

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1643  
Wednesday, **March 25, 1987**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Crawford	Frank	Linker, Legal
Draughon	Doherty	Gardner	Counsel
Kempe	Paddock	Setters	
Parmeale, Chairman	VanFossen		
Rice	Wilson		
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 24, 1987 at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:31 p.m.

**MINUTES:**

**Approval of Minutes of March 11, 1987, Meeting #1641:**

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmeale, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE** the **Minutes of March 11, 1987, Meeting No. 1641.**

**REPORTS:**

**Director's Report:**

In regard to the Z-6145 Grooms (Quik Trip) located at 71st and Canton, Mr. Gardner stated that this should be back before the TMAPC within the next thirty days, and to the City the following Tuesday. At the City Commission hearing on the zoning, the applicant was directed to submit a PUD.

ZONING PUBLIC HEARING:

Application No.: Z-6151  
Applicant: Peoria Office Park Company  
Location: NE/c of East 56th Street and Peoria Avenue  
Size of Tract: .78 acres, approximate  
Date of Hearing: March 25, 1987  
Presentation to TMAPC by: Mr. Rick Bagwell, 5555 South Peoria (749-9341)

Present Zoning: OL  
Proposed Zoning: OM

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .78 acres in size and located on the northeast corner of South Peoria Avenue and East 56th Street South. It is partially wooded, flat, contains an office building and is zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north across East 55th Place by an office building zoned OL, on the east by a vacant lot zoned RS-3, on the south across East 56th Street by an apartment complex zoned RM-2, and on the west across South Peoria by a children's day care center zoned RS-3.

**Zoning and BOA Historical Summary:** Office Light zoning has been permitted along Peoria in this area. Although the property to the south is zoned RM-2, it is developed at RM-1 intensity.

**Conclusion:** Based on the Comprehensive Plan and the lack of any similar OM zoning in the area, Staff cannot support the requested OM classification. The BOA previously granted a .324 FAR on the subject tract, and BOA relief could be given up to .40 under a Special Exception. Staff would consider this type of relief more appropriate and protective of adjacent residential uses than would be rezoning from OL to OM.

Therefore, Staff recommends **DENIAL** of the requested OM zoning.

Applicant's Comments:

Mr. Rick Bagwell stated the applicant was requesting OM zoning to improve their situation by getting a higher density so as to better utilize their space. Chairman Parmele asked if they had considered going to the BOA to obtain the .40 Floor Area Ratio (FAR), as suggested by Staff. Mr. Bagwell stated they had not considered this.

Comments & Discussion:

Mr. Carnes stated it appeared the applicant would be agreeable to going to the BOA, and he inquired how the TMAPC should handle this situation. Mr. Gardner advised that should the TMAPC deny this application, then the only recourse would be to go before the BOA. However, Mr. Gardner suggested continuing this application for sixty 60 to allow the applicant to pursue some relief through the BOA. Chairman Parmele commented this was one of the areas under consideration in the amendments to the Development Guidelines. Mr. Gardner stated that, with the sixty day continuance on the zoning decision, the applicant would then be able to choose whether to go before the BOA or wait for the special study to be completed on the Development Guidelines.

Therefore, Mr. Carnes moved for a continuance for sixty days, with Staff advising that May 27th would be the appropriate continuance date to meet the sixty days. Chairman Parmele advised the applicant that the purpose of the continuance was to allow him to explore the possibility with the BOA to increase the FAR; then a decision could be made as to whether or not to come back before the TMAPC.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **CONTINUE Consideration of Z-6151 Peoria Office Park** until Wednesday, **May 27, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: **Z-6152** Present Zoning: AG/RM-1/PUD 217  
Applicant: **Norman (ORU/Victory Christian)** Proposed Zoning: OM  
Location: South of East 75th Street South and W/side of South Lewis Avenue  
Size of Tract: 40 acres, approximate

Date of Hearing: March 25, 1987  
Presentation to TMAPC by: Mr. Charles Norman, 909 Kennedy Building (583-7571)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use, Special District 4 (Oral Roberts University) and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed OM District is not in accordance with the Plan Map for the Low Intensity portion and may be found in accordance with the Plan Map for the Special District portion.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 40 acres in size and located on the west side of South Lewis Avenue at East 77th Street. It is partially wooded, vacant and zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant land zoned OM and RM-1, on the east by Oral Roberts University zoned RS-3, on the south by vacant land and a hotel zoned CO, and on the west by vacant land zoned RM-1 and PUD 128-B.

**Zoning and BOA Historical Summary:** Medium intensity zoning, including OM, has been approved in this area.

**Conclusion:** Although the requested OM designation is not in accordance with the Comprehensive Plan for Low Intensity - No Specific Land Use, it may be found in accordance with the Plan Map for the Special District designation. The existing zoning and development patterns would support the OM request on at least the frontage of the subject tract which aligns with the existing OM zoning to the north and OL zoning on the balance.

Therefore, Staff recommends **DENIAL** of OM zoning as requested and **APPROVAL** of OM rezoning on only the east 930' with OL on the balance.

Staff would note that, if approved, the Comprehensive Plan should be amended to reflect the change.

Applicant's Comments:

Mr. Charles Norman, attorney for the applicant, stated that the north 30 acres was under contract to Victory Christian and the south 10 acres was still owned by ORU. He advised that both entities were in agreement with the Staff and requested approval of the recommendation. Mr. Norman informed that Victory Christian had recently been given approval by the BOA for the first phase of construction on the north 30 acres, and Preliminary Plat approval was granted by the TMAPC 3/18/87. Mr. Norman stated that there could be a technical problem with platting, if rezoning occurred after that plat was completed, and that Victory Christian could be required to plat this property again. Therefore, Mr. Norman asked that the TMAPC grant a waiver of the plat requirement in connection with this rezoning, on the basis that the property was being platted at this time in conformance with all the requirements. Mr. Gardner clarified the request for waiver did not include that portion on the south, which was not under plat. Mr. Norman added that the south ten acres would have to be platted at some future date, should development occur.

Mr. Gardner suggested that, from a technical standpoint, this could be handled by a motion indicating that the TMAPC had dealt with the subdivision plat, and this rezoning would not require the applicant to replat the north portion. Mr. Gardner stated that if the zoning were approved after the plat was approved, the Building Inspector might direct

that it need to be platted again. Therefore, if the TMAPC issued a statement (motion) for the record, it would indicate that the plat on the north portion meets the requirements. In response to Mr. Linker, Mr. Gardner stated that he was not suggesting the Commission waive the plat, but make a finding that the present plat (on the north), which already had preliminary approval, would satisfy the requirement of the Ordinance.

Mr. Carnes suggested that the motion for approval of the zoning also direct that waiver of the plat be placed on next week's TMAPC agenda in order to expedite this matter. As suggested by Mr. Gardner, Mr. Norman requested that the TMAPC expedite the transmittal of these minutes to the City Commission; therefore, he would have the required approvals on this before the Final Plat was presented. Chairman Parmele and Mr. Gardner agreed that this would satisfy the Commission's and applicant's needs in this matter.

**TMAPC ACTION: 6 members present**

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to APPROVE Z-6152 Norman (ORU/Victory Christian) for OM zoning on the east 930' with OL zoning on the balance, as recommended by Staff, and APPROVE early transmittal of the TMAPC minutes to the City Commission for their review.

**OM/OL Legal Description:**

OL zoning on a tract of land containing 30.4217 acres, that is part of the NE/4 of the SE/4 of Section 7, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the northeast corner of the NE/4 of the SE/4 of said Section 7; thence S 00°10'03" W along the easterly line for 1,004.36' to a point that is 308.30' northerly of the southeast corner; thence N 89°46'37" W for 1,319.88' to a point on the westerly line, said point being 305.91' northerly of the southwest corner; thence N 00°09'38" E along the westerly line for 1,003.56' to the northwest corner; thence S 89°48'42" E along the northerly line for 1,320.00' to the Point of Beginning, LESS AND EXCEPT the east 930.00' of said tract which shall be zoned OM; and

OL zoning on a tract of land containing 9.3052 acres, that is part of the NE/4 of the SE/4 of Section 7; T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to-wit: Beginning at a point that is the southeast corner of the NE/4 of the SE/4 of said Section 7; thence N 89°40'24" W along the southerly line for 1,319.85' to the southwest corner; thence N 00°09'38" E along the westerly line for 305.91'; thence S 89°46'37" E for 1,319.88' to a point on the easterly line; thence S 00°10'03" W along said easterly line for 308.30' to the Point of Beginning, LESS AND EXCEPT the east 930.00' of said tract which shall be zoned OM.

\* \* \* \* \*

Application No.: CZ-156 Present Zoning: AG  
Applicant: Norman (Beard Investments) Proposed Zoning: IR/OM/IM/CO  
Location: NW/c of South 49th West Avenue & West 46th Street South  
Size of Tract: 80 acres  
Date of Hearing: March 25, 1987  
Presentation to TMAPC by: Mr. Charles Norman, 909 Kennedy Building (583-7571)

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 and potential Corridor based on the planned Gilcrease Expressway.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed **OM, IR and IM Districts are not** in accordance with the Plan Map. The requested **CO District Is** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 80 acres in size and located on the west side of South 49th West Avenue between West 43rd and 46th Street South. It is nonwooded, flat, vacant and zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant land zoned AG, on the west by scattered single-family dwellings zoned AG, on the south by a pollution control plant and vacant land zoned IM, and on the east across South 49th West Avenue by scattered single-family residences zoned RS.

**Zoning and BOA Historical Summary:** IM Industrial Medium Intensity zoning was denied on the subject tract by the TMAPC in 1982.

**Conclusion:** Although the Comprehensive Plan designates the subject tract as CO Corridor, the planned Gilcrease Expressway is not a physical fact and no right-of-way has been acquired in this area west of South 49th West Avenue. In the absence of this fact, Staff can support only conventional zoning patterns which would be in accordance, or which may be found in accordance with, the Comprehensive Plan. The application is not advertised in a manner that would permit consideration of low intensity alternative zoning patterns.

Therefore, Staff recommends **DENIAL** of OM, IR, IM, and CO zoning.

**NOTE:** The west 525 feet of the subject tract is located in the path of the proposed Gilcrease Expressway. Either the IR or CO zoning category will accommodate the applicant's first phase of development (research) along the 49th Street frontage.

Applicant's Comments:

Mr. Charles Norman, representing the USPCI, advised that this firm was the owner of National Analytical Laboratories which was located directly south of the subject tract. He reviewed the area on an aerial photo of the square mile, and submitted photos showing the existing conditions of the area. Mr. Norman informed the proposal was for new laboratory for this firm, which tests environmental samples.

Mr. Norman stated that the request for IR/IM/IL was due to the physical facts that existed with the current development and the kinds of lands uses that have been committed with previous zoning actions. Mr. Norman stated that the most important precedent appeared to be with the 40 acres immediately south of the subject property (fronting on 49th West Avenue), and he reviewed the zoning of the surrounding properties. Mr. Norman pointed out that the residential area to the west had been subdivided into smaller tracts, and it was unlikely that it would be redeveloped or replatted into a more typical single-family neighborhood.

Mr. Norman distributed an exhibit showing the applicant's revised request, deleting the west 500' leaving it zoned AG, which recognized the planned Gilcrease Expressway and provided a major separation of any development on the subject tract from the residential properties to the west. Mr. Norman further reviewed the amended application which requested the south 660' for IM zoning, the north 660' for IL zoning, and IR zoning on the remaining 400' on the eastern portion of the subject tract. Mr. Norman reviewed, for those in attendance, the uses allowed under the IR zoning designation. He pointed out that, with the amended application, there would be office uses directly across from the residential area to the east, medium industrial across from medium industrial, IL zoning as a buffer to the north and AG on the west as currently exists.

In regard to the AG zoning on the western 500', Mr. Draughon inquired as to Staff's notation that 525' was in the path of the Gilcrease Expressway. Mr. Norman stated he had noticed this discrepancy after their exhibit was prepared, and he had no objection with amending the AG zoning to 525' to be deleted for this expressway. Mr. Draughon further inquired as to the applicant's proposal in handling the sewage problems. Mr. Norman stated that, from the subject property, the drainage goes to the southeast and sanitary sewer service could be made available at that point. In reply to Mr. Draughon, he further pointed out that there was no waste generated or disposed of from this site as the waste material was placed in containers which were picked up periodically. Mr. Norman informed that the sample sizes were so small that there were no permits required for disposition of these samples.

Ms. Kempe, pointing out the request for mixed zoning, inquired if the applicant may want, at some time in the future, to spread the zoning or change it through the use of a PUD. Mr. Norman stated that he had informed his clients that this was an avenue open to them as development

occurred. However, Mr. Norman pointed out that it would obviously take many years to use the remaining 65 acres, and he felt the proposed zoning request was sufficient, especially for this initial development. He added that the applicant did not currently have plans to use a PUD.

In response to Chairman Parmele's request for Staff comment on the amended application, Mr. Gardner stated that the Comprehensive Plan does not support the proposed zoning; however, the applicant has removed Staff's questions regarding the proposed expressway and the western portion. He added that it was true that IR was basically an office research type category and has been used as a buffer (i.e. Dowell, Cities Service, etc.). Mr. Gardner commented that the Plan would obviously have to be amended to accommodate the applicant's proposal. Chairman Parmele inquired if the IM (to the south) was in accordance with the Comprehensive Plan. Mr. Gardner confirmed that it was in accordance.

Interested Parties:

Address:

Mr. Lee Orcutt	4405 South 61st West Avenue	74107
Mr. Mike Blaylock	2208 South 57th Avenue	"
Mr. O.E. Bryant	4355 South 61st West Avenue	"

Mr. Lee Orcutt, owner of the adjacent land west of the subject tract, stated concerns about IM zoning so close to his property and he suggested Staff review what uses would be allowed under IM zoning. Therefore, Mr. Gardner explained that, under the amended application, there would not be any IM zoning next to Mr. Orcutt's property, but would be 525' away (approximately two city blocks). He further clarified uses allowed under IM and IR zoning. Mr. Orcutt commented that he was also concerned about smoke stacks and/or towers associated with industrial zoning.

Mr. Mike Blaylock, representing several residents in this area, stated they were concerned about the number of small animals that were dying in this area. Mr. Blaylock informed the Commission as to run-off that should be going into the lagoons, but was not, and this chemical run-off was flowing into the Berryhill Creek. He advised that the residents were concerned about the proper disposal of hazardous chemicals and the trouble they were having with livestock carrying newborns full term.

In response to Chairman Parmele, Mr. Gardner reviewed the procedure in the county for inspections of these type facilities through the City-County Health Department. Commissioner Rice commented that he had never heard of hazardous waste being dumped in the Berryhill Creek, but when the County Commissioners receive a call on something such as this, they call the City-County Health Department to inspect immediately. He requested the Interested Parties to contact the Health Department, and should they not receive a response, they should contact his office.

Mr. Orville Bryant, owner of 11 acres west of the subject tract, confirmed the problem with the animal deaths in the area. He advised that some of the waste was not disposed of off-site, but was being syphoned from the lagoon onto the ground with a 3" hose. He stated he had personally observed this and an employee of the firm who refused to syphon the waste into the area had informed him of this situation. Mr. Bryant stated he felt the rezoning request had been misrepresented as there were quite a number of homes in this area and it was not sparsely populated as suggested. In reply to Mr. Draughon, Mr. Bryant explained that the 3" hose was from Hydrocarbon Recyclers which was built to the east of the creek, and even though it was released onto the grounds, the rainfall washed the waste down into the creek.

Applicant's Rebuttal:

Mr. Norman advised that a representative from Hydrocarbon Recyclers indicated that some of their waste products were disposed of at a well on West 21st Street. This representative also advised that Hydrocarbon Recyclers has never received any citations from the County, and they would welcome an inspection at any time by any of the residents. Mr. Norman reiterated that the applicant's proposal was to construct a new laboratory, which was not involved in any of the mentioned issues, and then develop the remainder of the tract in a reasonable manner. Mr. Norman pointed out that, with the applicant constructing a \$1+ million facility, they have no intention of making this type of development and then develop the remainder of the property in a way that would be detrimental to their own interest. To alleviate some concerns of the protestants, Mr. Norman reiterated that the application was modified to leave the west 525' of the tract zoned AG.

Review Session:

In reply to Ms. Kempe, Staff clarified the location of the Berryhill Creek. Commissioner Rice commented that, while consideration of the waste was a very important matter on which he would follow-up, he felt that this should not be an issue as far as the zoning request was concerned. Commissioner Rice stated that he felt the zoning request, as presented, was a good and reasonable approach to this particular piece of property. Therefore, he moved for approval of the request as modified. Mr. Carnes stated that he felt the IR zoning facing 49th West Avenue would be an asset to this area, as can be seen in other areas of Tulsa. He also agreed with the 525' buffer of AG on the west and would be voting in favor of the motion.

TMAPC ACTION: 6 members present

On **MOTION** of **RICE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE CZ-156 Norman (Beard)**, as amended, leaving the west 525' zoned AG and excluding it from the application, with the north 660' of the balance being IL and the south 660' being IM, and IR zoning on the east 400'.

Legal Description:

A tract of land described as the S/2 of the NE/4 of Section 29, T-19-N, R-12-E, Tulsa County, Oklahoma, to be rezoned as follows: AG on the west 525' of the S/2, NE/4; IR on the east 400' of the S/2, NE/4; IL on the N/2, west 1,715.0' of the east 2,115.0' of the S/2, NE/4; and IM on the S/2, west 1,715.0' of the east 2,115.0' of the S/2, NE/4.

\* \* \* \* \*

Application No.: PUD 427 Present Zoning: OL & CS  
Applicant: Young (Carroll) Proposed Zoning: Unchanged  
Location: South of the SW/c of East 51st Street & South Memorial  
Size of Tract: 4 acres, approximate  
Date of Hearing: March 25, 1987  
Presentation to TMAPC by: Mr. Terry Young, PO Box 3351 (583-4611)

Staff Recommendation:

The subject tract has an area of approximately 4 acres and is located north and south of the intersection of East 53rd Street and South Memorial. Approximately 1.2 acres is located north of East 53rd Street, is zoned CS and is the site of a 10,080 square foot building; 2.9 acres is located south of East 53rd Street, is zoned OL and presently vacant. The proposed PUD would create two development areas: Area A for 25,000 square feet of CS uses along Memorial; and Area B for 20,000 square feet of office uses west of Area A and abutting single-family residential uses to the west. It is noted that this proposal, although restricting the west part of the subject tract north of East 53rd Street to office, would cause a strip commercial development pattern south of East 53rd Street. Specifically, more potential commercial floor area would be permitted south of the minor street which serves the residential area to the west than could be occupied north of East 53rd Street. It is likely that the western most part of the lot north of East 53rd Street would not be well suited for commercial uses due to the distance it is located from Memorial. To transfer commercial floor area potential to the south along Memorial frontage would seem clearly inappropriate. A summary of PUD 427 as proposed is as follows: Use Units 10, 11, 12, 13, and 14, excluding bars, convenience stores, dance halls, funeral homes, liquor stores, night clubs and taverns.

Staff would note that the existing CS zoning at this location extends far beyond the Node at East 51st and Memorial and it would be a circumvention of the PUD process to spread unused intensity generated from beyond the Node across a minor residential street even farther from the Node. No portion of the CS zoned tract included in PUD 427 is included within the Node at East 51st Street and South Memorial. Commercial zoning and a PUD were previously denied south of East 53rd Street on a part of the subject tract.

PUD 427 Young (Carroll) - Cont'd

The conventional office development in the OL district to the south demonstrates that office uses in this area are most appropriate. The Zoning Background for PUD 427 documents the repeated attempts since 1972 to escalate intensities in this area beyond the Comprehensive Plan and Development Guidelines. It is also noted that even OM Office Medium Intensity zoning has been denied in this area in the past.

The subject tract is typical of numerous similarly located parcels where the dividing line between varying intensities (commercial/office, office/residential, etc.) has been properly drawn at a street; an intersecting nonarterial street with an arterial street. The subject case would undeniably provide a precedent for incursion and encroachment of more intense areas into areas not planned for that development and also a precedent for strip development of arterial streets for commercial or office uses in the face of clearly drawn and appropriate lines of zoning.

Staff review of PUD 427 indicates that it fails to meet two major purposes of a PUD in that it does not permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties, nor does it achieve a continuity of function and design within the development.

Therefore, Staff recommends **DENIAL** of PUD 427 because it is:

1. Inconsistent with the Comprehensive Plan.
2. Not in harmony with existing and expected development of the surrounding areas.
3. Not a unified treatment of the development possibilities of the site.
4. Inconsistent with the stated purposes and standards of the PUD Chapter.

If, after review of the Staff recommendation and PUD 427, the TMAPC considers this application to have merit, Staff will prepare recommended Development Standards for consideration at a meeting two weeks in the future.

Applicant's Comments:

Mr. Terry Young, representing Mr. and Mrs. Alden Carroll, presented a copy of the PUD text and accompanying illustrations. He reviewed the map of the areas as to the development surrounding the subject tract. Mr. Young referred to the statistical summary in the development standards and commented that this was not a change to the zoning as there was already OL and CS on the tract. Mr. Young advised they had revised the development standards to further exclude drive-through type restaurants.

PUD 427 Young (Carroll) - Cont'd

Mr. Young advised he had met with the neighborhood residents to present this proposal. Reviewing the proposed development areas, Mr. Young pointed out the development areas would be separated at a firewall on the northern part of the tract; thereby using the eastern 4,800 square feet of the 10,000 square feet building for commercial use. The remaining square footage on the west would be for office use and commercial floor area transferred to the south of East 53rd Street. Mr. Young stated that the north/south division followed an easement line. Reviewing the conceptual site plan, Mr. Young pointed out the southern part of the tract currently had an internal road system in place, but that he would eliminate an existing driveway that empties onto 53rd. In response to Commissioner Rice, Mr. Young clarified the green space on the property, and stressed that the architectural style would be restricted to that already in the area to maintain the residential character.

Interested Parties:

Address:

Mr. Steve Maxwell  
Mr. Don Morie

7912 East 53rd Street  
7805 East 53rd Street

Mr. Maxwell, who resides adjacent to the subject tract, reviewed the history of the OL and CS zoning on this tract over the past seven years. Mr. Maxwell stated he did not agree with the applicant that CS zoning was already in place, as the CS zoning only goes to 53rd Street and does not cross it. He stated he was adamantly opposed to any commercial use that might encroach south of 53rd Street.

Mr. Morie, a resident of this area for 16 years, stated he did not feel the office buildings currently in place should speak for additional projects that might create more intense traffic problems in this already congested area. Mr. Morie stated opposition to this request as he was also concerned about the commercial uses being extended from the nodes into this area.

Applicant's Rebuttal:

Mr. Young, referring to comments in the Staff recommendation as to zoning and development patterns in this area, reviewed the commercial zoning depths along the intersection of 51st and Memorial. He advised that the zoning patterns have been established at this node and his request for OL and CS along Memorial would not match the extension of that zoning on the other three corners. Mr. Young remarked he felt this tract was a "hostage" parcel of land and he did not feel this application was inconsistent with the Comprehensive Plan, but would be in harmony with the surrounding area and would be a uniform treatment of the developed property. Mr. Young requested approval of the PUD as submitted as he felt it was consistent with the purposes and standards of the PUD Chapter of the Zoning Code. Ms. Kempe inquired if the applicants planned to develop this PUD themselves. Mr. Young replied they probably would not.

**PUD 427 Young (Carroll) - Cont'd**

Mr. Steve Maxwell requested permission to address the comments made by Mr. Young in his rebuttal. Mr. Draughon recognized Mr. Maxwell to speak, and Mr. Linker commented that he felt Mr. Young's comments went far beyond rebuttal of what the Interested Parties presented, and, in fact, was a continuation of his presentation; therefore, it would be proper to recognize the Interested Parties. Mr. Maxwell stated that the development patterns, as indicated by Mr. Young, were misleading as some of those commercial areas were developed before the residential uses. Mr. Maxwell stressed that the subject tract was currently surrounded by existing residences, and the commercial would be an encroachment. Mr. Young rebutted by stating the intensity of development currently allowable was a major consideration, and the fact that those streets were in place did not mean anything in terms of what ultimately could be built on this tract.

**Review Session:**

Chairman Parmele inquired if Staff had the opportunity to review the PUD. Mr. Gardner advised that Staff was aware of what the applicant was proposing, but did not have the opportunity to review the specifics. In reply to Chairman Parmele, Mr. Gardner reviewed the FAR for commercial versus office and stated that a given amount of commercial floor area guarantees approximately four times the amount of traffic as does office floor area.

Mr. Carnes stated that, based on the neighborhood interest and response on this over the years, and the fact that the Commission strongly considers neighborhood approval/disapproval on precedent setting PUD's, he found it difficult to support this PUD. Chairman Parmele commended Mr. Young on his innovative approach to the PUD and stated that in some ways he found some logic to the proposals; however, he was uncertain as to whether it may or may not be appropriate. Commissioner Rice also commended Mr. Young on his approach to this PUD. He continued by stating that the TMAPC, while recognizing the comments made by the applicant, has always considered the physical configuration of the area being addressed. Commissioner Rice also remarked that he felt one of the Interested Parties did not give the Commission much credit for any individuality, or for any particular personal philosophy or belief in regard to zoning. Ms. Kempe agreed that this was an attractive PUD, but she also agreed with comments by Mr. Carnes that the Commission must consider the feelings and comments of the surrounding neighborhood residents; therefore, she moved for approval of Staff recommendation to deny PUD 427.

**TMAPC ACTION: 6 members present**

On **MOTION** of **KEMPE**, the Planning Commission voted **5-1-0** (Carnes, Draughon, Kempe, Rice, Woodard, "aye"; Parmele, "nay"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent")) to **DENY PUD 427 Young (Carroll)**, as recommended by Staff.

\* \* \* \* \*

Application No.: **CZ-157** Present Zoning: AG  
Applicant: **Nichols (Hale)** Proposed Zoning: IL  
Location: NE/c of South 65th West Avenue & US Highway 66  
Size of Tract: 73.5 acres, approximate  
Date of Hearing: March 25, 1987  
Presentation to TMAPC by: Mr. Bob Nichols, 111 West 5th (582-3222)

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 IL District is **not** in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 73.5 acres in size and located one-half mile south of West 51st Street on the east side of South 65th West Avenue. It is partially wooded, gently sloping, contains virtually vacant land except for a small dwelling unit on the southern part of tract and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by an elementary school and vacant land zoned AG, on the east by vacant land zoned IM, on the south by a railroad and commercial businesses zoned CG, and on the west across South 65th West Avenue by scattered single-family residences zoned AG and RS.

**Zoning and BOA Historical Summary:** IM industrial zoning has been permitted east of the subject tract. Commercial General zoning has been confined to areas to the south of the subject tract which abuts U.S. Highway 66.

**Conclusion:** The requested IL zoning is not in accordance with the Comprehensive Plan and not supported by existing zoning patterns and physical facts. The most recent rezonings approved in this area have been to either RS or RE from AG which is in accordance with the Plan. An abundance of vacant industrially zoned land presently exists in this general area.

Therefore, Staff recommends **DENIAL** of IL zoning as requested.

Applicant's Comments:

Mr. Bob Nichols, representing Mr. and Mrs. John Hale, stated he felt this application was in accordance with the Comprehensive Plan, and after full consideration of the physical facts, he felt the Commission would agree. Mr. Nichols submitted a letter from the Chairman of the District 9 Citizen

Planning Team stating support of the request, conditioned upon the approval of the governing body of the Jane Addams Elementary School. Mr. Nichols submitted photos of the surrounding properties, and reviewed the February 1972 TMAPC minutes where the adjacent property was zoned IM. Reviewing the physical facts, Mr. Nichols commented that he felt the Comprehensive Plan text recognizes this present application for industrial zoning as a logical extension. Ms. Kempe inquired if the District 9 Comprehensive Plan had recently been re-evaluated. It was determined that District 8 had been reviewed, but not District 9. Mr. Nichols commented that the physical facts indicated that intense zoning was in place and had a drastic influence on the subject tract and would probably prohibit it from developing residential. Mr. Nichols requested approval of the application as he felt that IL would serve as a buffer between the IM zoning to the east and the residential uses on the west.

Mr. Draughon asked Staff to comment on restrictions or recommendations for zoning adjacent to an elementary school. Mr. Gardner commented that elementary schools were usually contemplated for surrounding residential development. In regard to concerns for the safety of the school children, Mr. Draughon asked Staff for suggestions on the appropriate zoning conditions. Mr. Gardner advised that the only time a screening fence was required was when it was adjacent to residentially zoned property, and since the school was in an RS district, a fence would be required.

Interested Parties:

Address:

Mr. Curtis Cothran	5335 South 65th West Avenue	74107
Ms. Peggy East	5600 South 67th West Avenue	"
Ms. JoAnn McGrew	5821 South 58th West Avenue	74050
Ms. Zelma Wilson	5538 South 65th West Avenue	74107
Mr. Woody Wilson	5538 South 65th West Avenue	"
Ms. Diane Hamilton	5612 South 65th West Avenue	"
Ms. Martie McCain	1525 East 53rd Street	74105
Ms. Jane Clark	5505 South 97th West Avenue	74063
Mr. Kermit Hoffmier	PO Box 188, Catoosa	74015
Mr. Larry Hamilton	5612 South 65th West Avenue	74107
Mr. Clinton W. Rogers	5620 South 66th West Avenue	"

Mr. Curtis Cothran stated a preference for residential rather than industrial on this tract due to the school. He informed the Commission of a previous application which he submitted on property in this area for a trailer park, and receipt of a letter advising there was no water for this trailer park. Mr. Cothran advised he has asked the applicant if they have water and was informed they did not, and he felt this should be corrected before any development begins. In reply to Ms Kempe, Mr. Cothran stated this area was under the jurisdiction of the Creek County Water District.

CZ-157 Nichols (Hale) - Cont'd

Ms. Peggy East requested clarification as to what uses would be allowed under IL zoning. She further inquired as to setback requirements from the street and school area, as well as what might be anticipated in regard to additional traffic with the IL zoning. Ms. East stated she felt some assurances should be given to the residents that something would not be put in this area that would further "junk up" the residential area.

Ms. JoAnn McGrew informed the Commission of a trucking company in this area that had been told to relocate their trucks, and as yet, nothing had been done. Ms. McGrew inquired as to what could be done to improve the road conditions in this area.

Ms. Zelma Wilson voiced concerns as to the safety of the school children should any more trucks be allowed to come into this area. In reply to Mr. Woodard, Ms. Kempe advised that there was little, if any, cross school district bussing to this district.

Mr. Woody Wilson stated concerns as to traffic and water conditions, and about the noise that would be generated by permitting IL zoning uses.

Ms. Diane Hamilton also voiced concerns as to the safety of the children in this area using the two-lane road to the school as there were no sidewalks and the ditches along this road were very deep.

Ms. Martie McCain, Principal of Jane Addams School, echoed concerns as to the amount of noise that would be generated by businesses allowed under IL zoning and the disruption this would cause in the classrooms when windows were open. She also voiced concerns about the condition of 65th Street and the safety hazard it presents, as the ditches were very dangerous and flowed swiftly when filled with rain water. Ms. McCain suggested that, if the zoning were approved, the applicant be required to put in a sidewalk. She also inquired if the applicant might possibly put in another access to this tract to divert traffic off of 65th Street. Ms. McCain remarked that she has been in touch with County Commissioner Selph as to the County putting in sidewalks, improving the road, etc. Ms. McCain added that the majority of the students were bussed to the school under the hazardous bussing standards.

Ms. Jane Clark agreed with comments made by the other protestants and pointed out that the school was also in use after school hours with sports related activities.

Mr. Kermit Hoffmier, as an interested party looking for industrial property, stated he has not observed many industrial tracts of this size. He spoke in favor of the requested zoning from a businessman's viewpoint.

Mr. Larry Hamilton was curious if the owner intended to develop this land himself or if he intended to sell the property. Mr. Hamilton also voiced strong concerns as to the safety of the school children due to the hazardous conditions of 65th Street.

Mr. Clinton Rogers stated interest in the applicant's plans for handling the sewage and water concerns, as the residents had previously been told that nothing else could be added.

Applicant's Rebuttal:

Mr. Nichols commented that Mr. & Mrs. Hale have lived in this area for 40 years and none of the violations, as mentioned by the Interested Parties, have been caused by the applicant. Mr. Nichols added that the problems in this area were not with properly zoned tracts, but with violations to the Zoning Code in the residential areas. He commented that the only way to bring development into an area such as this was to offer improvement to roads and sidewalks, which began with the zoning process. Mr. Nichols requested approval of the requested zoning as he believed it to be in accordance with the Plan Text.

Mr. Carnes, while recognizing the street and other problems in this area, stated he could see no reason for denying this request with the IM zoning adjacent to the tract. He inquired as to what type of buffer could be suggested around the school area along 65th West Avenue. Mr. Nichols stated he had also given this some thought and suggested an additional 50' buffer around the school, which would ensure a 125' setback. He further stated that he considered the IL zoning as a buffer along 65th from the residential area.

Mr. Woodard inquired when the school bought this property from Mr. Hale. Mr. Nichols advised it was about 25 years ago. Chairman Parmele asked if the applicant intended to plat this as an industrial park. Mr. Nichols advised the applicant did intend to plat the lower 40 acres, and he did have an interested purchaser for the northern 30 acres, which would involve platting this portion for a light industrial plant that would be compatible with the school (i.e. 5,000 square foot gauge assembly plant).

Review Session:

Ms. Kempe stated that she had several problem with this application, i.e. sewage, the source of water, the fact that the portion by the school was for sale, etc. She added she had some serious concerns with IL being appropriate in the northern 30 acres. Chairman Parmele commented that he had been involved with several light industrial developments and he felt they could definitely be an asset to the area in which they were located. He added that, depending on how the area was platted and developed, it could certainly upgrade a neighborhood and appreciate property values. Chairman Parmele stated that he, too, was concerned about the school, and suggested working on some type of compromise zoning to provide a buffer strip around the school to further setback the buildings. However, he felt the area was appropriate for some type of industrial zoning, and the Commission should be encouraging this type of development and activities. Commissioner Rice stated agreement with Chairman Parmele and commented he has seen this happening throughout the County to the betterment of the area. In regard to the water and sewer concerns, Chairman Parmele advised that the applicant would not be able to plat and develop the property unless they had adequate water and sewage.

**CZ-157 Nichols (Hale) - Cont'd**

Mr. Draughon asked Staff to suggest an appropriate buffer around the school and along 65th, and Chairman Parmele inquired as to the appropriate zoning buffer. Mr. Gardner stated that the only other zoning that could be considered would be another industrial category such as IR. He suggested the south 40 acres, which was adjacent to the railroad and industrial (with a small portion next to residential), be zoned IR and then see what developed. Mr. Gardner stated he was not sure what to suggest for the north 30 acres since it wrapped around the school and had an interior location without frontage. Chairman Parmele stated he felt a 75' to 100' buffer around the school would protect it from having any buildings located too close. Commissioner Rice stated agreement to the buffer around the school, but he felt there was too much frontage along 65th West Avenue to place a more restrictive zoning than IL.

Mr. Carnes moved for approval of IL zoning, except for a 125' buffer on the east and south of Jane Addams school, which shall remain AG. Ms. Kempe stated she was more inclined to go along with Staff's suggestion of zoning only the south 40 acres IL.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the Planning Commission voted **5-1-0** (Carnes, Draughon, Parmele, Rice, Woodard, "aye"; Kempe, "nay"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE CZ-157 Nichols (Hale)** for IL zoning, except for a 125' buffer on the eastern and southern boundary of Jane Addams School, which shall remain zoned AG.

**Legal Description:**

IL zoning on a tract of land described as the E/2 of the SW/4 of the NW/4 LESS the west 125.0' of the north 785.0' thereof; AND the SW/4 of the SW/4 of the NW/4 LESS the north 125.0' thereof; AND the NW/4 of the SW/4, all in Section 32, T-19-N, R-12-E, Tulsa County, Oklahoma AND Trackage Lot "Y", New Taneha Addition to the County of Tulsa, Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

**PUD 287:** North of the NW/c of South Utica Avenue and East 71st Street South, being Lot 4, Block 1, South Utica Place Addition.

Staff Recommendation: Detail Sign Plan

PUD 287 is located on both sides of South Utica Avenue, just north of East 71st Street South. It has an underlying zoning of OM and was approved by the TMAPC and City Commission for a nine lot office complex use. Detail Site Plan approval was granted by the TMAPC on April 16, 1986 for the structure on Lot 4 with parking being approved for Lots 3, 4 and 5. The applicant is now requesting Detail Sign Plan approval for the building located on Lot 4, Block 1 at South Utica Place Addition.

The applicant is proposing a 32 square foot sign (4' x 8') with a maximum height of 6' 2". The sign will not be lighted. The base of the sign will be brick consistent with the existing building. The plot plan showing the location of the sign indicated the sign encroaching into a 20 foot utility easement, but off the public right-of-way.

Therefore, Staff would only recommend **APPROVAL** of the Detail Sign Plan subject to concurrence with the proposed location by the applicable public and private utility companies. Staff recommends unconditional approval of the Detail Sign Plan if the sign was installed at a location off the 20' utility easement and off the public right-of-way.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE** the **Detail Sign Plan** for **PUD 287**, as recommended by Staff.

\* \* \* \* \*

**PUD 282-A-1:** SE/c of South Wheeling and East 71st Street

Staff Recommendation: Minor Amendment, Detail Site Plan & Detail Sign Plan

**MINOR AMENDMENT:** The proposed Federal Express Mini Business Service Center is located in the extreme northwest corner of the Kensington Galleria retail, commercial, and office development. PUD 282-A was approved to permit a car rental agency to be built to the south of the proposed Service Center. The setbacks for PUD 282-A were established at 230' from the centerline of East 71st Street and 75' from the centerline of South Wheeling. The Staff would be supportive of an amendment to PUD 282-A understanding that the revised building setback line is only for the Service Center. The small scale of the building (6' x 10'7") would cause a reduced setback line to be appropriate and the amended building line will also be in accordance with the Major Street and Highway Plan.

**PUD 282-A-1 Minor Amendment, etc. - Cont'd**

Therefore, Staff recommends **APPROVAL** of PUD 282-A-1 for an amended building setback line from the centerline of East 71st Street per the submitted plans for the Federal Express Mini Business Service Center only. Notice of this request has been given.

**DETAIL SITE PLAN:** The subject tract has underlying zoning of CS. PUD 282 has been approved for retail, commercial, and office uses and developed for the Kensington Galleria Shopping Center.

The proposed use is a Federal Express Mini Business Service Center which will be located within the existing parking lot and on the east side of an existing parking lot median. An analysis of the parking requirements indicates that the proposed use, although eliminating four (4) parking places, will not cause the development to be deficient in parking. The Service Center will have only a one-sided drive-through lane on the east side. It is noted that PUD 282-A has a landscape requirement on the adjacent median and north and south of the car rental building; this requirement should be carried through to the Federal Express Mini Business Service Center.

Therefore, Staff recommends **APPROVAL** of the proposed Detail Site Plan per the submitted plans and information, subject to TMAPC approval of PUD 282-A-1, and subject to submission and approval of a Detail Landscape Plan by the TMAPC prior to issuance of an Occupancy Permit. All required landscaping shall be maintained and restored as needed as a continued condition of granting the Occupancy Permit.

**DETAIL SIGN PLAN:** The proposed Detail Sign Plan will restrict signage to the north and east building elevation of the Service Center which is consistent with sign controls placed on the car rental agency to the south. The proposed area of the signs is in compliance with the PUD Chapter, Section 1130.2.b of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of the Detail Sign Plan, for signs on the north and east building elevations only, per the submitted plans and that permitted signs shall be internally lighted by constant light and nonflashing.

**NOTE:** No advertising devices are permitted on the roof of the Service Center. Signs require permits in addition to a building permit.

Applicant's Comments:

Ms. Colleen Olsen (4640 South Columbia Place), representing Federal Express, requested approval of the signage as submitted as the building being considered was only 6' x 10' and Federal Express has two other similar buildings in Tulsa. Ms. Olsen stated she felt that the sign was needed on the western exposure in order to have a successful business at this location as it sat back from 71st Street.

**PUD 282-A-1 Minor Amendment, etc. - Cont'd**

Mr. Carnes inquired as to Staff's recommending no signs on the west and east. Mr. Frank stated that a similar structure at this site was also denied signage on the west, and there were apartment dwellings on the western side. Therefore, this application was given the same recommendation.

**TMAPC ACTION: 6 members present**

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE** the **Minor Amendment to PUD 282-A-1**, as recommended by Staff.

**TMAPC ACTION: 6 members present**

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE** the **Detail Site Plan for PUD 282-A-1**, as recommended by Staff.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to **APPROVE** the **Detail Sign Plan for PUD 282-A-1**, as recommended by Staff.

\* \* \* \* \*

**PUD 267:** South and East of the SE/c of East 101st Street and South Sheridan

**Staff Recommendation: Detail Sign Plan**

The subject tract is located south and east of the southeast corner of East 101st Street and South Sheridan, and has underlying zoning of CS and RM-1. PUD 267 has been approved for not more than two (2) ground signs on each arterial street with a maximum permitted height of 16' and a maximum display surface area of 180 square feet per sign.

The proposed signs will be located at the north entrance from Sheridan and the west entrance from East 101st Street. The signs will be 16' tall and have a maximum display surface area of 160 square feet each.

Therefore, Staff recommends approval of the proposed Detail Sign Plan per the submitted plans and subject to these signs being internally lighted and nonflashing.

**NOTE:** The applicant should coordinate the location and placement of the proposed signs with public and private utility companies as needed.

PUD 267 Detail Sign Plan - Cont'd

TMAPC ACTION: 6 members present

On MOTION of RICE, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to APPROVE the Detail Sign Plan for PUD 267, as recommended by Staff.

\* \* \* \* \*

PUD 221-A-2: 4505 and 4511 South 135th East Avenue, Quail Ridge, Blocks 1-10, being Lots 1 and 2, Block 6,

Staff Recommendation: Minor Amendment & LNO 16834 to Allow a Lot Split

This is a request to change a common lot line between Lots 1 and 2, Block 6 Quail Ridge, Blocks 1-10 in order to make the lots more symmetrical with the existing structures.

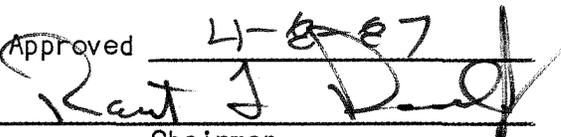
After review of the applicant's submitted plot plan, the Staff finds this request to be minor in nature and consistent with the original intent of the PUD. Staff recommends APPROVAL of the request as presented subject to the following conditions.

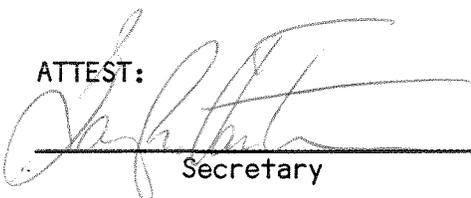
- 1) That tie language be placed on the face of the deed stating that the portion of the abutting lots cannot be sold separately.
- 2) This lot split does not change any easements of record.

TMAPC ACTION: 6 members present

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Parmele, Rice, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Paddock, VanFossen, Wilson, Crawford, "absent") to APPROVE the Minor Amendment and LNO 16834 to PUD 221-A-2, as recommended by Staff.

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

Date Approved 4-8-87  
  
 \_\_\_\_\_  
 Chairman

ATTEST:  
  
 \_\_\_\_\_  
 Secretary