhood inspectors and will look for violations. Anyone should feel free to turn violations over to the Inspectors. He informed he thinks it would be appropriate for the Commissioners to direct the Staff to forward any violation information they hear to the correct place.

Mr. Connery informed he feels the last sentence in the paragraph under Section 1520 is vague and misleading and he questions the use of the word "shall". Mr. Jackere explained what the Neighborhood Inspector will be able to do under this provision.

Mr. Connery informed that in the fifth sentence under Section 1500, the word "he" should be "they". Mr. Jackere informed there are some grammatical errors in Chapters 15 and 16. The submitted language is the substance of the changes--they will go back and correct the grammar before it is presented to the City Commission.

The City Prosecutor was present but did not wish to speak.

Interested Parties: None.

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to close the public hearing.

On MOTION of KEMPE, the Planning Commission voted 7-2-0 (Connery, Hinkle, Kempe, Paddock, Wilson, C. Young, T. Young, "aye"; Higgins, Woodard, "nay"; no "abstentions"; Draughon, Rice, "absent") to recommend that the Zoning Code be amended as pertains to Chapters 15 and 16 as set forth in the submitted language.

CONTINUED ZONING PUBLIC HEARING:

PUD #359 Bob Latch 77th Street and East side of South Memorial Drive (AG)

Chairman C. Young informed that the applicant has requested by letter (Exhibit "B-1") that this item be continued for one week (to the September 19, 1984, meeting), but the Staff needs it to be continued for two weeks (to the September 26, 1984, meeting).

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, T. Young, "absent") to continue consideration of PUD #359 until Wednesday, September 26, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5981 Jones (Grace Fellowship) East side of Memorial Drive, 8700 Block So.
AG to OL

Chairman C. Young informed the applicant requested by letter (Exhibit "C-1") that this item be continued to the October 24, 1984, meeting.

There was an interested party present who did not object to the continuance.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, T. Young, "absent") to continue consideration of Z-5981 until Wednesday, October 24, 1984, at 1:30 p.m., in the Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5983 (continued)

Chairman C. Young informed him that it cannot be rezoned without the permission of the owner. That permission is usually received through a contract that states the applicant will buy the property if the property gets rezoned. He described the property that is under application. He wanted to know what the applicant wants to do with the subject tract. He is concerned about the septic tank situation in the area--the ground will not support an industrial plant. They would protest if the applicant is wanting to put in a lagoon on the property. He told where the applicant could probably connect the property to the City sewer system. Mr. Green informed he would like to know what the runoff would be like if the applicant builds on the subject tract.

Mr. Julian informed he owns the property adjacent to Mr. Green's property. He informed there is industrial property adjacent to the subject tract. He described the dealings they have had with the applicant. He informed that the owners of the property in question had not been notified of what was occurring in this case.

Ms. Higgins asked Mr. Julian if he is against the rezoning, and he informed that he is not against it, but he is upset at the haphazard ways the applicant has gone about doing his business.

Carroll Borthick informed he owns the property north of and adjacent to the subject tract. He informed they will go along with the Staff Recommendation to deny this request.

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to DENY the request for IL zoning on the following described property:

The West 372.5 feet of Lots 4, 5, and 6 of Cooley's Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5991

Present Zoning: AG and RS-3

Applicant: Ruggles (Orton/Noah)

Proposed Zoning: RMH

Location: West of the SE corner of Sheridan Road and 36th Street North

Date of Application: July 31, 1984

Date of Hearing: September 12, 1984

Size of Tract: 13.45 acres, more or less

Presentation to TMAPC by: Don Ruggles

Address: 4317 North Mingo Road, #93

Phone: 747-6787 or 832-7876

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 14.45 acres in size and located 1/4 mile west of the southwest corner of North Sheridan Road and 36th Street. It is partially wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by the main entry into Mohawk Park and Zoo zoned RS-3, on the east by mostly vacant land zoned AG, RS-3 and IL, on the south by vacant land zoned AG, and on the west by a small mobile home park and vacant land zoned RMH and AG.

Zoning and BOA Historical Summary -- Past zoning actions have allowed a medium intensity zoning district into the surrounding area. In addition, RMH zoning has been approved abutting the subject tract to the west.

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

Comments and Questions:

Mayor Young informed this tract of land is immediately across the street from the entrance to Mohawk Park. Efforts are underway to make the entrance to the Park much more attractive. He asked the Staff what is in the RMH zoning classification that would give some control or assurance as to what the frontage of the project would look like so as to see to it that there will not be anything detracting from the Park entrance. Mr. Gardner described the standards in the present Mobile Home Park Ordinance which are fairly basic and the latest draft of the revisions to mobile home parks. He informed that, as a general rule, the standards under the present ordinance, if properly met, require quite an investment. The Staff felt that if this mobile home park is done as the ordinance requires, it will be residential in nature and will look better across from the park than industrial uses might look, which is what the area is also transitioning to and which would be permitted. The Commission would have control over signage, but they would not have control over landscaping if this is approved.

Z-5991 (continued)

There was discussion about how the property could be zoned so that the applicant could do what he wants to do, while at the same time allowing the Commission to have some controls over the development and the landscaping on the property.

Mr. Connery asked Mr. Gardner if the subject tract is a part of the lot to the left of it which is also zoned RMH, and Mr. Gardner informed he does not know if it is common ownership. Mr. Connery commented that approaching the park entrance on 36th Street, the lot that has 15 to 20 unoccupied mobile homes is, in his opinion, an eyesore. Mr. Gardner informed that part of the reason it looks so bad is that they are required to hook up to the sewer system, and they are in the process of doing that. Sewer was not available when that mobile home park was first built.

Applicant's Comments:

Mr. Ruggles informed he is not affiliated with the mobile home park to the west of the subject tract other than the fact that he is cooperating with them in the installation of the sewer. The existing mobile home park is an eyesore, but it has been under court jurisdiction for a year, and all of the units in there have been abandoned. Mr. Ruggles described the type of project he is proposing to put on the tract. He has engaged a landscape architect to do the entire front area including one acre (180' by 180') that he has set aside for a park-type environment at the entrance of the project. He stated that the existing entrance to Mohawk is to be abandoned under the Master Plan, and the main entrance to the park is to be moved approximately 3/4ths of a mile to the east of where it is presently located. The entrance to the park is going to be practically destroyed when the Port Road is continued westerly--that is scheduled to happen in January of 1985. He presented a drawing from the Highway Department showing the route of the highway and explained it. Mr. Ruggles informed he is planning to have a substantial elaborate fence around the subject tract. He is planning for this to be more or less a retirement mobile home park. He submitted 3 photographs of the tract (Exhibit "D-1").

Protestants: None.

Comments and Questions:

Mayor Young asked Mr. Ruggles if he would object to having an 180-foot deep strip of RS-3 zoning across the entire front of the subject tract, and Mr. Ruggles informed he would object to that. Mayor Young informed the applicant that with the RS-3 zoning across the front, he could still have the same project. Mr. Gardner explained how the applicant could have his project even with the strip of RS-3 zoning.

Mr. Ruggles informed that the City Ordinances tie down what type of mobile home park can be put in. He does not see a need for any additional conditions because the park is being planned according to the existing City Zoning Code.

Mayor Young informed that the Ordinance concerning RMH zoning would be fully followed and the applicant would be required to follow it just as he has stated he will do. The Ordinances do not say how much of a piece of property the City Commission will zone--that is the issue that is being discussed.

Ms. Higgins asked the applicant why he wanted the 180' x 180' in the corner of the tract. and Mr. Ruggles informed his reasons are the topography

Z-5991 (continued)

of the land and the expansion of the park. The land to the east is practically vacant, and he is putting the entrance to the mobile home park where it might service an additional area at some future date.

Ms. Wilson asked Mr. Ruggles how many units he is planning to put on the property, and he informed that the City Code allows 8 per gross acre-- that is about what he would have. His density will be slightly less than what is allowed.

Chairman C. Young asked the Staff what controls a 90-foot strip of RS-3 across the front of the property would allow. Mr. Gardner described the controls that would come into effect with the 90-foot strip and the controls that could be imposed by the Board of Adjustment.

Ms. Kempe commented that she thinks that if the applicant is considering expanding this project to the east on through the IL, the frontage question becomes even more important. She would support a 90-foot strip of RS zoning across the front.

Instruments Submitted: 3 photographs (Exhibit "D-1")

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be zoned RMH, LESS and EXCEPT a 90-foot strip across the front (north side) of the property which should be RS-3:

Beginning 651.65' East of the Northwest corner of the N/2 of the NE/4; thence East 651.65'; thence South 1,320'; thence West 651.65'; thence North 1,320' to the point of beginning, LESS the East 165' of Section 22, Township 20 North, Range 13 East, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof. 14.45 acres, more or less.

Application No. Z-5992

Present Zoning: RS-3

Applicant: Britt

Proposed Zoning: CG

Location: West of the NW corner of 11th Street and 177th East Avenue

Date of Application: August 1, 1984

Date of Hearing: September 12, 1984

Size of Tract: 10 acres

Presentation to TMAPC by: The applicant was not present or represented.

Relationship to the Comprehensive Plan:

The District 17 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 CG District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 10 acres in size and located halfway between 161st East Avenue and 177th East Avenue on the north side of 11th Street. It is partially wooded, gently sloping, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG, on the east and south by mostly vacant land with a few scattered single-family dwellings zoned AG and RS-1, and on the west by one single-family dwelling zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have maintained the area around the subject tract as low intensity residential.

Conclusion -- The subject request represents spot zoning and therefore, based upon the Comprehensive Plan, surrounding land uses and existing zoning patterns, the Staff asserts that the subject tract is zoned appropriately and that we could not support a higher zoning classification than the existing RS-3.

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

Applicant's Comments:

The applicant was not present.

Protestants: Richard Johnson Addresses: 17006 East 11th Street
 H. A. McHarness 16910 East 11th Street

Protestants' Comments:

Mr. Johnson informed he lives across the street from the subject tract, and he would like this application to be denied. They do not want commercial zoning on the subject tract.

Mr. McHarness informed his property is directly across the street from the subject tract, and he, too, would like this to be denied.

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no

Z-5992 (continued)

"nays"; no "abstentions"; Draughon, Rice, "absent") to DENY the request for CG zoning on the following described property:

The W/2 of the W/2 of the SW/4 of the SE/4 of Section 2, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-116

Applicant: Van Dusen

Location: North of the NW corner of 131st Street and 145th East Avenue

Present Zoning: AG

Proposed Zoning: AG-R

Date of Application: August 2, 1984

Date of Hearing: September 12, 1984

Size of Tract: 1.5 acres, more or less

Presentation to TMAPC by: Virgil Van Dusen
Address: 1620 South Aspen Court, Broken Arrow

258-1956 or
Phone: 494-1165

Relationship to the Comprehensive Plan:

The District 19 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 AG-R District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.5 acre in size and located just north of the northwest corner of 131st Street and South 145th East Avenue. It is partially wooded, gently sloping, contains a single-family structure being moved onto the tract and is zoned AG.

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

Zoning and BOA Historical Summary -- Past zoning actions have maintained the area as Low Intensity -- Residential.

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

Comments:

Chairman C. Young informed that a letter was sent from the Assistant City Planner of Broken Arrow which stated that the Broken Arrow Planning Commission voted 4-0 to recommend approval of CZ-116 (Exhibit "E-1"). He read the letter to the Commissioners.

Applicant's Comments:

Mr. Van Dusen informed he and his wife, who is the daughter of the owners of the subject tract, have moved a house to the subject tract. They requested a variance from the Board of Adjustment which was approved subject to rezoning. He described the subject tract and informed that running across the center of the property is a deep gully which is in the floodplain. He stated that only one neighbor has protested to this, and that neighbor has consistently objected to everything they have done on the property.

Comments and Questions:

Mayor Young asked the Staff how the FD is being dealt with in this case, and Mr. Gardner informed there is no FD. There may be some localized

CZ-116 (continued)

drainage flooding. The Hydrology Report stated that there are portions in the 100-year floodplain, but not in the floodway.

Mr. Paddock asked the Staff why the district plan does not have a designation that this is "Development Sensitive" in view of the fact that the comments on the flood hazard review say that this is in the 100-year flood area. Mr. Gardner informed that this is Broken Arrow's district of the Comprehensive Plan. Not all areas receive recognition of "Development Sensitive" based on the drainage. He assumes that a portion of the property on the southwest side is probably subject to flooding. Where the applicant is proposing to put the house is not in a floodplain. Part of the property may be in a floodplain, but property is not zoned FD unless it is in a floodway.

Ms. Wilson asked the applicant if this house will be used for a residence, and Mr. Van Dusen informed that it will be for his personal residence.

Protestant: Jack Day Address: 12808 South 145th East Avenue, Broken Arrow

Protestant's Comments:

Mr. Day informed he owns the property next to the subject tract. He stated that the applicant protested against him putting a small portable building on the back of his lot, and he subsequently had to get his property zoned RE to be able to keep the building where he had placed it. He informed that the Board of Adjustment wanted the applicant to rezone the property RE, get a lot split, and comply with the Ordinances set down by Tulsa County. He does not think the AG-R zoning will change anything on the property. He would not object if the applicant were rezoning the property to RE. He informed that it has been the applicant's policy to just maintain the property around their home and not take care of the property that adjoins his land.

Mr. Gardner informed that both properties are less than 2 acres, so they need zoning that would bring them in compliance with the size of the tract. They do have 200 feet of frontage. Either RE or AG-R will bring the applicant's property in compliance with the zoning. When the Board approved the variance for the size of the tract, they made a condition that the property be rezoned. They were saying that zoning is the proper way to handle this. They granted the variance subject to the applicant rezoning the property. Mr. Gardner informed that Mr. Day could have zoned his property AG-R rather than RE.

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-1-0 (Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; Connery, "nay"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of County Commissioners that the following described property be zoned AG-R:

The North 198 feet of the E/2, SE/4, SE/4, SE/4, of Section 4, Township 17 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5993 and PUD #377 Present Zoning: RS-3
Applicant: Lewis Properties (Southwest Properties) Proposed Zoning: OL, CS
Location: SW corner of 81st Street and Union Avenue

Date of Application: August 2, 1984
Date of Hearing: September 12, 1984
Size of Tract: 2.06 acres

Presentation to TMAPC by: Kenneth Miles
Address: 201 West 5th Street Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5993

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 and OL Districts are in accordance with the Plan Map.

Staff Recommendation: Z-5993

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 and a water tower zoned CS, on the east by vacant property zoned AG, and 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 the requested OL and CS zoning. The Staff sees this as a different application than the one recently denied by the Commission, since the applicant has reduced the commercial intensity by approximately 47% and has filed a companion PUD in order to restrict the land use.

Therefore, the Staff recommends APPROVAL of the requested CS and OL zonings.

Staff Recommendation: PUD #377

The subject PUD 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 has a companion Zoning Case (Z-5993) where the applicant is requesting a combination of CS and OL underlying zoning.

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.

Z-5993 and PUD #377 (continued)

Therefore, the Staff recommends APPROVAL of PUD #377, subject to the following conditions:

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

(2) Development Standards:

Land Area (Net):	2.06 acres
Permitted Uses:	Printing and Graphic Art Reproduction & Associated Sales.
Maximum Floor Area:	12,000 sq. ft.
Maximum Building Height:	1-story/20 ft. at the eaves.
Minimum Landscape Open Space:	25% of net area
Minimum Building Setbacks:	
From Centerline of Union Avenue,	150 feet
From Centerline of 81st Street,	150 feet
From South Property Line,	50 feet
From West Property Line.	50 feet
Minimum Off-Street Parking:	30 parking spaces, 1 Loading berth.

(3) That signs shall comply with Section 1130.2 (b) of the Zoning Code.

(4) That a Detail Site Plan be approved by the TMAPC prior to the issuance of a Building Permit, including elevations of all exterior walls showing the architectural treatment to be used.

(5) That a Detail Landscape Plan be approved by the TMAPC prior to occupancy, including a 6-foot screening fence and landscape buffering along the west and south property lines.

(6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Comments:

Mr. Gardner described the differences between this application and an application that the Planning Commission denied on this same piece of property.

Applicant's Comments:

Mr. Miles informed that since the time that the previous application was denied, they have tried to work up a proposal that will address the objections and the protests that were made at the previous meeting and then bring the matter back before the Commission. The Staff has supported the proposal and have assisted them in putting together a PUD request. This PUD will protect the objections of the people which principally dealt

Z-5993 and PUD #377 (continued)

with the fear that if CS zoning were put in place there, that at some later time the property could be put to another less favorable use to the community under the same CS zoning. Another concern was the intensity of commercial use for the property. He informed they are dealing with two secondary arterial streets in the application, and he told what the long-range plan might envision for that intersection. The CS zoning and OL buffer proposed under this PUD is a lower intensity than the medium intensity that the long-range Comprehensive Plan permits and sees as consistent with the development criteria for the area.

Mayor Young informed he thinks this zoning application and PUD provide the assurances that no use other than that which was proposed will be allowed. One of the concerns at the previous meeting was that the previous application was for unlimited CS zoning. He commended the applicant for taking the time to review what his options were.

Ms. Wilson asked Mr. Miles if they have talked with the residents in the area to go over their objections and, hopefully, calm some of their fears, and Mr. Miles informed a few of the residents were contacted.

Interested Party: Rocky Lewis Address: 5558 South 79th East Place

Interested Party's Comments:

Mr. Lewis informed he is the broker of Lewis Properties that is handling the transaction for the owners of the subject tract. He presented an artist's rendering of the proposed project. The rendering shows a 2-story building, but the people who want to use this for their corporate offices would like to have 2 stories of offices on the front of the building only. He presented a drawing showing the layout of the property and described it. The business that will be in the building is a silk-screen printing business. They feel like they are falling within the guidelines of the Comprehensive Plan, and they would like this to be approved.

Protestants: Mary Beth Dolan Addresses: 2500 West 81st Street
Susan Garrin 7955 South 23rd West Avenue
M. A. Miller 7920 South 23rd West Avenue
Annabel Shores 2826 East 45th Place North

Protestants' Comments:

Ms. Dolan informed she lives approximately 1/2 mile from the intersection where the subject tract is located. She submitted a protest petition with 149 signatures of people who live within a mile radius of Union Avenue and 81st Street (Exhibit "F-1") and six photographs (Exhibit "F-2") of the present location of this company. She informed that they are against this rezoning request at this time. They do not feel that the proposed plant will be in harmony with the existing neighborhood, and, therefore, would prevent orderly development in the future. She informed that in the Comprehensive Plan for District 8, the second goal stated for the district is to maintain the district's low density (existing rural residential character). This business, as explained to them by Mr. Lewis, is strictly wholesale with no retail. They need warehouse space and ship goods all over the United States, as well as to local businesses to sell. She feels that this use would fit better under Use Unit 23 rather than Use Unit 14. She does not feel that this business belongs in any residential neighborhood. They are not against the appropriate development of this intersection.

Z-5993 and PUD #377 (continued)

She told what uses she feels the Comprehensive Plan says should be located at this intersection. One of her fears is that a plant such as this, with its shipping and receiving docks and industrial nature, will set an unwanted precedent in an area where industry has no right to be. She feels that this business is light industry and should be located in an area zoned specifically for that. She feels that this business is wrong for this area. She informed that the Commissioners have the responsibility to protect their neighborhood from zoning mistakes.

Chairman C. Young described what a PUD is and what conditions will be imposed upon the applicant. The applicant cannot expand what is proposed unless there is another hearing.

Ms. Wilson asked Ms. Dolan what she feels would be an appropriate land use at this location, and Ms. Dolan informed she does not know what would be appropriate, but the Comprehensive Plan states that wholesaling and warehousing is not appropriate because it is not for the use of the subdistrict. She is concerned that this will set a precedent for this type of use in the area.

Ms. Wilson asked the Staff whether they feel this should be in Use Unit 23 or Use Unit 14, and Mr. Gardner informed that the volume of the business and where the merchandise is sent to can be a consideration. The process of putting designs on merchandise is something that is found in many commercial shopping centers. He feels that the proposed use, as the Staff understands it, would fit within Use Units 14 and 15.

Ms. Garrin informed they have talked with the applicant about what is proposed. She informed that she agrees with Ms. Dolan in the fact that the present facility of this business fits right in with the industrial park around it. This is a unique neighborhood that is in transition. They are concerned that whatever is allowed to go into this area first will set a precedent. They realize that this area will be developed, but they would like it to be developed in a manner that will be compatible with their rural area. She feels that the issue in this matter is whether the proposed business is light industry. They feel they are in danger of having light industry all around them if this use is permitted. She requested that the Planning Commission deny this zoning request.

Chairman C. Young asked Ms. Garrin what she thinks the zoning should be on this corner, and she informed she would not object to commercial zoning if it were for a shopping facility or something that does not look industrial.

Mr. Gardner informed that commercial uses can go in an industrial area and look very industrial, but industrial uses cannot go into a commercial area.

Mr. Miller stated that he hates to see the area change, and he was concerned that anything that goes in here, except for a house, will add extra traffic.

Ms. Shores represented her mother who owns the property to the west of the subject tract. She would like for something to go on the subject tract that would be useful to the residents in the area. She does not feel that the proposed business would do them any good. Ms. Shores informed she is concerned about the drainage in the area and how the applicant is planning to handle the sewage--they are on septic tanks.

Z-5993 and PUD #377 (continued)

Applicant's Rebuttal:

Mr. Miles informed that the controls that are in the PUD are controls that will protect the people in the neighborhood. He stated that the Staff Recommendation allows one loading berth. The realtor representing the applicant has indicated to him that there is no desire for a loading berth, but there will be a side door for loading if they need it.

Comments and Questions:

Mayor Young informed that when the previous case came up, he was opposed to it because it was a blanket CS zoning and there would be no other controls at all. He informed that there is CO zoning in the area which has already set the precedent for the area. He explained why he feels favorable toward this application. He feels the applicant has done what needs to be done to protect the area residents from having something on the property that is totally inconsistent with the area. This could be the precedent that causes the other corners to development in harmony with the area.

Mr. Connery informed he thinks Ms. Dolan has done an outstanding job in briefing the Planning Commission on the particulars of the District 8 Comprehensive Plan. It is his understanding that District 8, as well as the other districts, are entities that are created by INCOG and the TMAPC. He feels that the Planning Commission is obligated to help Ms. Dolan in her efforts. He recommended that both requests for this tract be denied.

Ms. Wilson asked if there are any examples in Tulsa of this type of commercial activity which lends itself to light industry. Mr. Gardner informed that just about any kind of commercial service can lend itself to an industrial district, but it also lends itself to a commercial area. The service activity can be in an industrial area as well as a commercial area, but the industrial activity cannot be in a commercial area. He described what is allowed in the different districts.

Ms. Wilson informed that she feels that what makes this business lend itself to industry in the way it looks is that they are having to print something on their merchandise before they can sell it, whereas in most commercial businesses the merchandise is sold as it is. Mr. Gardner informed that the printing of the merchandise is the service that is provided.

Ms. Kempe informed she lives in District 8 and she is concerned about the development of the vacant land at these major intersections. She stated that she is fully in support of this application because the Planning Commission does have certain controls that they would not have under straight CS zoning. This could be setting a very good precedent for the other corners of this intersection. This is not a high-traffic business such as straight commercial uses could be on any of the corners.

Ms. Higgins informed it is her understanding that the difference between commercial and industrial is whether something is actually manufactured on the property. This business will be altering what is already manufactured, not manufacturing.

Chairman C. Young informed that he is in favor of this application and gave his reasons. He asked what input the Planning Commission had as

Z-5993 and PUD #377 (continued)

far as the structure of the building, and Mr. Gardner informed they can impose any conditions that are considered reasonable in the architecture of the building in order to make it compatible with the surrounding land uses. The applicant will have to bring back plans, so there will be another hearing on this.

Mr. Paddock asked the Staff if they would have any objection to deleting as one of its conditions the provision for one loading berth. Mr. Gardner informed that the Zoning Code requires that they have a loading berth.

Mr. Gardner described what the Development Guidelines provide for the intensity of land use for the different nodes.

Mr. Connery asked Ms. Dolan how she feels about the requests after what she has heard the Commissioners say, and Ms. Dolan informed she still has misgivings about this project. She informed she is afraid of the progress because she likes the rural atmosphere.

Mr. Connery informed he feels the TMAPC should listen to the people who worked on the District 8 Comprehensive Plan, and Mayor Young informed he feels they have listened.

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

TMAPC Action: 9 members present. Z-5993

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be zoned OL and CS:

Lot 1, Ross Homesites, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

TMAPC Action: 9 members present. PUD #377

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, per Staff Recommendation, with the addition at the end of Condition #4 of the wording "and showing vehicle access to the loading berth to be only from Union Avenue.":

Lot 1, Ross Homesites, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. CZ-117
Applicant: Sharp (Guest)
Location: 1/2 mile East of the SE corner of 111th Street and 33rd West Ave.

Present Zoning: AG
Proposed Zoning: RMH

Date of Application: August 3, 1984
Date of Hearing: September 12, 1984
Size of Tract: 24 acres, more or less

Presentation to TMAPC by: Mark Sharp
Address: 632 West Main, Jenks

Phone: 299-0082

Relationship to the Comprehensive Plan:

The District 22 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Suburban.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 24 acres in size and located 1/2 mile west of the southwest corner of Highway #75 and 111th Street South. It is partially wooded, gently sloping, vacant and zoned AG.

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

Zoning and BOA Historical Summary -- Past zoning actions have established the area at densities no greater than RS.

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

For the record, the permitted zoning intensities are listed below:

AG zoning would permit a maximum density of 12 units,*
AG-R zoning would permit a maximum density of 24 units,*
RE zoning would permit a maximum density of 48 units,*
RS zoning would permit a maximum density of 120 units,*
and
RMH zoning would permit a maximum density of 192 units.*

*Dedicated streets would reduce this number by about 20%. The type of sewage treatment will also effect the number of units, as well as water service.

Comments:

Chairman C. Young informed a letter was sent from the City Planner of Jenks which states that the Jenks Planning Commission and City Council voted unanimously to recommend denial of this case to the Tulsa Metropolitan Area Planning Commission (Exhibit "G-1"). He also informed that a protest petition was submitted (Exhibit "G-2").

Application No. CZ-117 (continued)

Applicant's Comments:

Mr. Sharp informed they feel there is a great need in the Jenks area for more mobile home parks. There are two mobile home parks in Jenks that are both filled to capacity and are both in the floodplain and cannot be expanded at all. The subject tract is out of the floodplain entirely, and they feel that a mobile home park would be very compatible with the surrounding land uses. Mr. Sharp submitted two aerial photographs (Exhibit "G-3") and five photographs of the actual land uses in the area (Exhibit "G-4") and described them. There are several mobile homes surrounding this property. Mr. Sharp described the traffic in the area. He informed that there are no City services to this tract because it is not within the City Limits of Jenks. They have talked to Rural County District #2 and have been told that they do have ample water and would be willing to serve the mobile home park. Natural gas, electric, and telephone services are all available to the property. To handle sewage, they are proposing to put in a package plant--they do not want a lagoon. They would have whatever type of sewer system the Tulsa County and the Oklahoma State Health Department would approve. They are proposing to have 144 mobile homes on the subject tract (about 25% less than would be allowed under the County Zoning Code). They want a mobile home park rather than a mobile home subdivision because they want to keep control over the whole project. Out of the 24 total acres, they have designated 5.4 acres as park land. They have a contract to buy the subject tract. They are willing to develop a PUD to give the City and County the assurances of whatever they want as far as the design of the project. Mr. Sharp present a plot plan and described the layout of the property. There is a 25-foot pipeline easement on the property for liquid fertilizer and petroleum products. The entire project has one entrance--they can add more if they need to. They want to control all the traffic going in and out of the tract.

Chairman C. Young asked the applicant if there is any fill on the property, and Mr. Sharp informed that there is not. The property does slope.

Ms. Wilson asked the applicant if he has presented any new information to the Planning Commission that was not presented to Jenks, and Mr. Sharp informed there is basically no new information.

Chairman C. Young informed that density is the problem as far as he is concerned, not the mobile homes. There was discussion about how many mobile homes would be allowed in the different zoning categories and what could be approved under this advertisement.

<u>Protestants:</u>	John Umholtz	Addresses:	Route 3, Box 240A, Sapulpa
	Kathlene Matthew		Route 3, Box 246B, Sapulpa
	Bill Walker		Route 3, Box 241, Sapulpa
	Mike Blake		2929 West 66th Street, Tulsa
	Macey D. Folks		Route 3, Box 227, Sapulpa
	Suzie Jones		Route 3, Box 243, Sapulpa
	Jessie Ghere		Route 3, Box 239, Sapulpa
	Wilma Ashing		Route 3, Box 250, Sapulpa

Protestants' Comments:

Mr. Umholtz informed he lives adjacent to the subject tract. He described surrounding uses in the area. Some of the people who now have mobile homes in the area have plans to build nice houses on their lots. The people in

Application No. CZ-117 (continued)

the area feel that this area should stay suburban--low density. The surrounding property is primarily agricultural and single-family. There is a drainage problem on the subject tract. The people in the area feel that this project would decrease their property values. Most of the property owners in the area bought their property so they could be in a country environment, and they feel that this project would destroy this environment. Mr. Umholtz informed he feels that the concentration of children that would live on the subject tract would be harmful because of the traffic in the area. He informed that this property does not have water on it, and the nearest water supply would be District 2, Creek County Rural. The nearest supply would be a 10 inch water main that is about half a mile west of the subject tract. The line for the nearest gas supply is too small to accommodate the requested number of mobile homes. He informed he is concerned about the package-type sewer system. There was a mobile home park denied in this area some time back. Mr. Umholtz informed the people in the area do not object to mobile homes, but they would object to the density of the proposed mobile home park.

Ms. Matthew informed they are planning to build a 3,000 square-foot home in the area. They do not want to build the house on their property if this project is approved because they are afraid it will decrease their property values. She described the traffic problems they already have in the area, and informed this project would increase those problems. She informed that they have been told by an official in Tulsa County that package sewer systems have a terrible record when they are maintained by the owners. They have also been told by Creek County Water that the water line that goes down 111th Street is not large enough to serve the proposed number of mobile homes. She also does not believe that telephone services will be available to the mobile home park.

Mr. Walker informed he lives to the south of the subject property. He is concerned about the plans of the applicant to put the proposed density near a pipeline because it could explode.

Mr. Blake informed he owns the property directly to the east of the subject tract. They have plans to build a home on their property, and they want the area to be maintained as it is.

Mr. Folks informed he lives half a mile west of the subject tract, and he is concerned about the water supply in the area and with the density of the project. He is also concerned about the drainage on the property and the traffic in the area. He informed he does not see the need for this project.

Ms. Jones informed she lives south of the subject tract. They moved to this area because of the rural atmosphere. She feels that living next to a mobile home park would be the same as living next to an apartment complex. She told about the mobile home parks in Jenks and informed that she does not think another one is needed.

Ms. Ghore informed she lives in a mobile home in the area, but they plan to build a home on their property. She is concerned that the proposed project would devalue the property surrounding the subject tract. She is also concerned because approval of this would drastically change the planned lifestyles of the people who live in the area. She is opposed to this rezoning.

Application No. CZ-117 (continued)

Ms. Ashing informed she is concerned about the additional traffic this will bring to the area.

Applicant's Rebuttal:

Mr. Sharp debated what the protestants said about the utilities in the area. He has been told that the utilities are available. He informed the property is located on a mile section line, and they do proposed to funnel all their traffic onto that section line. Mr. Sharp informed that the property owner has been trying to sell this property for 1 1/2 years.

Victoria Guest, 813 South Cedar, Sapulpa, the owner of the subject tract, informed she would like to sell her property for an income. She wanted to know what the people in the area would like to have on the subject tract.

Comments and Questions:

Chairman C. Young informed this property should be residential and not a business. He stated that he is not against mobile homes, but he feels that the density is a problem. He could not support RMH zoning on the property, but he could possibly support RE zoning.

Ms. Kempe informed that RE would be the maximum zoning she could support in this area. The RMH request is not in accordance with the Plan Map, and past zoning actions in that area have established the density in the area as no more than RS--it is large-lot residential. She made a motion to approve RE zoning on the property.

The applicant indicated that they do not want RE zoning on the property.

Instruments Submitted: Letter from Jenks Planning Commission (Exhibit "G-1")
Protest Petition (Exhibit "G-2")
2 Aerial Photographs (Exhibit "G-3")
5 Photographs (Exhibit "G-4")

TMAPC Action: 8 members present.

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

The East 794.3 feet of the NE/4 of the NW/4 of Section 34, Township 18 North, Range 12 East, of the Indian Base Meridian, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

Final Approval and Release:

Southcrest Office Park (PUD #198-C) (383) 62nd Street and South Maplewood Avenue (RM-1 and RM-2)

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

On MOTION of KEMPE, the Planning Commission voted 7-0-1 (Connery, Higgins, Hinkle, Kempe, Wilson, Woodard, C. Young, "aye"; no "nays"; Paddock, "abstaining"; Draughon, Rice, T. Young, "absent") to approve the final plat for Southcrest Office Park and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #307 (Nyander) West of the NW corner of 71st Street and Lewis Avenue

Staff Recommendation: Minor Amendments and Detail Site Plan and Landscape Plan Review.

Planned Unit Development No. 307 is approximately 20 acres in size and is located west of the NW corner of 71st Street and Lewis Avenue. The tract presently contains a Jewish Cultural and Community Center on the south portion and has been approved for multi-story elderly housing apartments, extended care facility, administration office, dining facilities and accessory uses on the north approximate 8 acres. The applicant is at this time requesting approval of a detail site plan and a landscape plan as per conditions of approval in PUD #307. The applicant is also requesting minor variances in the original PUD to allow setback from the internal development use line to 0 feet. The original PUD had a 40-foot setback for the health care facilities from the internal development line. The applicant now proposes to connect the two structures via the administration offices and two corridors. Also, they wish to reduce the setback from the east property line from 140 feet to 100 feet. Since the tract is abutted on the east by OM and CS zoning and the original 140-foot setback was voluntary, the Staff sees this requested change as minor. The Staff would recommend APPROVAL of both minor amendment requests.

The Staff has reviewed the submitted Plans and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area:	7.9 acres	8.5 acres*
Permitted Uses: Elderly Housing and Extended Care Facility		Same
Maximum Number of Units:		
Housing,	171 units	177 units
Care Facility.	51 units	51 units
Maximum Building Height:	6 stories	6 stories
Minimum Building Setbacks:		
From Development Use Line;	40 feet	0 feet**

PUD #307 (continued)

From East Property Line;	140 feet	100 feet**
From North Property Line;	80 feet	80 feet
From West Property Line.	20 feet	20 feet
Minimum Livability Space:	4.26 acres	Exceeds
Minimum Off-Street Parking:	223 spaces	229 spaces

*Land area increased because of slight change in area boundary lines between existing and proposed development.

**Changed by Minor Amendment.

The Staff finds the Detail Site Plan to be consistent with the approved Outline Development Plan and that it meets the requirements of the approved PUD. Therefore, the Staff recommends APPROVAL of the Detail Site Plan, subject to the Plan submitted.

The Staff has also reviewed the submitted Landscape Plan and find that it meets the requirements of the PUD and is consistent with the PUD Chapter of the Zoning Code.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Connery, Higgins, Hinkle, Kempe, Paddock, Wilson, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Draughon, Rice, T. Young, "absent") to approve both minor amendment requests, to approve the Detail Site Plan subject to the Plan submitted, and to approve the Landscape Plan for PUD #307.

There being no further business, the Chair declared the meeting adjourned at 4:50 p.m.

Date Approved

September 26, 1984

Marilyn Hinkle
Acting Chairman

ATTEST:

Marilyn A. Wilson
Acting Secretary

