

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1542
Wednesday, February 13, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Connery Harris Paddock Wilson, First Vice Chairman Woodard	Draughon Higgins Kempe VanFossen Young	Compton Frank Gardner Holwell	Linker, Legal Department Thomas, Traffic Engineer

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 12, 1985, at 11:14 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Marilyn Wilson called the meeting to order at 1:49 p.m.

PUBLIC HEARING TO CONSIDER AMENDING THE MAJOR STREET AND HIGHWAY PLAN MAP TO
SHOW REVISED TRAFFIC RIGHT-OF-WAY STANDARDS BY PROVIDING AN ALTERNATE
CONSTRUCTION STANDARD FOR A SECONDARY ARTERIAL.

Staff Presentation:

Mr. Compton informed this proposal had been sent to the TMATS Policy Committee and the Policy Committee was recommending approval by the TMAPC. He noted the proposal would provide a continuous left-turn lane in the center of the street and noted this design provides more flexibility in that left-turn lanes would be provided and would provide a greater carrying capacity than the existing four-lane standards. He further noted the long-range cost for these types of facilities would probably be less than other alternatives. Mr. Compton informed this standard would be added to the map and would go to the City and County Commissions for approval. He further informed that Bill Thomas, Tulsa Traffic Engineer, was present to answer questions on this new standard.

Comments and Discussion:

Mr. Carnes asked how the word "continuous" was being used and Mr. Thomas informed a 13' section in the center of the roadway would be striped and would serve a number of driveways onto the street.

Mr. Paddock asked how much right-of-way was necessary to have five lanes and Mr. Thomas informed it is the same as for the secondary arterial. Mr. Paddock asked how the lanes would be utilized for traffic if there were left-turn bays at a signalized intersection, and Mr. Thomas informed there would be two lanes of traffic in each direction and the center lane would be one direction only at the intersection.

Resolution to Amend the Major Street and Highway Plan (cont'd)

Mr. Paddock asked if these standards were intended to be used on Riverside Drive and Mr. Thomas informed these standards were for use on secondary arterials and Riverside was not a secondary arterial. Mr. Thomas cited Sheridan Road, between 15th and 21st Streets, as an example of where this standard could be used. Mr. Paddock asked Mr. Thomas if he was implying this type of standard is best used in areas where there is commercial stripping along both sides of a roadway and Mr. Thomas informed it would work well there.

Interested Parties:

John Miggins
Ray McGee
Judy Huberock

Address: 442 S. Utica
802 S. Jackson
4355 E. 77th

Mr. Miggins informed he had moved to Tulsa from Houston and advised he is in favor of this standard. He informed he is a production planner and noted that he feels that five lanes would allow the vehicle turning left to be out of the way while the other two lanes of traffic continue to move. He further advised that he felt this approach would be less expensive than using concrete medians since less right-of-way would be required.

Mr. McGee informed he is the Assistant Director of the Emergency Medical Authority and he is in favor of the proposal since it was felt the five lanes would provide a quicker response time for emergency service.

Ms. Huberock asked Mr. Thomas if this proposal would affect 71st Street and he informed her that it would not, since it is for a secondary arterial.

Other Comments and Discussion:

Ms. Wilson informed it was her understanding that the Transportation Policy Committee has recommended that no medians be installed. Mr. Thomas advised that the City is only providing a method to do something that meets the Comprehensive Plan and the proposal was for a design, not a concept.

Mr. Paddock asked if the secondary arterial alternative was merely a guideline or a "must be" and Mr. Linker informed it gives an alternate to the secondary arterial, thus providing two possible standards. He further informed a street could be either the normal standard or the alternate standard but the secondary arterial alternate could not be designated.

Resolution to Amend the Major Street and Highway Plan (cont'd)

Mr. Carnes informed this continuous center turning lane had been used successfully in Texas. He also noted that the City of Pryor had added this feature to its roadway system several years ago and it had helped eliminate some traffic problems there.

Other Discussion:

Commissioner Harris informed that the Commission is adding an option to the Major Street and Highway Plan which would allow the professionals (engineers, City and County Commissioners, etc.), additional procedures to be used in performing their duties. He further informed he had no problem with adoption of the Plan.

Mr. Miggins asked why this alternative standard was not being considered for primary arterials and Mr. Thomas informed that more control is needed on primary arterials and this standard would disrupt the traffic flow by allowing more left-hand turns.

Mr. Paddock informed he was unclear whether this 5th lane would contain medians and noted that Mr. Thomas had mentioned there would be medians at intersections. Mr. Thomas informed that the Planning Commission was not adopting a standard on medians. Mr. Gardner advised that the cross-section standard did not deal with intersections and advised the only thing that was specifically advertised was for a secondary arterial. He further advised that the Planning Commission could not consider adding this standard to the primary arterial at this time. Mr. Compton informed that the TMATS Policy Committee had some of the same concerns, but the decision of design was the responsibility of the Street Commissioner, engineers, etc.

Ms. Wilson asked Mr. Linker if it was within the power of the Planning Commission to expand the standards to include the intersections and he informed that it is the purpose of the Planning Commission, from the Comprehensive Plan point of view, to adopt standards pertaining to the width of the right-of-way and number of lanes.

Ms. Wilson informed she had no problem with the concept of the standard but she felt the question of the medians should be discussed and noted she did not like medians. Mr. Thomas informed he would not like to see the Commission take the design away from the professionals, as it was their responsibility to keep traffic moving and protect the people.

Commissioner Harris informed this would appear to be adding a dimension to the discussion which had not been presented in the standard. He added, however, that he would like to see some testing done on streets without medians, including intersections without medians. Ms. Wilson

Resolution to Amend the Major Street and Highway Plan (cont'd)

noted that a standard without medians seemed to work in other cities and Commissioner Harris noted there would be difficulty in telling the design people to use this standard at some times and not to use it at other times.

TMAPC Action: 6 Members present.

On MOTION of CARNES, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") to amend the Major Street and Highway Plan map to show revised traffic right-of-way standards by providing an alternate construction standard for a secondary arterial.

There being no further comments, Mr. Compton informed the Commission that Staff would draw up the resolution.

ZONING PUBLIC HEARING:

Application No. Z-6027 & PUD #388
Applicant: Moody (Holliday)
Location: NW/c 71st and South Trenton

Present Zoning: OM
Proposed Zoning: CS

Ms. Wilson informed that a letter had been received from Mr. Moody which requested these cases be continued to the meeting of February 20, 1985. She asked if there were any interested parties present on this case and there were none.

Staff informed that nearby property owners had been notified.

TMAPC Action: 6 Members present.

On MOTION of CARNES, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") to CONTINUE consideration of Z-6026 & PUD #388 to Wednesday, February 20, 1985, City Commission Room, City Hall, Tulsa Civic Center.

Application No. Z-6024
Applicant: Bryant (National Catering)
Location: 9524-26 E. Latimer

Present Zoning: RS-3
Proposed Zoning: CH

Date of Application: December 11, 1984
Date of Hearing: February 13, 1985
Size of Tract: .8 acres

Presentation to TMAPC by: James Gotwals, attorney
Address: 507 S. Main

Phone: 599-7088

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential and Development Sensitive.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately .8 acres in size and is located west of the southwest corner of Mingo Road and Latimer Street. It is non-wooded, flat, contains two single-family dwellings along with outdoor storage and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a construction company with associated activity and outside storage uses

Z-6024 (cont'd)

zoned RM-1, on the east by a single-family dwelling zoned RS-3, on the south by a storage facility for Tulsa Tractor zoned RS-3 and CH, and on the west by a City Park which is zoned RS-3.

Zoning and BOA Historical Summary — No commercial zoning districts have been approved away from Mingo Road; however, the Board of Adjustment did approve an extension of commercial activity into residential zoning located south of the subject tract.

Conclusion — Based on the Comprehensive Plan and existing land use and zoning patterns, the Staff cannot support any commercial zoning on the subject tract. If approved, the residential property east of the subject tract would be isolated between commercial activities. The Staff does not consider commercially zoned property which has access only to a minor residential street appropriate land use; but instead commercial encroachment into a residential area. Therefore, the Staff recommends DENIAL of CH, CG or CS Commercial Zoning on the subject tract.

For the record, if the quality single-family home to the east is supportive of the zoning change and if the commission is inclined to favor some relief for the subject tract and the tract to the north because of the existing commercial use on this street, the CH or CG zoning should not be ganted, but CS with BOA approval and safeguards.

Applicant's Comments:

The applicant was represented by James Gotwals, attorney, who informed that Mr. Bryant has had a "port-a-john" storage business at this location since 1974. He noted the "port-a-johns" are cleaned and sanitized prior to being brought to this site. He informed that Tulsa Tractor Company houses tractors on the lot nearby, which is zoned RS-3. He presented a videotape which showed the area and presented a discussion with Mr. Sam Sampson, owner of the property nextdoor to the site. In the videotape, Mr. Sampson informed that he had no objection to the zoning change. Mr. Gotwals advised that the nearest residences were several hundred feet west and across the street from the subject tract. He further advised that this property had been under 5' of water during the flood of May 1984 and the area was Development Sensitive for that reason so it would be difficult to develop multifamily housing in the area. He informed there is a park west of Mr. Bryant's business and noted that a 10' privacy fence screens the property. He further noted there is a church located nearby and that Tulsa Underground has a storage yard immediately northeast of his site.

Other Comments and Discussion:

Mr. Paddock asked Mr. Gotwals if Mr. Sampson, the nearby property owner, is aware of what CH zoning would mean to him. Mr. Gotwals informed he was not certain if Mr. Sampson understood what CH zoning means and advised the Commission if the case could be continued, he would bring Mr. Sampson to the meeting.

Z-6024 (cont'd)

Mr. Paddock asked how this requested zoning fit in with the Comprehensive Plan and Mr. Gotwals informed it doesn't fit, but noted that there are no residences east of the park.

Commissioner Harris informed he was concerned about what uses might be made of the property in the future if this requested zoning is approved. He asked why Mr. Bryant had waited 10 years to request the zoning be changed and Mr. Gotwals informed that Mr. Bryant had received a "cease and desist" order from the authorities since this use did not comply with the Zoning Code.

Commissioner Harris informed he had a problem with CH zoning because the property fronts Latimer and informed he would be inclined to favor CG zoning and BOA approval. The applicant informed he would accept CG and BOA approval and Commissioner Harris informed there was no guarantee of BOA approval.

Mr. Connery asked how a zoning change could be recommended on land located in a floodplain and Mr. Gardner informed that the City Hydrologist report did not show it to be a floodway. Mr. Paddock informed the hydrologist did not indicate one way or another regarding floodway and noted he felt there was a deficiency in the report which should be clarified before the case is transmitted to the City Commission. Mr. Gardner informed that the hydrologist could look at the report and determine if it was in a floodway and if it is, it did not need to be zoned. He further informed the City would not issue a building permit or zoning clearance if an area is a designated floodway and, based on what is indicated, it appears this area is not floodway.

Protestant:

Dale Irwin

Address: 9133 E. Latimer

Mr. Irwin informed his property lies immediately west of the subject tract and informed that Mr. Bryant had not been in business at this site for 10 years. He informed that Mr. Bryant had vacated his former location about a year ago and moved his business across the street to his residence and had built his service building without a permit and clearance by the City. He also informed the fence that was originally installed had not hidden the portable toilets and another fence had been added to the top of the first fence. He noted there is a large dumpster in the yard and advised that there are four buildings on the site which include three residences and the service building, rather than one residence as noted by Mr. Gotwals. He further advised that there are numerous vehicles parked at this location, including a fleet of trucks and cars and trucks owned by the employees and the residents of the dwellings on the site. He also advised he had contacted the City Engineer in regard to this property and noted that Mr. Bryant had been refused an exception by the BOA.

2.13.85:1542(7)

Z-6024 (cont'd)

Interested Party:

Hoppy Barnett, dba Tulsa Underground Address: 1105 N. 94th E. Avenue

Mr. Barnett informed he does not presently live in the area, but noted at the time he purchased his property, the property in question had always been a business. He also advised he had just been informed that a strip of his land was zoned differently than he had thought and presented photographs of the property (Exhibit A-1). He advised he had been given notice that he had to appear before the Commission to request a zoning change since his business did not meet the current zoning requirements. He informed that he was in favor of the applicant's zoning and he would be in favor of lesser zoning than the applicant was requesting, if necessary.

Applicant's Rebuttal:

Mr. Gotwals noted that Mr. Irwin said he was speaking for the neighborhood, but notice had been posted with the requested zoning change and no one had come forward. He further noted that Mr. Irwin had no petition from the neighbors. Mr. Gotwals advised he felt it would be difficult to determine that the traffic problems were from Mr. Bryant's business. He also advised that Mr. Bryant's home address listed in the telephone book was the location of the toilet business. He advised that the property is well-screened from the street and again noted the toilets are not brought in until they are sanitized.

Additional Comments and Discussion:

Mr. Connery noted that Mr. Gotwals said the applicant had been in business at that location for 10 years. The applicant, Mr. Bill Bryant, informed he physically had the toilets at the location for 10 years. He advised he did operate on both sides of the street and noted that his office and equipment had been at the other location for 10 years. He advised that he has three trucks and advised that his employees live in the other residences on the site.

Mr. Paddock informed he felt the Staff Recommendation was sound and informed he had difficulty understanding how CH zoning had been approved where it abuts residential. He noted that under the present zoning patterns, it is desirable to have a buffer between commercial and residential. He advised that, in this location, there is access onto a residential street which is causing problems to the rest of the neighborhood and he felt it is not up to the Commission to validate what uses are there.

Ms. Wilson informed that Latimer is a residential collector street and she supported the Staff Recommendation for denial.

Instruments Submitted: Photographs of the properties. (Exhibit A-1)

Z-6024 (cont'd)

TMAPC Action: 6 members present.

On MOTION of PADDOCK, the Planning Commission voted 4-1-1 (Connery, Paddock, Wilson, Woodard, "aye"; Harris, "nay"; Carnes, "abstaining"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") for DENIAL of CH, CG or CS zoning on the following described property, as recommended by Staff:

Legal Description:

The West 105' of the N/2 of N/2 of NE/4 of NE/4 of SE/4 of Section 36, T-20-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma

&

The East 95 feet of the West 200 feet of the N/2 of the N/2 of the NE/4 of the NE/4 of the SE/4 of Section 36, T-20N, R-13E, Tulsa County, State of Oklahoma.

Application No. CZ-129

Present Zoning: RS-3

Applicant: Monforte

Proposed Zoning: CG

Location: E. of N/E corner of 57th W. Avenue and 51st Street

Date of Application: December 18, 1984

Date of Hearing: February 13, 1985

Size of Tract: 1 acre

Presentation to TMAPC by: Mr. William Monforte

Address: 5521 W. 51st Street

Phone: N/A

Relationship to the Comprehensive Plan:

The District 9 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 1-acre in size and located east of the northeast corner of 51st Street and 57th West Avenue. It is non-wooded, flat, is zoned RS and contains at least one single-family dwelling and outside storage and sale of various items.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned RS, on the east by a single-family dwelling on a large lot zoned RS, on the south by 51st Street with vacant property on the south side used for pipe storage which is zoned IL and on the west by a single-family dwelling with several accessory buildings zoned RS. The Gilcrease Freeway is planned to extend north from 51st Street but is not developed.

CZ-129 (cont'd)

Zoning and BOA Historical Summary — The area to the south is zoned and planned for industrial development. The subject property and area to the northwest is zoned and planned for low intensity.

Conclusion — With no other commercial zoning in the area and the subject tract not being located at a typical nodal intersection, the Staff cannot support such a "spot" zoning request. Based on the above information, along with the Comprehensive Plan, the Staff recommends DENIAL of CG and CS zoning on the subject tract.

Applicant Comments:

Mr. Monforte informed he has a yard sale on this site and informed he had purchased the land 20 years ago so he could use it as a business location. He informed the land was zoned residential when he purchased it but had hoped it could be changed to commercial.

Comments and Discussion:

Mr. Paddock asked if this use could qualify as home occupation and Mr. Gardner informed it must be confined to a principal or accessory-type building to be a valid home occupation.

Protestants:

John Hale	Address: 5700 S. 65th W. Avenue
Harold Clemons	5525 W. 51st Street
Betty Mason	5509 W. 51st Street
Nora Oakley	6502 W. 51st Street

Mr. Hale presented photographs of the site (Exhibit B-1) and informed that he had lived in the area 59 years. He informed he felt this type business runs down the neighborhood and suggested that Mr. Monforte could do a better job somewhere else. He further informed that the neighbors realize Mr. Monforte's situation but feel his application should be denied.

Mr. Clemons informed he lives next-door to Mr. Montforte and said this is a type of garage sale. He also informed that this is an unsanitary land-fill.

Ms. Mason informed she did not originally have much objection to Mr. Monforte's business, but people have been blocking her mailbox and she has been unable to have her mail delivered. She also informed there is so much stuff that her house is overrun by mice.

Ms. Oakley informed that the "yard sale" is an eyesore, and a detriment to the neighborhood and gives a bad view of the west side of Tulsa.

CZ-129 (cont'd)

Applicant's Rebuttal:

Mr. Monforte informed he did not know he was in violation of the Zoning Code when he began his business and informed he had started this business to assist in getting out of debt. He also informed that there are signs in front of the neighbor's mailbox and no one has been parking in front of the mailbox lately.

Instruments Submitted: Photographs of the Site (Exhibit B-1)

TMAPC Action: 6 members present.

On MOTION of CARNES, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") for DENIAL of CG or CS zoning on the following described property, as recommended by Staff:

Legal Description:

West Half of Lot Six (6), Block Three (3), BRIDGES HEIGHTS ADDITION, Tulsa County, State of Oklahoma.

Application PUD #253-B

Present Zoning: (CS & OL)

Applicant: Norman

Location: Southwest Corner of E. 51st St. and Harvard Ave. & S. Marion Avenue
(Country Club Plaza)

Date of Application: December 26, 1984

Date of Hearing: February 13, 1985

Size of Tract: 2.2 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Bldg.

Phone: 583-7571

Staff Recommendation — Major Amendment Requesting Curb Cut on Marion Ave.

The subject tract is located east of the southeast corner of 51st Street and Harvard Avenue and at the southwest corner of 51st Street and Marion Avenue. The original PUD #253 was 1.3 acres in size with underlying zoning of CS and OL. Access to Marion Avenue was recommended for denial by the TMAPC at the time of original PUD approval due to concerns from the Commission and neighborhood about traffic cutting through both the shopping center and neighborhood as a result of that curb cut. The City Commission concurred with denial of access as recommended by the TMAPC. Subsequent to initial approval, PUD #253-A was approved which increased the area of the project from 1.3 acres to 2.2 acres, included a third structure within the PUD and excluded certain retail uses from the PUD. Access to Marion Avenue was not requested at the time of approval for PUD #253-A.

PUD #253-B (cont'd)

A minor amendment to allow ingress and egress from Marion Avenue was requested per PUD #253-A-1. The Staff recommended denial as did the TMAPC. Notice was given at that time to abutting property owners. A petition from the neighborhood requesting access to the center to and from Marion Avenue was presented at the meeting.

The applicant is again requesting access to the shopping center for ingress and egress at a point adjacent to the southwest corner of East 51st Street and Marion Avenue under a Major Amendment. The subject plat, Southern Hills Mall Second Addition, indicates the area along the west side of Marion Avenue to be "Limits-of-No-Access (LNA)". LNA was also a condition of approval by the TMAPC and was instituted at the time of approval of the original PUD plat and remains in effect. Protective Covenants on the final plat state: "Access points from the addition shall be permitted onto or from East 51st Street South as shown on the attached plat and the undersigned owner, for itself, its grantees, successors, and assigns, hereby relinquish any and all rights of vehicular ingress and egress in those areas designated on the plat as "Limits-of-No-Access". Providing, however, that the Limits-of-No-Access may be amended or modified by the undersigned with approval of the TMAPC."

The office complex currently existing at the southeast corner of East 51st Street and Marion Avenue has a curb cut with access onto Marion. However, this use does not abut a large shopping center and therefore, the traffic generated by this use is minimal and very little would ever come from the neighborhood. The Staff's concern is that the limited access to Marion needs to be preserved in order to discourage shopping center traffic from travelling through the neighborhood rather than using 51st Street. There is also a distinct possibility, and perhaps likelihood, that an access point at Marion will establish a through traffic pattern within the shopping center primarily for those persons accessing the larger center to the west.

Therefore, the Staff recommends DENIAL of this request in order to preserve the present traffic patterns and to protect against undesirable traffic patterns into the small center and into the adjacent residential neighborhood.

NOTE: Approval of this request would require the filing and approval of amended covenants and amended plat deleting LNA from Marion and should require review and approval by the Traffic Engineering Division.

Applicant Comments:

Mr. Norman informed this application is identical to the one which he presented to the Commission in November and Mayor Young had felt this should be considered a major amendment. He again presented a petition which had been signed in the Fall by the property owners, and informed

PUD #253-B (cont'd)

they felt this would be a benefit to the neighborhood. He also presented some photographs of the area (Exhibit C-1) and further informed that Mr. Thomas, City Traffic Engineer, had no objection to the opening of the driveway.

Comments and Discussion:

Ms. Wilson noted that access to Marion Avenue was not requested in PUD #253-A and asked if it was the neighborhood or Mr. Norman's client who was requesting the access. Mr. Norman informed it was the neighborhood.

Mr. Paddock asked Mr. Norman if the application was approved, did he see any possibility of setting precedent at another location and Mr. Norman informed that there was no other access possible.

Mr. Paddock informed he was concerned about the impact of traffic circulation through a residential neighborhood. Mr. Carnes informed he was in favor of this change since both the business and the residents are in agreement.

Mr. Paddock informed these current residents might not be neighbors later on, and asked if there was any other instance where a PUD was approved and the Commission promised the people that there would be no access in the neighborhood and this was relaxed. Mr. Norman informed that all three people who had been protestants to the original PUD (2/25/81) had signed this petition.

Instruments Submitted: Photographs of the Site (Exhibit C-1)

TMAPC Action: 6 members present.

On MOTION of CARNES, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") to recommend to the City Commission that PUD #253-B, a major amendment allowing a curb cut on Marion Avenue, be approved, per the following legal description:

Legal Description:

Lot 2, Block 1 of Southern Hills Mall Addition Amended and a tract of land beginning at the Northeast corner of Lot 1, Block 1 of Southern Hills Mall Addition Amended; thence South 0°01'05" West a distance of 230 feet; thence North 89°56'49" West a distance of 160 feet; thence North 0°01'05" East a distance of 280 feet; thence South 89°56'49" East a distance of 160 feet; thence South 0°01'05" West a distance of 50 feet to the Point of Beginning, Tulsa County, Oklahoma.

Application No. Z-6025 Present Zoning: AG
Applicant: Moskowitz (Fox-Swab) Proposed Zoning: IL
Location: North side of E. 61st Street E. of 116th E. Avenue

Date of Application: December 28, 1984
Date of Hearing: February 13, 1985
Size of Tract: 61 acres

Presentation to TMAPC by: Frank Moskowitz
Address: Box 2875, Tulsa

Phone: 743-7781

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 61 acres in size and located east of the northeast corner of 61st Street and Garnett Road. It is flat, vacant and zoned AG.

Surrounding Area Analysis — The tract is abutted on the north by a developed industrial park and railroad track zoned IL, on the east by an industrial park and lumber yard zoned IL, on the south by developed single-family subdivision in Broken Arrow City Limits zoned RS-3, and on the west by industrial parks either existing or under construction zoned IL.

Zoning and BOA Historical Summary — IL zoning districts surround the subject tract.

Conclusion — Based on the Comprehensive Plan and the existing zoning and land use patterns in the area, the Staff recommends APPROVAL of the requested IL zoning.

Comments and Discussion:

Mr. Moskowitz, the applicant, was present and informed he was in agreement with the Staff Recommendation.

TMAPC Action: 6 members present.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") to recommend to the City Commission that the following described property be zoned IL as recommended by Staff:

Z-6025 (cont'd)

Legal Description:

A part of the E/2 of the SW/4 of Section 32, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma. Being more particularly described as follows:

Beginning at the Southwest Corner of the E/2 of the SW/4 of Section 32, T-19-N, R-14-E, of the Indian Base and Meridian, Tulsa County, Oklahoma; thence N-0°01'34"-W along the West line of the E/2 SW/4 of said Section 32 a distance of 2,483.05 feet to a point on the South Right-of-Way line of the Missouri, Kansas and Texas Railroad; thence S-52°44'08"-E along said Railroad Right-of-Way line, a distance of 1,659.22 feet to a point on the East line of said E/2 SW/4; Thence S-0°02'03"-E along the East line of said E/2 SW/4 a distance of 1,478.40 feet to the Southeast Corner of said E/2 SW/4; Thence N-90°00'00"-W along the South line of said E/2 SW/4 a distance of 1,320.24 feet to the point of beginning and contains 2,614,768.85 square feet or 60.0268 acres more or less.

Application No. CZ-130

Present Zoning: AG

Applicant: Ewing

Proposed Zoning: RMH

Location: NE/corner of 211th St. South & Sheridan

Date of Application: December 26, 1984

Date of Hearing: February 13, 1985

Size of Tract: 34.1 acres

Presentation to TMAPC by: Stan Ewing

Address: 1110 W. 23rd Street

Phone: 583-5737

Relationship to the Comprehensive Plan:

The District 20 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract.

Staff Recommendation:

Site Analysis — The subject tract is approximately 34.1 acres in size and located at the northeast corner of 211th Street South and Sheridan Road. It is partially wooded, gently sloping, contains two, single-family dwellings and a mobile home and is zoned AG.

Surrounding Area Analysis — The tract is abutted on the north by scattered single-family dwellings zoned AG, on the east by mostly vacant property with two mobile homes zoned AG, on the south by scattered single-family dwellings and mobile homes in Okmulgee County, and on the west by a single-family dwelling along with a mobile home zoned AG.

Zoning and BOA Historical Summary — Area was zoned AG Agriculture by Study Map in 1980.

CZ-130 (cont'd)

Additional Information:

The bridge on Sheridan Road across Snake Creek, approximately one-half mile north of the area of request between 201st and 211th Streets, is out and according to the County Engineer, will take 1-2 years to complete. Access to this tract would be from Memorial. 211th Street is a gravel road.

Conclusion — Since the Comprehensive Plan does not cover the subject tract, the Staff used the Development Guidelines to evaluate the proposed zoning on the subject tract. It should be noted that RMH is an urban zoning classification which allows 8 units per acre that is being requested in this agricultural/nonurban area. No development has occurred in this area at densities greater than AG-R and the Staff cannot support either RMH or RS zoning. The Staff is not opposed to mobile homes, per se, but is concerned about the requested densities RMH would allow. Based on the above information, the Staff recommends DENIAL of RMH zoning and APPROVAL of RE zoning.

For the record, the grouping of mobile homes on portions of the subject property might be accomplished through a PUD if the Health Department will support a sewer lagoon for the area. However, no more mobile homes should be permitted on this property than could be accommodated under RE conventional lotting.

Applicant Comments:

Mr. Ewing informed that he concurs with the Staff Recommendation for denial of RMH and requested approval of RE zoning. He informed he wants to place 41 units on the site and use the existing utilities. He noted the mobile home classification allows 8 units per acre, but he was requesting only 3.3 units per acre. He informed that his proposal has been reduced to 12.61 acres which allows for development of a lot 50' wide by 250' deep. He advised the Commission of four possible methods he could use to obtain the requested zoning and development and suggested that he would like to dedicate to the Planning Commission and County Board of Commissioners, a Restrictive Covenant that if RM zoning was approved they would have no more than the requested number of units on the sites. This would give direct control to these bodies to moderate the zoning.

Comments and Discussion:

Ms. Wilson noted the amount of zoning on the application was more than Mr. Ewing was currently requesting and asked if RE zoning would cover the current request. Mr. Gardner informed he could not do more than was permissible under conventional zoning.

Mr. Carnes questioned Mr. Ewing's definition of sanitary sewer and Mr. Ewing informed that there will be a waste water lagoon system since the soil condition would not allow for a septic tank.

CZ-130 (cont'd)

Commissioner Harris informed that the Environmental Health Agency has been conducting hearings on the sewer lagoon issue and would be developing new guidelines. He further informed that he felt Mr. Ewing should pursue this application through a PUD and suggested Mr. Ewing seek RE zoning and a PUD. Mr. Ewing informed the PUD process would take more time and was more expensive and did not feel there was a need for anything as elaborate as a PUD.

Commissioner Harris informed he could support RE zoning because of the Health Dept. Regulations, etc., but he had a problem with RMH zoning.

Commissioner Harris asked Mr. Linker for advice on the question of whether the Covenants could be enforced and Mr. Linker advised that the City and County had stayed away from conditional zoning except with a PUD. He further advised that it would be questionable whether the Covenants could be enforced, but he thought it would be possible.

Protestant:

Clem Cottum

Address: Box 968, Bixby

Mr. Cottum informed he was representing himself and other property owners located within 300 feet of the subject property. He presented a petition (Exhibit D-1) which stated the property owners wanted to see the Liberty area grow in a progressive manner, but were protesting the concentration and growth in the manner requested by the applicant. He also presented a petition (Exhibit D-2) from the community which stated the community wanted to see the Liberty Community grow in a progressive manner but "we do protest the proposed zoning ordinance #CZ-130 for a residential mobile home park at the NE corner of 211th & Sheridan". He informed the area was an agricultural community and presented photographs of the area (Exhibit D-3). He felt the proposal would increase the dog population. He further informed that a mobile home park would probably increase the number of students in the Liberty School System, which is already overcrowded. He noted that 211th Street is a one-lane, dirt road with ruts which make travel difficult and the area is near a floodplain, which results in flooding of the roadway and permits access only to the south since the other routes are impassable. He also noted that traffic is a major problem since the bridge on Sheridan Road is out. He advised that Rural Water District #6 is running near capacity, and that there is no organized trash/garbage pickup, with little fire protection available.

Other Comments and Discussion:

Jack Spradling, owner of the subject property, informed there is a flooding problem. He informed the town of Liberty is incorporated and because this site is within the fenceline of Liberty, a letter from the Mayor was required for the zoning application. He advised the intent was never for 260 mobile homes and noted the proposal for 40-45 units had been discussed with the neighbors. He advised he was seeking 41 units

CZ-130 (cont'd)

and he was aware of the floodplain and restrictions on the area. He also advised he felt 41 units would not result in additional traffic problems or add overcrowding in the school. He further informed the Water District personnel felt there was adequate capacity and added that the sanitary sewer would be developed in accordance with the guidelines. He again advised he felt the simplest way would be to develop with a Covenant.

Commissioner Harris suggested that the applicant continue the application and make revisions and suggested using RE zoning and a PUD. He also informed he would predict difficult times ahead on the sewage disposal question. Mr. Spradling informed he had contacted the State on this issue and had been advised they had no problems with it.

Mr. Paddock informed that, in view of what had been heard, it appears the Commission should consider the application on the basis of the Staff Recommendation for denial of RMH and approval of RE zoning.

Instruments Submitted: Petition from property owners (Exhibit D-1)
Petition from Liberty community (Exhibit D-2)
Photographs of the area (Exhibit D-3)

TMAPC Action: 6 members present.

On MOTION of PADDOCK, the Planning Commission voted 6-0-0 (Carnes, Connery, Harris, Paddock, Wilson, Woodard, "aye"; no, "nays"; no, "abstentions"; Draughon, Higgins, Kempe, VanFossen, Young, "absent") to recommend to the Board of City Commissioners RMH zoning be denied, but RE zoning be approved on the following described property:

Legal Description:

All of the South 600' of the East 1,500'; and all of the South 300' of the West 1,150'; and all of the North 600' of the South 900' of the West 400'; all located in the SW/4 of Section 14, T-16-N, R-13-E in Tulsa County, Oklahoma, containing 34.1 acres more or less.

Additional Discussion:

Mr. Spradling asked Staff if a PUD would be looked at with favor in this instance and Mr. Gardner informed the only way Staff could look favorably on it would be if it fit conventionally on that site.

2.13.85:1542(18)

Application No. Z-6026

Applicant: Wallace

Location: East of the Southeast Corner of Harvard & 27th Place

Present Zoning: OL

Proposed Zoning: CS

Date of Application: January 2, 1985

Date of Hearing: February 13, 1985

Size of Tract: .17 acres

Presentation to TMAPC by: Frank Wallace

Address: 4610 S. Zonis

Phone: 742-6775

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity—Residential.

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

Staff Recommendation:

Site Analysis — The subject tract is approximately .17 acres in size and located east of the southeast corner of Harvard Avenue and 27th Place. It is non-wooded, flat, vacant and is zoned OL.

Surrounding Area Analysis — The tract is abutted on the north by a parking facility zoned OL, on the east by a single-family dwelling zoned OL, on the south by a parking lot for a restaurant zoned OL, and on the west by a single-family dwelling zoned OL.

Zoning and BOA Historical Summary — CS zoning was approved by the City Commission on appeal from the TMAPC southeast of the subject tract, but in this instance, the lot was adjacent to parking on the west and a nursing home on the east.

Conclusion — The Staff recommends DENIAL of the requested CS zoning for the following reasons:

1. The subject tract is part of an OL office, off-street corridor and transition district located east of, and paralleling a CH zoning district along Harvard Avenue.
2. If approved, the residential property to the west would be "sandwiched" between two commercial uses.
3. The request violates the Comprehensive Plan and Development Guidelines.
4. CS zoning is not a buffer or transition district.

Z-6026 (cont'd)

5. The existing zoning would permit a one-story professional office (low intensity development) which is ample use of the property and which would not generate traffic to the extent commercial uses would. The tract could also be used for off-street parking under the present zoning which could serve the commercial uses that are already established on Harvard Avenue.

Applicant Comments:

Mr. Casper Jones, 1302 S. Fulton, gave a background of the property and Mr. Wallace informed he had contacted the neighbors and there were no protestants. He informed the area doesn't lend itself to retail trade and he would use the site for a manufacturer's representative-type development and retail sales.

Other Comments and Discussion:

Mr. Paddock informed he felt Staff had done an excellent job of setting out the reasons for recommending denial and asked if it was possible to have a similar type operation under OL zoning. Mr. Gardner informed the problem was with storage and incidental sales. Mr. Gardner further informed that whatever action was taken on this tract would probably be requested on the tract to the north. Mr. Paddock informed the zoning maps shows OL zoning, but the uses are different than what one would think and whatever was decided could start an intrusion into the neighborhood. Mr. Paddock also informed that the neighbors did not appear to have a problem with the requested change since there was no one present.

Mr. Wallace informed that precedent had been set by the Batchelder Insurance Company and he had envisioned a building which would require offstreet parking.

TMAPC Action: 6 members present.

On MOTION of WOODARD, the Planning Commission voted 5-1-0 (Carnes, Connery, Paddock, Wilson, Woodard, "aye"; Harris, "nay"; no, "abstentions"; Draughton, Higgins, Kempe, VanFossen, Young, "absent") for DENIAL of CS zoning as recommended by Staff on the following described property:

Legal Description:

Lot Eight (8), Block Nine (9), KIRKMOORE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

2.13.85:1542(20)

There being no further business, First Vice-Chairman Wilson declared the meeting adjourned at 5:31 p.m.

Date Approved February 27, 1985

Cherry Kempe
Chairman

ATTEST:

AB Paddock
Secretary

2.13.85:1542(21)

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