

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1338
Wednesday, December 10, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey Holliday Keleher, 2nd Vice Chairman Kempe, Secretary Parmele, Chairman Petty C. Young T. Young	Eller Gardner Inhofe	Alberty Gardner Howell Lasker Wilmoth	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, December 10, 1980, at 11:59 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Parmele called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 7-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe, T. Young "absent") to approve the Minutes of November 26, 1980 (No. 1336).

REPORTS:

DIRECTOR'S REPORT:

Larry Beaubien presented the final audit report for the Tulsa Metropolitan Area Planning Commission for three months ending September 30, 1980. Mr. Beaubien advised that everything was in order, had been closed out and properly classified. There were no discrepancies in the financial statements.

Director Jerry Lasker advised that he had asked Charles Hardt, City Hydrologist, to be present at the meeting and answer the concerns of the Commission in regard to regional detention facilities and the liability of TMAPC in approving subdivisions where the detention facilities are not in place.

Mr. Hardt advised that he fills out a monthly report which identifies to the City Engineer, the status of the fund balance of the regional detention program. As of December 1, 1980, a total amount of \$864,065.78 had been collected in the regional detention fund (the total amount, including interest earned, \$967,574.04). These funds will be dispersed between the four watersheds, Fry Ditch No. 2, Haikey, Mingo and Vensel. Mr. Hardt noted that the City was obligated to expend the funds within the watersheds in which they are collected.

Director's Report: (continued)

The activity undertaken in the Vensel Creek watershed where there are \$222,740.17 total funds available, included the development of plans for a detention facility to serve the area at 107th Street South and adjacent to the Shady Oaks Subdivision (west of Yale Avenue). These plans were coordinated with the homeowner's association, contact was made with the owner of the property, and the Park Department was consulted in regard to making this area a neighborhood park site. However, a homeowner adjacent to the proposed site opposed the detention facility and gathered the support of other homeowners in the area. Therefore, an attempt to develop a regional detention facility which would be more compatible with the neighborhood was abandoned and the neighborhood has been left to their own device in regard to their detention facility.

In regard to Commissioner's questions, Mr. Hardt advised that the southeast corner of 101st and Yale Avenue is defined as a "sump area," the water drains to a low area on this tract and is absorbed into the soil-- there is no runoff from this site. He noted that the conceptual plans that were submitted for the project identified on-site permanent retention of all water with no runoff and would be compatible. The southwest corner has two storm sewer systems which carry the small amount of runoff. The City has extended a storm sewer system through the subdivision development to the immediate west of this tract, which would carry low-flows. The conceptual plan provides detention storage to exceed the City requirements on this property. The northwest corner drains primarily to the northwest and could be handled in the fee in lieu of program with the monies deposited in the watershed fund to be used for regional detention. The northeast corner, with exception of approximately one-half acre, was included in the detention facility of Sun Meadows.

The Fry Ditch No. 2 and Haikey Basin watersheds serve the balance of the southern portion of Tulsa within the corporate boundary. Mr. Hardt pointed out that there has not been a great deal of money collected in the Haikey Basin, \$164,126.62, which would barely cover the construction contract if the needed tract of land was given to the City.

The Corps of Engineers has developed a Mingo Feasibility Study which identifies 24 regional detention sites. A request for a detention facility at 61st Street and Mingo was included in the Capital Improvements Fund. Negotiations are underway at this time to acquire the property at that location. The funds available in the Mingo watershed are \$209,704.81.

Mr. Hardt advised that the City Commission authorizes the expenditure of all monies in the Regional Detention Fund. He also noted that in an area where a problem has been identified, a solution to the problem must be provided before an earth change permit is granted and construction is allowed to begin.

Assistant City Attorney, Alan Jackere, advised that the City Engineer will review each subdivision and determine what impact that subdivision will have on the surrounding area in terms of drainage. If the Engineer feels it will impact the area, he will not take the fee in lieu of, but instead will require the developer to address those problems on-site. He stated he did not feel there would be any liability on the part of the Planning Commissioners personally. Mr. Jackere advised that the only instance

Director's Report: (continued)

whereby any type of liability may occur on the part of the total Commission is if the Engineer is negligent in making his determinations designing the structure.

SUBDIVISIONS:

Cimarron Run II (790) Coyote Trail, North of State Highway #51 (AG) (County)

The Staff presented the plat with the applicant not represented. Most conditions had been met and there were no problems.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Cimarron Run II, subject to the conditions.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to grant approval of the preliminary plat of Cimarron Run II, subject to the following conditions:

1. Show a 25' building line and easement, for continuity from the street to the west. Other utility easements shall meet the approval of the utilities. Show additional easements as needed. (Current policy requires 17½' perimeter easements, but the absence of some facilities, this may not be needed. Check with utilities.)
2. Water plans shall be approved by the applicable water authority prior to release of final plat.
3. Paving and/or drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by County Commission.
4. The owner or owners shall provide the following information on sewage disposal system if it is to be privately operated on each lot: Type, size, and general location. (This information to be included in the restrictive covenants.)
5. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
6. All (other) Subdivision Regulations shall be met prior to release of the final plat.

Ronjon Commercial Park (3194) 10600 Block East 61st Street (IL)

The Staff presented the plat. (The applicant represented by Jack Cox, was not present, but had no objection to the conditions.)

The Staff stated that the name of the Plat is misleading since commercial uses are not allowed in an IL District without Board of Adjustment approval. The primary zoning and uses permitted are "Industrial." It was suggested the work "Industrial" be substituted for "Commercial," or just dropped from the title.

Ronjon Commercial Park: (continued)

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Ronjon, subject to the listed conditions:

On MOTION of AVEY, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to grant preliminary approval of Ronjon Commercial Park, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. (Show 17½' where applicable.)
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (if required) (Also provide additional water line or utility easement on 61st.)
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat. (if required)
4. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (on drainage if required)
5. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission.
6. Access points shall be approved by City and/or Traffic Engineer. (Show one on plat.)
7. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
8. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. (A 150' building line shall be shown on plat on any wells not officially plugged.)
9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
10. All (other) Subdivision Regulations shall be met prior to release of the final plat. (Staff)

Presidential Park (PUD #139) (3692) 57th Place and South Owasso Avenue (RM-1)

The Staff presented the plat with the applicant represented by Ted Sack.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Presidential Park, subject to the conditions:

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve the preliminary plat of Presidential Park, subject to the following conditions:

1. Include PUD number on face of plat. Show building lines as applicable. (Buildings are already existing and the plat is being submitted in order that the units may be sold separately.)
2. Covenants: Page 2, Paragraph #3 -- Omit sentence regarding Company maintenance of underground lines. (See PSO for comment.) Page 3, first line at top of page: add..."maintained by the owners of lots 1-15 inclusive." Also add one line indicating the total number of dwelling units allowed in this part of PUD #139. Also see #5 below for language regarding restricted water line easement.)
3. All conditions of PUD #139 shall be met prior to release of the final plat, including any applicable provisions in the Covenants or on the face of the plat.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property and/or lot lines. (See PSO for existing or additional easements.)
5. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s). (include in Covenants)
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat. (if required) (Locate existing lines.)
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission. (if required)
8. A topo map shall be submitted for review by T.A.C. (Sub. Reg's.) (Submit with drainage plans.)
9. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
10. All (other) Subdivision Regulations shall be met prior to release of the final plat. (Staff)

The Tulsa Mountains (3002) West 29th Street North and North 68th West Avenue
(AG) in City, Osage County)

The Staff recommended this item be tabled.

The Chair, without objection, tabled The Tulsa Mountains Plat.

Cherokee Expressway Industrial District Amended, Block 5 (303) East 66th
Street North & North Fulton Avenue (IL) (County)

The Staff presented the plat with the applicant represented by E. C. Summers.

On the Sketch Plat Review the T.A.C. questioned the applicant about how the street dedication to the east was to be handled, if it is to be utilized. Also the question arose as to who would build it. It was felt that some written document should be required, subject to approval of Legal Counsel, that would set forth the conditions relative to street construction on the east/west dedication. At that time there were no objections to the concept. There was still some concern regarding the street to be dedicated in the future, but this was to be worked out with the County Engineer and utilities. Documentation would be part of the plat approval.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Cherokee Expressway Industrial District Amended, Block 5, subject to the conditions:

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve the preliminary plat of Cherokee Expressway Industrial District Amended, Block 5, subject to the following conditions:

1. If the "Street Dedication" running east/west is not constructed this plat will have an overlength cul-de-sac and will require waiver of the Subdivision Regulations.
2. Utility easements shall meet the approval of the utility companies. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required, (including north/south easement for PSO).
3. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of the final plat.
5. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by County Commission.
6. Access points shall be approved by the County Engineer, and shown as applicable.

Cherokee Expressway Industrial District Amended, Block 5: (continued)

7. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
8. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
9. All (other) Subdivision Regulations shall be met prior to release of final plat. (Staff)

Kensington II, Blocks 3-8 Amended (PUD #128) (783) 74th Street and South
Trenton Avenue (RM-1)

The Staff advised that all letters were in the file and recommended release of this plat.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to grant approval and release of the final plat of Kensington II, Blocks 3-8 Amended.

FOR WAIVER OF PLAT REQUIREMENTS:

Z-4268 U-Totem (1302) West of the NW corner of 36th Street North and North
Lansing Avenue (CS)

Upon recommendation of the Staff, the Chair, without objection, tabled U-Totem Application.

Z-4982 M. Mowery (3103) SE corner of North Troost Avenue and East Newton Ave.
(IL)

The Staff advised that this request is to waive plat on Lots 9 and 10, Block 1, Utica Heights Addition. Improvements are already in place and access is prevented to Troost Avenue because of a 5' strip of RM-1 zoning. It is recommended the request be granted, subject to any drainage and/or paving plans required in the permit process and any necessary utility requirements. Since it is already platted nothing is to be gained by a new plat.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-4982, as submitted.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve the Waiver of Plat on Z-4982, Lots 9 and 10, Block 1, Utica Heights Addition.

Z-5134 Tom Birmingham (2993) 4436 South Harvard Avenue (OL) (The north 90' of Lot 2, Block 2, Villa Grove Heights)

and

Z-5284 Jim Seawright (2893) 4400 Block of South Harvard Avenue (OL) Lot 10, Block 1, Villa Grove Heights No. 1)

Mr. Wilmoth advised that these two applications were reviewed together since they are both on Harvard, zoned OL, each contains one office and have one access each. These are lots of record, and all improvements are in place on Harvard, so nothing would be gained by replatting single lots. For information, a map is furnished showing the past actions of the T.A.C. and Planning Commission relating to waivers and plats on several blocks along Harvard Avenue. Requests that included more than one lot have been combined and platted in accordance with the "Harvard Plan." (Three tracts have been platted.) Where a single lot was involved, the plat was waived. (Thirteen lots have been approved for a waiver of plat.) (Eight lots, all platted, remain after these two applications, that have not requested waiver or replatted.)

It is recommended that the plat requirement be waived, with access as shown on the exhibited plot plans, and drainage plans, if required, approved through the permit process. The utilities indicated several easements needed and the City Engineer advised storm water detention is required on both applications.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5134 and 5284, subject to the conditions.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve the Waiver of Plat on Z-5134 and 5284, subject to the following conditions:

Z-5134: Utility easements, north and west 10'; storm water detention plans; and

Z-5284: Utility easement, north 10'; storm water detention plans.

Z-5264 Jerry Cantrell (1293) North side of 21st Street, East of Memorial Drive (OL, RS-2)

This is a request to waive replat on the west 322.5' of the south 293' of the east-half of Block 9, O'Connor Park. The original zoning application was approved with the north-half of the application being rezoned to RS-2 and the south-half to an OL classification. This request only involves the OL portion, leaving the remainder still subject to platting, if the plat is waived on this part. An additional 10' of right-of-way will be needed to meet the Major Street Plan on 21st Street. Easements may be required, subject to review of the utilities. The Staff notes that with the additional 10' of dedication, the parking spaces will need to be moved back off the right-of-way. Drainage plans will be required by the City Engineer in the permit process.

Due to the number of requirements, applicant may wish to replat. However, the following conditions would apply if plat is waived.

Z-5264 (continued)

- (a) Dedication of 10' on 21st Street to meet Major Street Plan (entire 322' tract).
- (b) Sanitary sewer extensions.
- (c) Utility easements, on west, north and east (17½').
- (d) Redesign of parking lot to account for dedicated 10' strip on 21st Street. Also, Traffic Engineer advised to keep access away from the west property line.
- (e) Drainage plans, including detention. (Storm water to run off to 21st Street.) and,
- (f) Review of plot plan on east-half of lot as submitted.

The Technical Advisory Committee and Staff recommended approval of the Waiver of Plat on Z-5264, subject to the above conditions.

Commissioner C. Young expressed concern over the number of conditions to be imposed in waiving the plat and recommended the item be continued and the applicant requested to attend the Commission meeting to discuss the conditions.

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to continue Z-5264, Jerry Cantrell to December 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

LOT-SPLITS:

L-15046	Raymond & Madge Silkey (2092)	L-15073	John A. Stutsman
15066	Kenneth Wyzard (2903)		and Gene M. Oliver (694)
15069	TURA (2502)	15075	Burtek, Inc. (1193)
15071	Martha E. Leonard (1793)	15077	Catholic Bishop of the
15072	David H. Daugherty (1993)		Diocese of Tulsa, Ok.(2293)
		15078	Martha Lee Vandever (583)

On MOTION of C. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") for ratification of prior approval of the above-listed lot-splits.

FOR WAIVER OF CONDITIONS:

15058 Jim Lockmiller (1202) 4700 Block North Peoria Avenue (CS)

Mr. Wilmoth noted that the applicant was present and advised that this is a request to clear title on a tract of land 110' x 150' in a CS zone. (Since CS zoning requires 150' of frontage, a waiver is requested.) The Staff research shows that right-of-way on Peoria Avenue is adequate and meets the Major Street Plan requirements. There are other lots in this area in the CS District that have as little frontage as 80', so the 110' on this lot exceeds the width of adjacent lots. The tract contains an existing restaurant so no new traffic is being generated. It is recommended that the split be approved, waiving the frontage requirement, subject to the Board of Adjustment approval.

15058 (continued)

The Technical Advisory Committee recommended approval of L-15058, as recommended by the Staff.

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve L-15058, waiving the frontage requirement, subject to Board of Adjustment approval.

L-15067 Patrice Paul (2883) North side of 111th Street, West of Quebec Pl.
(AG) (City)

and

L-15068 Patrice Paul (2883) 111th Street and South Sandusky Ave. (AG) (County)

This is a request to split two tracts into (L-15067) three lots, and (L-15068) four lots. The applicant is willing to make the necessary right-of-way dedication for both tracts on 111th Street South to meet the Major Street Plan. Also lots have the minimum square feet of 22,500 square feet in each lot, with a mutual access easement of 40' which will require a waiver of the frontage. The Staff sees no problems with this design, since there have been other splits in this area. Tracts also subject to Health Department approval. The lots are comparable in size to platted lots adjacent to these tracts.

Health Department advised some slight modification of "handles" on 15068 may be needed to assure 22,500 square-footage in lots. There was no objection to the concept.

The Technical Advisory Committee and Staff recommended approval of L-15067 and L-15068.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to approve L-15067, to split two tracts into three lots, and L-15068, four lots.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5452 Present Zoning: AG
Applicant: Roy Johnsen (Dr. Torchia) Proposed Zoning: CS and RM-0
Location: SE corner of East 101st Street and South Yale Avenue

Date of Application: August 22, 1980
Date of Hearing: December 10, 1980
Size of Tract: 10 acres, plus or minus

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

Application No. Z-5453 Present Zoning: AG
Applicant: Charles Norman (Lincoln Property) Proposed Zoning: CS and RM-0
Location: NE corner of East 101st Street and South Yale Avenue

Date of Application: August 22, 1980
Date of Hearing: December 10, 1980
Size of Tract: 10 acres, plus or minus

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

Application No. Z-5454 Present Zoning: AG
Applicant: Charles Norman (Watson) Proposed Zoning: CS
Location: NW corner of East 101st Street and South Yale Avenue

Date of Application: August 22, 1980
Date of Hearing: October 12, 1980
Size of Tract: 2 1/2 acres

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

Application No. Z-5455 Present Zoning: AG & RS-2
Applicant: Charles Norman (Solliday) Proposed Zoning: CS, RM-0 & RS-2
Location: SW corner of 101st Street and South Yale Avenue

Date of Application: August 22, 1980
Date of Hearing: December 10, 1980
Size of Tract: 20 acres, plus or minus

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

Application PUD #245 Present Zoning: (AG & RS-2)
Applicant: Roy Johnsen (Dr. Torchia)
Location: SE corner of East 101st Street and South Yale Avenue

Date of Application: August 22, 1980
Date of Hearing: December 10, 1980
Size of Tract: 27.5 acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

Z-5452, Z-5453, Z-5454 and Z-5455 (continued)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject properties as follows:

Z-5452 (SE corner) Special District 2
Z-5453, Z-5454, Z-5455 (NE/c, NW/c, SW/c) Medium to Low Intensity -
No Specific Land Use (5 acre node); Low Intensity -- Residential,
Development Sensitive (outside node).

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map designation of Medium Intensity, the RM-0 District is in accordance with the Plan Map designation of Medium Intensity and may be found in accordance with the Plan Map designation of Low Intensity. The CS District may be found in accordance with the Plan Map designation of Special District 2 with the filing of a PUD.

Z-5452

The subject property is located on the SE corner of the intersection of 101st and Yale Avenue. The property is 10 acres in size and the applicant is requesting CS commercial shopping on 5 acres and the balance RM-0 lowest density multifamily. The applicant has filed PUD #245 requesting commercial development on the entire 10 acres.

Z-5453

The subject property is located on the NE corner of the intersection of 101st and Yale Avenue. The property is 10 acres in size and the applicant is requesting CS commercial shopping on 5 acres and the balance RM-0 lowest density multifamily. The tract abuts a developed, low density, single family subdivision to the west and north.

Z-5454

The subject tract is located on the NW corner of the intersection of 101st and Yale Avenue. The property is 2.5 acres in size and the applicant is requesting CS commercial shopping center zoning. The property abuts a low density single family subdivision on the west and a single family residence on the north.

Z-5455

The subject tract is located on the SW corner of the intersection of 101st and Yale Avenue. The property is 20 acres in size and the applicant is requesting CS commercial shopping, RM-0 lowest density multifamily and RS-2 single family. The property abuts a low density, single family subdivision to the west and south.

Instruments Submitted:

Map	(Exhibit "A-1")
Photocopy - 101st & Sheridan	(Exhibit "A-2")
Protest Petition (690 sig's.)	(Exhibit "A-3")
Pictures of the area	(Exhibit "A-4")
Mailgram - Robert Webber	(Exhibit "A-5")
Mailgram - Carl D. Claussen	(Exhibit "A-6")

Staff Recommendation:

The subject zoning applications raises the basic question -- should every intersection be zoned commercial? This question as it applies to Tulsa is as old as at least 1960 when the original Comprehensive Plan for the Tulsa Metropolitan Area was adopted. The decision in 1960, after much study, was to designate on the Plan Map, commercial development at every other intersection, or two mile spacing, in the undeveloped projected growth areas. The size of the centers (convenience, community, regional) were also planned based on projected growth. The commercial element of the 1960 Comprehensive Plan did not work. Vision 2000 Comprehensive Plan Update, which began in the early 70's recognized the potential for commercial development at every intersection based on the fact that all but 7 intersections in the urbanizing Metro Area were commercialized, the exceptions being those intersections that developed residential first (71st and Yale, one of the 7 not zoned commercial, has been awarded commercial development by the District Court). The Planning Commission and TMAPC Staff was aware that commercial development would continue to flourish and strip commercial development was occurring at an alarming rate to the detriment of the community. Commercial development, under the Development Guidelines, was encouraged at the major intersections or nodes as they were referred to, the strip commercial zoning was a recognized harmful development practice.

The Development Guidelines, adopted in 1974, a first for Tulsa, was the key tool in the implementation and protection of the District Comprehensive Plan. Many of the developers didn't like the Guidelines because they felt that the commercial and multifamily allocations were too restrictive. Many of the homeowner's groups opposed the commercialization of every intersection. Nevertheless, the Guidelines were adopted and have served the community very well. Commercial strip zoning is no longer endorsed and commercial over-zoning has stopped.

Commercial zoning has been approved upon request at the major intersections since the adoption of the Guidelines, with the exception of the subject intersection. In some instances, the amounts of commercial zoning have been less than the maximums permitted when the physical facts warrant. Such is the case in the subject applications on the NE, SW and NW corners. Such was the case at 81st and Yale Avenue among others.

The following excerpts from the Development Guidelines substantiate that commercial zoning was anticipated at all major intersections provided the applicant requested same and provided one or more of the intersection corners had not already been preempted with low intensity development. Also, a buffer district of RM-0 or RD was required by the Guidelines between CS and RS zoning and development.

Development Guidelines Excerpts:

I. General

- (1) "They should not be interpreted as a land use plan or as a zoning code, but rather as a framework or guide within which sound investment, zoning, subdividing and building decisions can be made by individuals and public officials." (page A-14)

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

- (2) "It is intended that in the application of this concept an evaluation of existing conditions, including land uses, existing zoning, and site characteristics, shall be considered." (page A-14)
- (3) "Initiate a major effort to make zoning a positive force in metropolitan development rather than a negative one." (page A-15)
- (4) "Provide and promote an economically healthy range of commercial, industrial and office uses throughout the metropolitan area."
(page A-16)
- (5) "Provide commercial areas of sufficient size and in locations which will conveniently serve the people of the area in relation to their needs."
(page A-16)
- (6) "Each district should be multifunctional in nature and contain a strong residential base, a wide range of services, uses and facilities."
(page A-19)
- (7) "A wide range of life styles and housing types, close to employment, recreation, education and shopping should be maintained in each district."
(page A-19)

II. Specific

- (8) "Nodes are located throughout the Development Districts around the intersections of arterial streets."
(page A-21)
- (9) "Convenience service activities for Subdistricts should be located at the intersection of secondary arterial streets."
(page A-21)
- (10) "Development of the nodes should be designed to be compatible with surrounding neighborhoods."
(page A-21)
- (11) "Each five acre tract is to be of a square configuration, 467 feet by 467 feet, measured from the centerline of the rights-of-way of the arterial streets."
(page F-4)
- (12) "In all types of nodes the following zoning classifications may be included: RS-1, RS-2, RS-3, RD, RM-1, OL, RM-2, OM, and CS."
(page F-5)
- (13) "The basic land allocations are made in terms of medium intensity development (CS, IR, OM, and RM-2), and additional land for less than medium intensity (OL, RM-1 and RD) may be included in the node."
(page F-5)

III. Buffer District

- (14) "A transition and/or buffer shall be provided between medium intensity uses at nodes and the surrounding Subdistrict. In undeveloped areas this transition may include a 300-foot deep strip of RD and/or proposed new, less dense RM zoning in the Subdistrict immediately adjacent to the node."
(page F-6)

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

- (15) "The land area allocated to each type of node is a basic figure which may be altered in consideration of existing development or site characteristics around the arterial intersections.
(page F-6)

Based on these reasons, the Staff recommends the following: (See Map)
(Exhibit "A-1")

Z-5452 SE Torchia

The Staff recommends approval of CS zoning (467' x 467') and RM-0 on the balance.

Z-5453 NE Lincoln Property

Based upon the recommended zoning pattern on the NW corner, the Staff recommends approval of 4.03 acres of CS zoning, .97 acres of OL and the balance of the property RD.

Z-5454 NW Watson

The Staff recommends approval of CS (1.49 acres) except the north and west 75 feet, the Staff recommends OL (1.01 acres).

Z-5455 SW Solliday

The Staff recommends approval of 3.53 acres of CS, 5.67 acres of RM-0, 2.2 acres of RD and the balance RS-2.

Applicant's Comments:

Charles Norman and Roy Johnsen represented the owners of the four corners under application. Mr. Norman advised that the northeast corner has been owned by Lincoln Property Company the past 8-10 years; the southeast corner has been the property of Dr. Torchia for approximately the same length of time; the southwest corner has been the property of A. L. Solliday for the past thirty (30) years; the northwest corner which is being presented for the first time in this application, is owned by Mr. and Mrs. Frank B. Watson who purchased and have resided on the property since 1957.

Mr. Norman pointed out that the District 26 Plan and the Major Street Plan both affect the consideration of these zoning applications. He noted that the District 26 Plan was adopted by the TMAPC and the City Commission following at least eight public hearings in which both Mr. Johnsen and he had participated in. The District 26 Plan identifies the intersection of 101st and Yale as a Type One Node, which is appropriate for medium intensity development with the proviso that medium intensity development on the southeast corner would be considered acceptable only with a PUD filed which deals specifically with the unique drainage situation that applies to almost the entire section that lies to the south and east of the intersection. The subject applications are as nearly consistent with the District 26 Plan and the Development Guidelines as possible. Every effort has been made to prepare and present the applications to conform precisely to the Development Guidelines and the District 26 Plan.

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

Mr. Norman presented a photocopy of the zoning (Exhibit "A-2") at the intersection of 101st and Sheridan, one mile to the east of the subject tract. He stated that he was involved with and heard the presentation of two of the applications for zoning at the intersection of 101st and Sheridan in 1975 when they were approved unanimously by the City Commission pursuant to the newly adopted Development Guidelines. All four corners of that intersection are zoned with 5 acres of CS with a buffer area of RM-1, with the exception of the northeast corner where a small area of OL was used as a transition to the existing single family lots in Sun Meadows. The CS zoned area at the northwest corner of that intersection is adjacent to a tract zoned RD, which has now developed in a single family manner. Since the zoning was approved in 1975, the single family lots in the northeast corner have been platted and approved, backing up to and immediately adjacent to lands zoned, but not developed, in accordance with the Development Guidelines and the District 26 Plan. The southeast corner contains 5 acres of CS surrounded by RM-1 and adjacent to single family platted lots. Mr. Norman advised that these are examples of the fact that the Guidelines have worked one mile away. The Guidelines were adopted and applied uniformly and consistently at 101st and Sheridan and have resulted in development patterns which are identical to those included in the applications at 101st and Yale.

In addressing the Staff Recommendation, Mr. Norman noted that 5 acres of CS zoning on the southeast corner was recommended. The Guidelines allocation of 5 acres was reduced on the southwest corner to 3.53 acres, as a result of aligning the west boundary of the CS District with the east boundary of the Brighton Oaks Residential development to the north. This would result in a significant reduction of the number of commercial acres allocated to the Solliday property on the southwest corner. Mr. Norman pointed out that the PUD which was proposed for the southeast corner extends the commercial area south to the 2.75 acre tract which is owned by Public Service and is planned as a district substation. He requested that the CS zoning on the southwest corner be extended southward an additional distance to increase the zoning that would be permitted on the southwest corner to 4.38 acres.

The northwest corner, owned by the Watsons, is the most difficult to develop and consider because of its size, 2 1/2 acres, Mr. Norman stated. This corner is adjacent to two back-up lots that were platted in the Brighton Oaks Addition; therefore the Staff recommended the west 75' be zoned to the OL District as a buffer district. The applicant did not have any objections to the OL buffer on the west side of this tract; however, the Staff recommended an OL buffer on the north 75' of the subject property. An existing single family residence which faces Yale Avenue is located north of the Watson property and approximately 575' north of the centerline of 101st St.

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

The residence that is owned by Mr. and Mrs. Hunt is well out of the 467' dimension of the 5 acre node. Mr. Norman advised that approximately 145' - 150' of the Hunt property could be rezoned leaving a side yard for the single family residence of at least 100' outside of the node. This single family residence is not a factor in applying the allocation of medium intensity uses to the northwest corner. Mr. Norman did not feel there was any need to establish an OL buffer on the north side of the Watson property since it is adjacent to lands that would also be considered for medium intensity zoning. He requested that the north 75', except for the west 75' of the north 75', be zoned to the CS District and that this line be continued to the west side of the street to the Lincoln Property tract and reduce the amount of OL zoning that was left, in recognition of the Hunt property by the same 75'.

This action would increase the commercial zoning of the Watson property to 1.93 acres and increase the Lincoln Property zoning to 4.38 acres of commercial. This CS zoning on both of these tracts would still be well below the 5 acres recommended under the Development Guidelines.

The three corners at the intersection of 101st and Yale, with the exception of the Watson property, were presented in January 1980. Since that time, several matters that were of concern then are no longer issues today. The first issue, that of drainage, has been addressed with the surface drainage plan which has been given conceptual approval by the City Hydrologist, and the existing detention facility which is already provided by the Lincoln tract. Adequate compliance with the drainage and development standards of the City of Tulsa has been met.

Another issue that has change since the application was presented in January is the water supply in the neighborhood. As of May, when these applications were presented to the City Commission, the protestants acknowledged that the water supply was no longer an issue because of the improvements that had been made and were in service at that time and the additional improvements which were planned. Due to the passage of the additional penny sales tax in October, Engineers are currently being employed to draw plans for additional water mains and facilities that will further improve the water conditions in this neighborhood.

The third issue of concern was the absence of the Watson tract on the NW corner of the intersection. The Watsons have now requested they be included in the consideration of these properties. The Watsons moved to this location in 1957 in order to live in the country; however, it is no longer a rural area. The traffic has become so heavy that this area is no longer a desirable place to live.

Mr. Norman stated that one of the most interesting aspects of this area is the relationship of the Watson tract to Brighton Oaks. He noted that the developers of the property immediately west of the Watson tract chose, after the adoption of the Development Guidelines, to plat their property in such a way that the Watson tract could no longer and can never be utilized for single family purposes. It was Mr. Norman's opinion that if the developers had been concerned about their neighbor and this neighborhood, Brighton Oaks would have been platted with public streets and with a backup or stub street on the east side so the Watson tract could have been oriented inward away from the intersection and developed in single family purposes. Therefore, the Watson tract is now isolated from

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

being integrated into the single family neighborhood. The SW corner is also isolated since there are no stub streets into the Solliday tract except for the south portion which has already been zoned RS-2. Leisure Estates, to the northeast, was platted with cul-de-sacs backing to the 10-acre corner tract recognizing that those parcels were not to be included as a part of the single family residential neighborhood. Mr. Norman pointed out that these decisions by other parties have put the subject tracts into a position of not only conforming with the Development Guidelines, but having no other use insofar as a single family residence is concerned.

In regard to the Major Street Plan, Mr. Norman advised that hearings were held as to whether to amend the Plan to delete 101st Street and Yale from the Major Street Plan. These studies were referred to the Traffic Engineer and long-range traffic planning - all bodies involved in the studies recommended that the street be retained on the Plan because the traffic generated within the neighborhoods was sufficient to justify and create a need for a major street.

The Tulsa Fire Marshal, in April and May of 1980, made a report stating that the water pressures were, at that time, adequate at the 101st and Yale location, to fight fires. This finding was based on the completion of the loops and segments of the water system being required by other private developments. However, the drought experienced the past months reduced the water pressures all over the City and created crisis conditions in many neighborhoods. Since that time the City has placed under contract, additional segments of water line on 91st Street one mile to the north that create another source of feed to areas in south Tulsa. The City and Oral Roberts University are constructing a 16" water line on Harvard from 61st Street to 81st Street and from Harvard west on 81st Street to 81st and Lewis. This will provide a new 16" feed to the Oral Roberts campus and the City of Faith Medical Complex. These areas have received their water supply, in the past, from the same lines which supply water to the subject area of south Tulsa. He pointed out that each one of these segments is improving the water supply situation to the 101st and Yale neighborhood. The City has also selected engineers to begin the design of a 36" loop line that will serve the 101st and Yale area and will be paid for with the additional revenue from the recently approved penny sales tax. This line is scheduled for completion within the next 24-36 months.

Roy Johnsen stated that availability of utilities, as it relates to zoning, has been debated many times before the Planning Commission and all of the conclusions have been that planned facilities was the criteria, not existing facilities. The policy that the TMAPC and City Commission has adopted is to base zoning decisions on planned facilities, realizing that there are other checks, i.e., subdivision process for sewer and water. Mr. Johnsen reminded the Commission that Mr. Freilich, consultant employed by the City, undertook considerations of the availability of utilities and other public facilities. His studies were rejected because it was felt they represented a no-growth policy which was not what the community sought to achieve. Mr. Johnsen noted that planned facilities is the standard that is being applied in all zoning applications at this time. He urged that the same standards be applied at 101st and Yale as are being applied in the rest of the community.

Mr. Johnsen advised that, at the time of the last application including the three intersections, many of the objections voiced related to the abutting single family residences located adjacent to the proposed commercial parcel on the Lincoln Property tract and also on the Solliday property. At that time, it was difficult to commit to the kind of standards that possibly would have resolved some of the objections, since there were no particular users. Therefore, the PUD's were deleted on those two corners with the understanding that before any extension of commercial areas could occur, PUD's would be submitted and if users were known, some of the development standard issues could be considered.

Two distinctions are noted in regard to the Torchia property: 1) It is in the "sump" area along with other properties located south of 101st Street and Yale Avenue; and 2) it does not have any abutting single family residences. The property in the 101st and Yale area is relatively flat and does not drain to any defined creeks, but drains to low areas -- depressions called "sumps." Because of these peculiar drainage circumstances, this area was identified in the District 26 Plan as Special District 2 and any use on the property other than RS-1 requires a PUD.

In regard to the submitted PUD #245, Mr. Johnsen noted that the Staff Recommendation was very restrictive. The Staff condition requiring 1.19 acres of landscaped open space was an additional requirement which Mr. Johnsen advised he could agree to. However, he did object to the Staff reduction of the maximum floor area from the proposed 109,044 sq. ft. to a total of 98,000 sq. ft. The PUD proposed a building setback of 40' from the east boundary; the Staff recommended a setback of 80'. The applicant felt this additional setback would not be warranted by the physical facts since there were no homes on the adjacent tract and it is being used for a horse operation. The Staff review noted that specific attention would be given to the exterior building materials to be used on the east and south facade, and the building elevations from north and west. Mr. Johnsen pointed out that this was a new standard imposed by the Staff which he took exception to unless it was to be a standard to be applied throughout the community.

The PUD provided two ground signs on each arterial street frontage. The Staff recommended only one ground sign with no provision for monument signs. Mr. Johnsen stated he could agree to one ground sign if monument signs were allowed at the points of ingress and egress.

The applicant disagreed with the wording of the Staff Recommendation: "...That the parking areas be interrupted with landscaped tree islands marking the end of each row of parking." Mr. Johnsen felt that the standard of providing landscaped tree islands at the end of each row of parking was too restrictive and unnecessary. He concurred that part of the design consideration and site plan would be some landscaping in the parking areas.

Mr. Johnsen also took issue with the Staff Recommendation that an additional paving lane be constructed paralleling the area it will serve. He pointed out that this was a new standard and noted that if this was to be accomplished it would mean the loss of the trees along the north boundary of the property. He noted that the trees would be lost eventually when the road is widened, but the trees would serve a good purpose in the early stages of the development of the area.

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

<u>Protestants:</u>	Dewey Jernigan	Address:	9902 South Braden
	Jonathan Cooksey		5220 East 99th Street
	Herb Titus		9914 South Allegheny
	Herbert Zaborsky		9910 South Allegheny
	Mrs. E. D. Hunt		9940 South Yale Ave.
	Frank J. Lindner		10602 South Quebec Place
	Mrs. L. E. Long		9900 South Yale Avenue
	Neal McBride		10516 South Sandusky Ave.
	J. C. Joyce		515 South Main Mall
	Ellen Maguire		4305 East 101st Place
	Gene Payne		10152 South Marion Avenue

Protestant's Comments:

Dewey Jernigan advised that he is President of the Homeowner's Association which borders the Lincoln Property tract and is serving as Chairman of the Coordinating Committee which represents 16 other homeowner's associations and addition. A petition (Exhibit "A-3") bearing 690 signatures of homeowners in the immediate area was presented in protest of the zoning applications. The homeowners felt that the subject applications were totally and unequivocally unacceptable. The 690 homeowners were opposed to the imposition of the commercial project on their established residential community. Mr. Jernigan stated that the homeowners are for sensible and responsible growth and for a quality of life for themselves and their families. They desire a safe place for their children to grow up in and feel the imposition of the commercial project in their community would not provide for the degree of safety which they feel is essential. The homeowners believe in, and are committed to, participatory planning and development of their community and city -- they are involved and have given every indication of greater involvement in the future. The protestant noted that the 690 homeowners have made every effort to take into account the opposition and have tried to resolve the problem in an intelligent, sensible and non-emotional manner. The citizens want to communicate the fact that they believe there is a great difference between a proposal being compatible with planning guidance and in being mandated by it. In behalf of the citizens, Mr. Jernigan stated it was felt they were being taken advantage of and are taking the brunt of a personal vendetta. He advised that the citizens of this residential community cannot continue to be held hostage forever and urged denial of the applications.

Jonathan Cooksey stated that the attorneys, Norman and Johnsen, representing the applicants of the subject tracts, were invited to meet with the homeowners in the hopes of resolving the long standing battle and to minimize the tremendous amount of time that has been consumed by both the residents and the Planning Commission. Mr. Norman and Mr. Johnsen were extremely responsive; however, the citizens determined that the attorney's intent was to clarify their position and were anxious for the homeowners to compromise their position.

In regard to the previous discussion concerning the water problems of the area, Mr. Cooksey pointed out that the water pressure problems in April are not the same problems which are faced in July and August. He also noted that water pressures taken at non-peak times will indicate adequate

pressure whereas those taken on a hot afternoon, when people come home from work, and water, will find that there is not sufficient water pressure for the area. The protestant stated that the area water system had been "bled dry" at times the past summer.

Mr. Cooksey stated that the Steering Committee had pursued in good faith, investigated and explored all possible ways to bridge the gap between the homeowners and the applicants. They found it very difficult to reach an acceptable solution when only one party is willing to undertake meaningful negotiations. Mr. Cooksey advised that he was not ready for a high density commercial development at this corner that will further tax the already inadequate water supply. The protestant also expressed concern for the lives of his children with the additional traffic which would flow through his neighborhood. In conclusion, the protestant questioned if the Commission was prepared to consider the zoning issue at this intersection every six months.

Herb Titus advised that the "bed rock" reason for the requested commercial zoning on the four corners of 101st and Yale was that the major arterial streets on almost every corner in the south part of Tulsa are zoned CS and, therefore, the subject tracts should also be zoned CS. He noted that this argument is based on two faulty premises: 1) That all the intersections of two major arterial streets are the same; and 2) it assumes that every district within the planning area ought to be treated alike. Mr. Titus stated that such nodes at major arterial streets should be open for consideration for CS zoning, but should be reviewed case by case. The homeowners believe that the home at the NW corner, since it does exist, preempts the use of the land on the other three corners. The protestant pointed out that other homeowners and developers rely upon an existing use, such as the one in existence at the NW corner since 1957. If this particular zoning is subject to change by the owner then there is no protection for those who have previously relied on the existing use. Mr. Titus noted that the intersection of 101st and Sheridan was zoned CS prior to the adoption of the District 26 Planning Guidelines and, therefore, should not serve as a precedent for zoning at 101st and Yale. The mistakes of the past should not be repeated, but should be examined carefully and not used as precedence.

At this point, the protestant cited several stated policies of the District 26 Plan:

- 2.1.2 Maintain a predominantly residential district, limiting commercial, multifamily residential and industrial zoning and uses to areas suitable for them in respect to natural and man-made characteristics.
- 2.1.4 Encourage the consideration of development standards that support and enhance low density residential development and provide for the retention of the natural amenities in the District.
- 4.4.1 Encourage the development of diversified, convenient and efficient commercial activities to serve the needs of all the residents of the District in such a manner that will not conflict with the atmosphere of the District. (low intensity residential character of the District)

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

Mr. Titus pointed out that 101st and Yale is the center of three major residential areas and, therefore, the question arises if commercial zoning should be at the center of those areas, or if it would be best to locate the commercial areas on the outlying areas of District 26.

Another concern expressed by the protestant, was that District 26 is to be considered a unique district and in considering CS zoning requests, it must be recognized that the overall Comprehensive Plan calls for a diversity of life styles, a diversified community. If every major arterial street intersection is zoned CS it will not create a diversified community, but instead this will be an homogenized community. Mr. Titus, referring to the "burden of proof," stated that if one states that this is a positive action, is what ought to be done, then there should be evidence that would lead to the particular guidelines in the general objective statement of the District Plan.

Development Objective V states that you should develop areas only to the intensity that will not overload or overcrowd planned public services and facilities. Mr. Titus felt there are several questions remaining concerning the adequacy of the water pressure in this area and the adequacy of the roads.

Referring to the Development Guidelines, Mr. Titus noted it was his understanding that access to commercial nodes is limited to only right turn access within 600' of arterial intersections. According to the Staff Recommendation this would mean that in order to gain access to those commercial service operations, depending upon which direction you approach the intersection, you have to use the road that goes through Leisure Estates in order to gain access to the commercial area. He felt this was a very serious question which should be addressed at this time.

Mr. Titus expressed concern about the drainage in the area and pointed out that the soil in this area is highly erodible and is, therefore, a serious drainage problem.

The Guideline which requires transition or buffer zones between the proposed commercial zoning and the subdistricts which are zoned residential was also of concern to the protestant. Mr. Titus felt the proposed plan was an attempt to comply with this Guideline; however, he expressed two major concerns; if the buffer zones are truly that or just a means by which this particular zoning would be approved and then later some other type of plan as to the use of these properties will be submitted, and the Staff map showing a designated area of OL on the Hunt's property. He noted that if this is a projected rezoning it was contrary to the policy that an applicant is the one who requests rezoning.

Herbert Zaborsky advised that he had recently attended a National Conference where an interesting paper entitled, "The Decade of the Home," was presented. The essence of the paper, delivered by Ralph Tims, Publishing Director of Home and Gardens Magazine, indicated that in the next decade we will be seeing a revolution in electronics which will affect the entertainment in the home, the functionality of the home; thus making the home much more important than it has been in the past. The paper also indicated that there will be increased utilization of the home from the standpoint of leisure time. Mr. Zaborsky pointed out that stress

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

will be increasing in the future and the best place to cope with the strain of everyday living is in the home. Subsequently, particular emphasis must be placed on the environment so that a family can have a home in a neighborhood in which they feel comfortable. The protestant also noted that there has been other indications that cities are leaving an era of quantity and pursuing a future of quality. He stated that, in this instance, there was an established neighborhood. Commercial development at the intersection of 101st and Yale would do nothing for quality, but would do a lot for quantity. There are already developed and proposed facilities within easy reach of the subject area. Mr. Zaborsky suggested that emphasis be placed on maintaining and improving the safety and welfare of the area.

The protestant expressed concern about the heavy traffic in the area and felt that if the rezoning of the subject tract was approved the 99th Street and Canton Street loop would become a thoroughfare and traffic in the area would be frightening. The Jenks School District, responsible for the transportation of school children in the area, has substantiated the existing problem of poor visibility as the students enter 99th Street and exit from Canton onto 101st Street. The increased traffic flow which would be generated by the proposed addition would accentuate the danger faced by the children. A second aspect which would contribute to a significant traffic problem is the drainage situation that exists in this area. Mr. Zaborsky presented pictures (Exhibit "A-4") taken the past summer, which indicate the particular drainage problem in the area of the subject tracts. In addition to the traffic factor, he noted that another area of safety that must be addressed is the fire and police protection. He noted the recent loss of a home in the area due to inadequate water supply and the fact that water feed lines had to be run from some distance.

Mr. Zaborsky pointed out that residential development has occurred in this area because people are looking for a quiet residential neighborhood in which to raise their families. He urged the Commission to vindicate the homeowner's choice of residence by denying the rezoning applications.

Mrs. E. D. Hunt advised that she and her husband reside 330' from the NE corner of 101st and Yale and have protested the proposed commercial and multifamily zoning at this intersection for the past eight years. The protestant stated she was interested in the buffer area which would be between the entire south side of her property and that of the Watson property. She noted that if the requested zoning is approved it would represent unequal protection of the law for her. Mrs. Hunt pointed out that most of her house and all of the side yard is across the street from the proposed rezoning. The protestant stated she would like to continue to have the alternative to live in an area without heavy traffic and without the congestion of apartments and commercial shopping. This is a beautiful and quiet area with all of the homes located on acreages or large lots - Mrs. Hunt felt the homeowners in this area should be shown more consideration in this zoning matter than land speculators.

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

Frank Lindner, representing the Shady Oaks Homeroowner's Association, stated that the organization is against the rezoning of the four corners under the application at 101st and Yale. Mr. Lindner stated that when he moved to Tulsa a few years ago he questioned what would be developed on the vacant lots in his area. At that time he was advised that Tulsa has a fair and equitable zoning process, therefore, he expected his rural residential area to stay that way.

Mrs. L. E. Long stated she has been living in this area for the past 12 years. Mrs. Long and her husband are opposed to the proposed rezoning because they would like to preserve the beauty of the area which has been established with quality homes and large lots or acreages. At this time, a lawsuit has been filed against Oklahoma Natural Gas, the City of Tulsa and Lincoln Properties concerning the nuisance and damage to the Longs' property which was caused by water flow from the retention pond across the street which is not sufficient. Mrs. Long advised that if the additional higher density development is approved at the northeast corner of 101st and Yale, it will mean additional drainage to the existing retention pond which has proved insufficient.

Neil McBride, moving to the Tulsa area four years ago, chose the subject area because of the quiet rural atmosphere. Mr. McBride felt the corner in question presented a unique situation whereby people are entering at the southern boundary of the City of Tulsa. Yale Avenue divides the last bastion for beautiful area in the zone from Memorial south to 121st Street. There are two dead-end streets in the area - at Delaware and at 121st Street. Mr. McBride pointed out that commercial development will create a more detrimental situation in this area where there is a traffic congestion problem due to lack of street access.

In regard to the home in the area which burned recently, Mr. McBride stated that he asked the firemen what the water pressure was at the pump on 111th Street and was advised that it was 100 lbs. psi. The protestant was pleased with the pressure; however, the response time was a factor. He noted that response time is a serious thing, but the area would be faced with that problem whether it was a commercial building or a home at the intersection. Mr. McBride did not take special issue with the water factor in the area since he felt the City of Tulsa will take care of the problems. He spoke for the Reindale and Stonefield Additions in supporting the group in protest of the subject applications and urged denial of the rezoning.

Ellen Maguire, referring to a November 9, 1980 Tulsa Tribune article by Paul Hart concerning Tulsa zoning, read the following quote from Bob Gardner: "This hits on the basis of all zoning laws assuring that the uses of land in a neighborhood are compatible. Putting an apartment project in (the middle of) a stable single family house neighborhood isn't a compatible use in most cases because history shows rental housing tends to lower the value of surrounding property." Rental units have a higher turnover than owner-occupied housing, Mrs. Maguire stated. She noted that knowing they won't be there too long they tend to be less concerned about the upkeep - this causes lower property values. Noting Mr. Gardner's aforementioned statement, the protestant questioned why he recommended all of these projects in the City under the PUD? Mrs. Maguire, a Forest Oak resident, stated she was opposed to these rezoning applications.

James R. Joyce, attorney representing developers Charles Murphy, Sam Hollinger, Terry Davis, Don East and Ted Larkin, members of the Board of Directors of the Homebuilder's Association, advised that the basis for his presentation would be the term, "justifiable reliance." He stated that it would be necessary to cover a few additional points from the Comprehensive Plan to establish, as he has in previous zoning hearings in reference to 101st and Yale, that there is nothing within the Comprehensive Plan that dictates commercial zoning at this intersection. Zoning at the subject intersection can range from CS to RS-1, commercial zoning is only one of the permitted uses for the intersection. There is nothing in the Comprehensive Plan that mandates commercial zoning for any intersection in the City of Tulsa. The general goal of the Development Guidelines for the City of Tulsa is to provide a quality living environment for all residents in a diversified community so that every citizen has available a choice of a variety of lifestyles in a manner that will maintain and improve the quality of the natural and man-made environment. Quoting another objective of the Development Guidelines, Mr. Joyce stated, "...Provide a variety of housing types throughout the metropolitan area ranging from a highly urban to a suburban, or even ex-urban environment." He pointed out that the area in question is the only district that has attempted to maintain the semi-rural atmosphere - everyone in Tulsa has the right to move into this district if they so desire. In regard to the nodes, the Guidelines stated that the development of the nodes should be designed to be compatible with surrounding neighborhoods. The attorney noted that this does not state that the nodes should be designed to be compatible with the entire City of Tulsa, but with the surrounding neighborhoods. He questioned what would be compatible with the proposed commercial zoning in the existing residential neighborhood.

In review of the history of the subject area, Mr. Joyce advised that the original zoning application at the intersection of 101st and Yale was filed on the Lincoln Property tract - a request for AG, RS-3 and CS zoning. This application was denied by the City Commission and then appealed to the District Court. The District Court found that the City Commission was not arbitrary and capricious in denying this zoning application. On the same day that the City Commission denied the application at 101st and Yale, they approved the application at 101st and Sheridan. There were no protests to the application at 101st and Sheridan, but there were numerous protestants to the application at 101st and Yale. Mr. Joyce pointed out that the physical facts were different in the two applications - there was a single family residence on the corner of 101st and Yale, but there was no development at 101st and Sheridan. The single family residence dictated the zoning pattern for 101st and Yale. The attorney pointed to "justifiable reliance," noting that once an action has been established in the District Court (the City Commission's denial of the commercial) and then the District Court of Tulsa upholding the City Commission, it sets forth the position where the people in the area can be justified in relying on what is going on to happen on that corner.

In 1974, an application for CS, RM-1 and RS-3 zoning on the Torchia property, was denied by the City Commission. The Junction application, on the third corner of the intersection of 101st and Yale, was presented in May 1980 and was also denied by the City Commission. More "justifiable reliance," the attorney point out.

Mr. Joyce noted that the Staff has been uniform in its position in every application recommending approval with some modification. The Staff has always said that the existing single family residence does not preclude consideration of commercial zoning, because the existing home was not part of a subdivision. Mr. Joyce stated there are whole subdivisions in District 26 that are zoned AG; AG is the most restricted zoning pattern that you can have. He said the Staff acts like it is not a residential zoning classification; it requires 2 acres minimum lots. The residential house on the northwest corner was in place when my clients bought their property, it was there when all of these neighborhoods were developed, it was there when these people bought their homes in that area; the house is a physical fact. He stated there is a physical fact that was not present when Lincoln Property filed the original application in 1972 - the Brighton Oaks Subdivision. Brighton Oaks Subdivision intrudes into what would be a classic, according to the applicants, node zoning pattern. Referring to the applicant's statement that when this subdivision was developed the corner was precluded from being made into the residential character of the neighborhood, Mr. Joyce pointed out that the existing home is a residence, the applicant's act like it doesn't exist.

Mr. Joyce pointed out that his clients could have sought commercial zoning on their property, but the District Court had ruled and the City Commission had voted three times to deny commercial zoning in the area. The protestant advised that he did not feel the zoning is ever going to be limited to a smaller commercial area - it will either be all commercial or all residential. Reiterating "justifiable reliance," Mr. Joyce pointed out that there are men who have developed property for residences, for apartment complexes and commercial establishments in the City of Tulsa, and they felt justified in relying upon the prior actions of the City of Tulsa and the District Court saying - this is different. The physical facts are such that this intersection is now and will always be, single family residential.

Mr. Joyce said he understood the Staff to say - "a single family residence on the 2.5 acre tract did not constitute development." He took issue with the conclusion that this did not constitute development.

Mr. Joyce stated that 96th and Yale was a corridor, an extension of the Mingo Valley Expressway. He noted that 96th to 101st does not include many blocks and the commercial zoning will be approved on that corridor. Commercial zoning on 96th would be proper, he advised since it would be adjacent to an expressway - the traffic can enter and exit on the expressway; however, he pointed out that with the commercial areas this close you will not get out of one commercial area into another commercial before getting onto the expressway.

Mr. Joyce questioned how the applicant proposed to channel the water from the area into the detention pond. He noted that, however this is accomplished, the additional water will compound the existing problem, the detention pond is not large enough, it will flood and the water will go over the top.

Mr. Joyce advised that through all that has been said by the neighborhood residents and the reasons they moved to the area, one thing is certain - that they moved to the area for a different quality of life style and

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

some of them relied on the existing zoning patterns. He noted that his clients, who are very knowledgeable in the area, relied upon the existing zoning, the District Court action and the three previous denials... "justifiable reliance."

A Mailgram (Exhibit "A-5"), opposing the development of the four corners of 101st Street and Yale Avenue until assurances of providing adequate City services are given to the residents of the area, was received from Robert Webber. Mr. Webber also requested that evening meetings of TMAPC be held to allow the working population an opportunity to attend.

Carl D. Claussen also expressed opposition to the subject applications by way of a Mailgram (Exhibit "A-6"). Mr. Claussen pointed to the lack of adequate water pressure, phone lines, street facilities, etc., to handle the present population load. He opposed the addition of more buildings to an already overloaded facilities system.

Special Discussion for the Record:

Noting that Mr. Norman used the example of 101st and Sheridan, which was zoned in 1975, in the configuration presented for 101st and Yale, Commissioner T. Young questioned if the residential development in the area had occurred prior to the rezoning of the intersection. Mr. Norman stated that the Sun Meadow Addition, which borders east 100th Street, was in place; the development on 101st Place South was not there, and none of the single family developments at the northeast and southeast corners were in place. Mr. Young asked if it would be accurate to state that "most of the residential zoning or development occurred after the heavier intensities at the node and that those persons purchasing those properties may have known of the heavier zoning categories at the time they purchased their property." Mr. Norman stated that could be true of those on the east side of the intersection, he was not sure. However, he advised that those situations were identical to the present one where a zoning application is being considered with residential platting in place. Only two corners, Leisure Estates and Brighton Oaks, about the properties under application.

Commissioner T. Young, referring to the applicant's comments concerning the availability of water in the area of 101st and Yale, noted that water supply was never a question, the supply was adequate; however the ability to supply adequate water pressure was a problem. Mr. Norman stated that the Fire Marshal spoke in terms of both pressure and volume produced at that pressure. The applicant related the findings of the water pressure study completed in May 1980, and noted that a comparison study was probably undertaken in August 1980. He did not have the results of any tests which may have been completed in August; however, he noted that they would most likely be substantially reduced. Commissioner T. Young agreed that the reduced water pressures in the month of August 1980, would encompass the total City due to the drought; however, he questioned if the City would not have a substantial water pressure problem when looked at in a 12-month cycle rather than a test conducted in low use months such as April and May. Mr. Norman stated this would be true, only in a manner that is relative to all other parts of the community. He noted that everyone has acknowledged that none of the problems will be solved until the major 36" water line is completed.

Charles Kimberling, of the Tulsa Water and Sewer Department, was present at the January 1980, consideration of the zoning application at 101st and Yale. Commissioner T. Young noted that, at that meeting, Mr. Kimberling advised that if he had the money in hand that day, it would be a minimum of three years before he would have the pump station and 36" line in place serving the area with the degree of adequacy that would support not only the existing development, but the proposed development. The applicant stated that the first phase of the proposed commercial development would be in place in two years, therefore, a one year greater demand would be placed on the existing system before the improvements were in place. Mr. Young asked the applicant how he would account for the 12-month lag which would be a further detriment to the existing demands. Mr. Norman advised that he did not feel this was an issue and he felt if the protestants attempt to reinject it when they did not do so at the previous hearing it would not be appropriate. Also, he noted that the Guidelines and the Comprehensive Plan are not based upon existing and available public facilities and if there is a desire to change them it should be done through a public hearing process. Mr. Norman stated that this issue was discussed at length in 1974 and 1975; it was decided that the zoning and planning would be considered on the basis of planned and programmed facilities. In regard to the subject applications, the facility is programmed and is now a realistic hope within three years - Mr. Norman pointed out that this is much better than will be found in most zoning applications for any of the other public facilities. He then added, if the TMAPC feels this is critical, the place to stop and control the situation is not at the zoning level, but at the platting or at the issuance of the water meter. If we have a crises and if we cannot protect property and lives and provide safety, Mr. Norman advised that everything should be stopped, not just the commercial, but the houses that use the water as well.

At this point, Commissioner Petty requested a legal opinion concerning the previous discussion. Alan Jackere, Assistant City Attorney, referred to a statement included within the Development Guidelines, "It is intended that in the application of this concept an evaluation of existing conditions, including land uses, existing zoning, and site characteristics, shall be considered." He noted that this consideration could lead to one conclusion - look at the existing characteristics. A second statement in the Guidelines - "develop areas only to the intensity that will not overload or overcrowd planned public services and facilities." Mr. Jackere stated that he felt there has always been a conflict between the two. He recommended that the Commission look at the facilities in place, how they are planned - 5 or 10 years from now, and then, in their own judgement, determine if the proposed development will overload those facilities to such an extent as to make the development, at this point in time, premature and unreasonable.

Referring to Dewey Jernigan's comments, Commissioner Petty questioned what he meant by his statement that the citizens of the area are the subject of a personal vendetta. Mr. Jernigan advised that there are those who have been in this fight for so long that they will not give up and they are going to win regardless of the resident's rights in that area.

Chairman Parmele addressed Mr. Titus' concern of drainage in the area, pointing out that an earth change permit, drainage plan, and on-site detention or fee in lieu of, would all be required prior to any development on the subject tract.

Commissioner C. Young asked Herbert Zaborsky if he would still be in protest of the rezoning if the applicants were seeking RS-2 on all four corners. Mr. Zaborsky stated that water problems and the traffic situation should have delayed any kind of residential zoning in the area until additional services are provided.

In regard to drainage, Commissioner Petty questioned what type of drainage is provided along the streets in the area. Mr. Zaborsky advised that there is a drainage ditch which the City cleaned out two years ago; however, it is now filled with sand. The opening on the culvert, approximately 18", has, presently on 99th Street, a 6" opening at the top. There are storm sewers in the subdivision, but there are none located on Yale Avenue.

In answer to Commissioner Petty's question as to whether the term "justifiable reliance" was coined to support the presentation or if it has a legal history or precedent behind it, Mr. Joyce advised that it does have legal history and legal precedent. However, he noted that the problem with legal history and precedent is that they have very little weight in zoning in the City of Tulsa. He stated that justifiable reliance, in the law, is that a person is justified on relying upon the actions that have been taken when he does a particular act. In this case, the developers of Brighton Oaks, the single family residential owners that abut this property, were justified in relying upon the consistent history of the zoning pattern that goes back to 1972 at this intersection when, either they bought their home or when they developed a subdivision.

Commissioner C. Young advised Mr. Joyce that his argument was very persuasive and the neighborhood is something that everyone, who is not as financially fortunate as he is, would like to see as a goal; however, there were two items brought up which seemed to be crucial issues, with which he disagreed. The first, the compatibility of commercial with residential use. Mr. Young, noting the Utica Square area and Walnut Creek centers, stated that in his opinion these are both compatible shopping areas within very nice residential neighborhoods. Mr. Young felt these two zoning districts can be compatible dependent upon the developer and the type of shopping area. A second item of disagreement for the Commissioner was the fact that the fourth corner is now seeking commercial. He pointed out that the proposed zoning for this fourth corner would be similar to many corners in the City that do not "match-up."

In rebuttal, Mr. Joyce agreed that Utica Square Shopping Center is compatible with the surrounding neighbors; however, when the center was constructed it was across the street from a hospital. The intersection was controlled by a very major hospital. In addition, Cascia Hall was in place and buffered the shopping center, almost exclusively, on one whole side. This is not a compatible situation to the subject applications because there was a surrounding neighborhood in place. At 81st and Harvard the residential subdivision was in place before Walnut Creek was ever zoned. He noted that this was a very hotly contested zoning matter at

the time. The neighbors hate the shopping center and many of them still boycott Walnut Creek. The residential subdivision of Brighton Oaks came in after the commercial zoning was denied.

Chairman Parmele, noting Mr. Joyce's statement concerning the diversity and quality of lifestyle available to all people of Tulsa, stated he felt District 26 is a beautiful area; however, that lifestyle is not available to all people of Tulsa in its present configuration. He cited people living in apartments and the fact that apartments are not available in the area.

Mr. Joyce pointed out that Chairman Parmele was equating District 26 to the intersection of 101st and Yale. He stated that he would be in favor of commercial development at 96th and Yale, which is set forth in the District 26 Plan. The District 26 Planning Team also recommended commercial zoning at the intersection of 121st and Yale; however, the TMAPC Staff advised that since this was a "T" intersection it could not be zoned for commercial use. A later modification of the District 26 Plan does show commercial zoning at the intersection of 121st and Yale.

Charles Norman, noting that the protestant, Mrs. Hunt, had mentioned that a good deal of the area that is to be rezoned was across the street from her home, advised that she was referring to the RD portion of the subject application. He pointed out that her home is 75'-80' north of 101st St., and is well outside of all of the node that would be considered appropriate for medium intensity allocations.

Commenting on the litigation that took place on the Lincoln Property tract in 1975, Mr. Norman stated that District Court upheld the City Commission denial, but did so without making any comments or offering any guide to the applicant as to the reasons for their decision. Lincoln Property accepted the decision and chose to participate, in the following years, in the development of the District 26 Plan and participated actively in the Public Hearings which led to the adoption of the Plan. The District 26 Plan recognizes the intersection of 101st and Yale as being appropriate for medium intensity development, therefore, the Staff has presented consistent recommendations that the application for CS zoning on the corners is in accord with the adopted Plan.

Mr. Norman noted that all of this history took place after the law suit and this has happened before in Tulsa. He stated he could think of two law suits where the City as the defendant won and subsequently the property involved was rezoned; one was at 81st and Harvard. In 1974 a law suit tried against the City seeking commercial zoning at the corner. The City won that law suit. Mr. Norman pointed out that Terry Davis, one of Mr. Joyce's clients, who develops commercial and multifamily property and shopping centers also developed the Forest Creek subdivision that surrounds Walnut Creek shopping center. Mr. Davis testified in that law suit in 1974, that he had no objections to the application for commercial and in his opinion, commercial properties could be developed compatible with his high quality single family subdivision that he was in the process of developing at that time. So Mr. Davis, as a developer and owner of all types of property, is well aware that the principles that are advocated by the Staff and recognized by the Comprehensive Plan can result in compatible development and he is on record as having said that in other areas.

Mr. Norman advised that the owners of the northwest corner of the intersection, Mr. & Mrs. Watson, had hesitated for a long time to become involved in this application and the controversies; however, they began to realize that their hopes of commercial rezoning and their expectations were being jeopardized and damaged by not participating and the constant references to the fourth corner and the control of the decision by the existence of their home.

The applicant pointed out that the comments of the neighborhood residents reflect the ambivalence of the situation at the intersection of 101st and Yale. The residents stated they did not want apartments, commercial development, rental property, multifamily development, traffic or noise, but they do want all of the services that are necessary for urban development. The map shows the lots that have been platted, lots proposed for development and a very typical southeast and south Tulsa urban development pattern, not a rural area. Mr. Norman noted that the residents of the District 26 area are now concerned with the availability of water, sewer, storm sewers, police and fire protection, more fire stations and all of the services and amenities of an urban life style; however, they do not want the other things that are a part of that life style and recognized in the Comprehensive Plan. In review of the protestant's comments, Mr. Norman pointed out that not one of them had offered an alternative use for the subject properties. They just did not want what is requested and what has been approved at all of the other intersections in this community except this one, that have been before the Planning Commission and City Commission since the adoption of the Development Guidelines. The TMAPC will have to make a decision on these rezoning requests on the same basis that other decisions were made in the 25-35 major street intersections which have been rezoned in the past 5 1/2 years since the Development Guidelines were adopted.

Mr. Norman noted that not one person had a critical planning comment about the Torchia property because it is 5 acres of zoning surrounded by RM-0, adjacent to a Public Service substation site, provides its own single family residential buffer area and is adjacent to a horse farm whose owner does not object.

In regard to the comments concerning the 75' OL lot on the Watson property, Mr. Norman advised that 75' is the minimum width required for platting an OL lot under the Tulsa Zoning Code.

The requested zoning pattern for the Lincoln Property tract has not drawn any objection from the planning standpoint as to the configuration of four acres of zoning surrounded by RD. Mr. Norman stated that this is a more restrictive application of the Guidelines than usually proposed.

Mr. Norman advised that he relied upon the Development Guidelines, District 26 Plan, and the practice of this community of recognizing and rezoning the intersections of the major streets for medium intensity uses, for the primary justification of the application.

Relating to Mr. Joyce's term "justifiable reliance," Mr. Norman advised that this is not, in this situation, a legal doctrine applicable to zoning and planning since all of us must rely upon the fact that the zoning classification of any property can be changed by our legislative body

upon the giving of proper notice and holding of public hearings. The applicant questioned if it would be accurate to say that the owners of the four corners of the intersection at 101st and Yale could justifiably rely upon the zoning practices of this community to approve a reasonable request for rezoning for commercial purposes at this intersection. If not, what could they rely on? Mr. Norman stated he supported the system of planning and zoning as long as it is consistently, fairly and uniformly applied. He noted that this is what his clients, the owners of the four corners of the intersection at 101st and Yale, are looking for - uniform and fair treatment. Mr. Norman requested the Commission approve the Staff Recommendation, with the suggested modifications, to uphold the justifiable reliance of his clients upon past zoning history.

Commissioner C. Young questioned where the drainage from the northeast corner will go. Mr. Norman advised that plans for the detention area were approved by the City Engineering Office. These plans included either easements between the lots or the use of the street or storm sewer system that is in place, to carry the water from the 10 acres to the detention facility. Mr. Young also asked if any of the clients plan any traffic improvements at the intersection. He was advised that Lincoln Property does not have any plans, at this time, for development of their tract, so they do not have any plans to make improvements to the street. In regard to the 75' strip of OL zoning, the applicant advised that a small professional office building could be constructed on that tract.

Commissioner Petty noted that this a very difficult zoning decision to make. He pointed out that maybe the subject properties were left vacant in anticipation of future commercial development. As to the term "justifiable reliance," Mr. Petty stated that property can be rezoned, sold, rented, destroyed by acts of God and nature and everyone is aware of this when they purchase a piece of property. The Commissioner advised that he has always believed in the sacred document - the deed to a title of property. He stated that he always has trouble with these cases because he tends to sympathize with people who own property. Mr. Petty believes that a person has an unalienable right to do what he/she wishes with a piece of property. Commissioner Petty advised that he, personally, would not like to see commercial zoning at this intersection; however, as a Planning Commissioner, with the criteria available and as a person that respects the rights of a property owner to develop his property, he would have to support the zoning change.

Commissioner T. Young noted that there are two objectives of the Development Guidelines which should be kept in mind: "It is intended that in the application of this concept an evaluation of existing conditions, including land uses, existing zoning, and site characteristics, shall be considered;" and "Develop areas only to the intensity that will not overload or overcrowd planned public services and facilities."

In regard to water, Mr. Young pointed out that the Case Report for each of the subject applications, states that "water service is available; however, it may be limited." Mr. Kimberling, Tulsa Water Department, stated in the hearing January 1980, that from the date the money was available it would take a period of three years to have the necessary pump and 36" line into the area to provide adequate water service and pressure for the existing development. Commissioner T. Young stated he

did not feel there was 12-month assurance of pressure capabilities for adequate fire fighting in the area. The interim water line construction in the area may ease certain problems presently, but the City of Faith will place an additional demand on water services in the area. This must be seriously considered.

Commissioner T. Young stated that another separate issue, aside from water itself, is fire protection overall. The Metropolitan Fire Plan, approved by the TMAPC, recommended that there be a new fire station built in the general vicinity of 91st and Yale. The public streets are not now in a state of adequacy to meet the increased demand that would accompany commercial development. Sewer systems are not in place - there is septic tank use in the area, but there may be a limit to the saturation point. Drainage is a serious consideration and the increased problems of law enforcement, as this sort of development occurs, must be addressed.

Commissioner T. Young felt the needs of the residents in this area are met in regard to the commercial opportunities. The health, welfare and safety element has to be considered in the needs of the residents of any particular area. Many times we think of physical safety; however, Mr. Young brought up the element of mental health. He noted that the psychological impact of radical changes in one's quality of life is something that is not a tangible subject many times and he felt that the impact of this area should be taken into consideration.

In regard to "justifiable reliance," Mr. Young questioned, "upon what did the people come to rely and when did they come to rely upon it." He felt that the people of this particular area have come to rely upon the physical facts and that this is the preemption that is mentioned in the Development Guidelines. Not only by the physical fact, but perhaps the strongest preemption is by implication. Relating this consideration to contract law, Mr. Young noted that the Commission does have a contract with the citizens in performing the functions of government and there are implied provisions in contracts, there is consideration of the actions of the parties. One party has come to rely upon certain actions - those actions are the approval of the residential developments which exist and they have come to rely upon the verification of certain beliefs, with regard to development, by the denial of commercial applications at this corner. He stated that it seemed the actions of the parties, those who live in the residential areas, and the actions of the City Commission in affirming that fact on several different occasions, constitute actions of the parties and at least is implied, if not in fact, a substantiation of the residential character of this area. Commissioner T. Young advised that there are more factors involved in this decision than water, which he felt was the main portion of the consideration in the January 1980 application, but his opposition to the application included the variety of others stated today.

Commissioner T. Young made a motion to deny the applications, but the motion did not receive a second.

Chairman Parmele, speaking in favor of the applications, advised that one goal of the commercial area of the District 26 Plan is to encourage the development of diversified, convenient and efficient commercial activities to serve the needs of all the residents of the district. A

Z-5452, Z-5453, Z-5454 & Z-5455 (continued)

general goal of the Development Guidelines is to provide a quality living environment (housing, working, shopping and leisure) for all residents in a community, so that every citizen has available a choice. Mr. Parmele pointed out that this is not limited to a few citizens, but so every citizen has that choice available to them. The Chairman questioned, if the Commission considered the existing facilities in an area, what would be the stopping point. Where would Tulsa be today if we had considered those things; i.e., lack of water, streets, sewer, schools, churches, fire stations, police protection, as stopping points in the past? Another objective of the Development Guidelines noted by Chairman Parmele was that "each District should be multifunctional in nature and contain a strong residential base and a wide range of services, uses and facilities." "A wide range of life styles and housing types, close to employment, recreation, education and shopping should be maintained in each district." Chairman Parmele's primary question was if the applications for the zoning would be detrimental to the health, safety, morals and welfare of the general public and it was his opinion that these applications were not and he was in favor of the rezoning.

Commissioner C. Young noted that just as we are not able to choose the family we are born into, we are also not able to choose who owns property adjacent to us. If these four corners had been owned by someone who wanted to develop the corners residential it would have been developed. He pointed to 41st and Lewis and 31st and Lewis noting that those parties wanted to develop their land residential. Most of the owners of the subject tracts have owned their property for years and feel they should be entitled to rely on the Development Guidelines and have commercial development. Mr. Young stated that he felt the subdivisions on the northeast, northwest and southwest have been stubbed on reliance that the intersection would eventually be commercial development. In regard to the drainage in the area, the Commissioner advised that he would rely on the City Engineer for a solution to the problem. Commissioner Young stated he would support the application.

In regard to the surrounding subdivisions mentioned by Carl Young, Commissioner Keleher stated that the developers and those who purchased lots in those subdivisions must have realized that this is "not an unusual corner" that would be residential. Mr. Keleher then made a motion for approval of the Staff Recommendation of Z-5452.

Commissioner C. Young advised that the configuration of the subdivisions was one of many reasons that he was in support of the application. Mr. Young stated that he was troubled by the small amount of OL zoning on the northwest corner of the intersection and he would vote against approval of Z-5454 for that reason.

On MOTION of C. Young, the Planning Commission voted 3-4-0 (Holliday, C. Young, T. Young "aye"; Keleher, Kempe, Parmele, Petty "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to deny Z-5454. The motion failed.

Chairman Parmele felt that the same basic arguments apply to the northwest corner as well as the other three corners. Therefore, he voted against the motion for denial.

Z-5452, Z-5453, Z-5454, & Z-5455 (continued)

Commissioner Keleher made a motion for approval of the Staff Recommendation of Z-5454 noting that he thought the OL zoning was needed because the tract to the north may never be obtained as a buffer.

TMAPC Actions: 7 members present.

Z-5452

On MOTION of KELEHER, the Planning Commission voted 6-1-0 (Holliday, Keleher, Kempe, Parmele, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned CS (467' x 467') and RM-0 on the balance:

The NW/4 of the NW/4 of the NW/4 of Section 27, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Z-5453

On MOTION C. YOUNG, the Planning Commission voted 6-1-0 (Holliday, Keleher, Kempe, Parmele, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned CS of 4.03 acres, .97 acres of OL and the balance of the property RD:

The SW/4 of the SW/4 of the SW/4 of Section 22, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Z-5454

On MOTION of KELEHER, the Planning Commission voted 5-2-0 (Holliday, Keleher, Kempe, Parmele, Petty "aye"; C. Young, T. Young "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned CS (1.49 acres) except the north and west 75 feet for OL zoning:

The SE/4 of the SE/4 of the SE/4 of the SE/4 of Section 21, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Z-5455

On MOTION of C. YOUNG, the Planning Commission voted 6-1-0 (Holliday, Keleher, Kempe, Parmele, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned 3.53 acres of CS, 5.67 acres of RM-0, 2.2 acres of RD and the balance RS-2:

The E/2 of the NE/4 of the NE/4 of Section 28, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

PUD #245

On MOTION of KELEHER, the Planning Commission voted 6-1-0 (Holliday, Keleher, Kempe, Parmele, C. Young, T. Young "aye"; Petty "nay"; no "abstentions"; Avey, Eller, Gardner, Inhofe "absent") to continue PUD #245 to January 7, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5478 Present Zoning: RS-3
Applicant: Lucile B. Geiger Proposed Zoning: CS
Location: West of the SW corner of 36th Street North and Peoria Avenue.

Date of Application: October 29, 1980
Date of Hearing: December 10, 1980
Size of Tract: 6.8 acres

Presentation to TMAPC by: Lucile B. Geiger
Address: 3238 South Delaware Place Phone: 742-4202

Applicant's Comments:

Lucile B. Geiger advised that a doctor, who presently maintains an office in the mall of the Northland Shopping Center, would like to purchase two acres of the subject tract and construct his own pediatric clinic. Mrs. Geiger noted that his proposed building would be very attractive and would enhance the area.

Protestants: Australia Hopson Address: 3319 North Madson Place
Bernice Brown 3359 North Lansing Place
Eva May Sanders 3315 North Lansing Place

Protestant's Comments:

Australia Hopson stated she did not understand what the applicant proposed to do with the subject tract. She questioned if the requested change in zoning would include a portion of the area behind Hawthorne Elementary School and the park area.

The Staff advised that there had been a typographical error in the legal description submitted by the applicant. The recommendation from the Staff would not affect any portion of the park.

Bernice Brown advised she did not understand the application. She questioned if her property would be involved in any way. The Chairman advised her that the rezoning request involved only the property owned by the applicant, Mrs. Geiger.

Eva May Sanders stated that her concerns were the same as those voiced by Ms. Hopson and Ms. Brown.

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 and Low Intensity -- Public (Hawthorne Park).

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map within the Special District 1, and is not in accordance with the Plan Map in the Low Intensity area.

Staff Recommendation:

The Staff recommends APPROVAL of CS on the north approximate 589 feet and DENIAL of the balance for the following reasons:

Z-5478 (continued)

The subject property is located on the south side of 36th Street North, west of Peoria Avenue. The property is vacant, zoned RS-3 and the applicant is requesting CS commercial shopping center zoning.

The portion of the subject property within the Special District is appropriate for commercial zoning. The south portion extends into Hawthorne Park, and probably represents an error in the applicant's legal description. Commercial zoning on 36th Street North is well established with CS and CH zoning north, east and west of the subject property. The Plan Text specified that CS zoning was considered appropriate within the Special District 1.

Therefore, the Staff recommends APPROVAL of CS on the north approximate 589 feet and DENIAL of the balance.

Special Discussion for the Record:

Commissioner T. Young questioned what traffic problems could arise, due to the proximity to the railroad tracks, in the event of construction of a small shopping center on the subject tract.

Wayne Alberty advised that the access point to the property could be controlled during the platting process. The access would be subject to review by the Traffic Engineering Department.

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 7-0-1 (Avey, Holliday, Keleher, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; Kempe "abstaining"; Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be rezoned CS on the north 589 feet and denial of the balance:

A tract of land in the NE/4 of the NE/4 of Section 24, Township 20 North, Range 12 East, described as follows: Beginning at a point on the North line of said Section, said point being 829.52' West of the NE corner thereof; thence South along a straight line a distance of 889.2' to a point, said point being 829.52' West of the East line of said Section 24; thence West along a straight line a distance of 365.2' to a point of the Easterly right-of-way of the Midland Valley Railroad, said point being 589.5' South of the North line of said Section; thence in a Northeasterly direction along said right-of-way to a point on the North line of said Section, said point being 1,133.25' West of the Northeast corner thereof; thence East along the North line of said Section a distance of 303.73' to a point, same being the place of beginning, containing 5 acres, more or less.

Application No. Z-5479
Applicant: Joe Duca (Carroll Letney)
Location: 8400 Block of East 74th Place South

Present Zoning: OL & RD
Proposed Zoning: RM-T

Date of Application: October 30, 1980
Date of Hearing: December 10, 1980
Size of Tract: 4.5 acres

Presentation to TMAPC by: Frank Moskowitz
Address: 3530 East 31st Street

Phone: 743-7781

Applicant's Comments:

Frank Moskowitz advised that the applicant has agreed with the City and the T.A.C. has approved a street, through the proposed townhouse development and the commercial area on the west, to Memorial Drive. The applicant will dedicate 50 feet and construct a City street.

Protestants: None.

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 RM-T District may be found in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of the requested RM-T zoning for the following reasons:

The subject property is located east of Memorial Drive at 74th Place. The property is zoned a combination of OL Low Intensity Office and RD Residential Duplex. The applicant is requesting RM-T Residential Townhouse zoning.

The Staff believes the appropriate land use on the subject tract is residential. We were not in support of the original application for OL, that was subsequently approved for CS (on the front portion). The RM-T District permits single-family attached housing and is considered compatible with single-family detached residences where the increased residential densities can be justified. The subject property abuts commercial zoning on the west and office zoning on the north and is a location that merits consideration for higher residential densities, providing compatibility can be maintained with the adjacent single-family residences. The Staff considers RM-T appropriate on the subject tract and, therefore, recommends APPROVAL.

Special Discussion for the Record:

T. Young questioned if the Staff had given consideration to the tract of land which will be landlocked due to this rezoning request. He also asked if there would be a need for consideration of a street which would stub into a cul-de-sac on the subject tract.

Mr. Moskowitz stated that it would be detrimental to the applicant in terms of density and the layout of the buildings. He felt that since the landlocked tract has an entrance to Memorial Drive, the owner should be responsible for installing his own cul-de-sac. 12.10.80:1338(38)

Z-5479 (continued)

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Avey, Holliday, Keleher, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-T:

The East 593.86' of the N/2 of the N/2 of the SW/4 of the NW/4 of Section 12, Township 18 North, Range 13 East in the City and County of Tulsa, Oklahoma, containing 4.5 acres more or less.

Application No. CZ-4 Present Zoning: RS-3 and RD
Applicant: Anthony Laizure (Today's Homes) Proposed Zoning: RMH
Location: Between 63rd Street North to 61st Court North at Wheeling & Xanthus

Date of Application: October 31, 1980
Date of Hearing: December 10, 1980
Size of Tract: 7 acres, plus or minus

Presentation to TMAPC by: Don Thomason
Address: 8104 East Admiral Place Phone: 836-3375

Applicant's Comments:

Don Thomason, Today's Homes, advised that development on the subject tract was started in 1972. Prefab homes were constructed on the lots to the south of the subject tract, which have the complete appearance of a stick-built home. These homes have slab floors, brick exteriors and composition roofs. The developer died and the company went into receivership; the property has been owned by Pacesetter Corporation since 1973. Mr. Thomason stated he felt the area could be a very respectable mobile home park development with the proper restrictions of the land use. He advised that he does not intend to alter in any way, the existing covenants of the land, and would plan to add some deed restrictions that would lend themselves to manufactured homes or mobile homes to assure that the homeowners would operate in a uniform method to keep the appearance of the development as it is. Mr. Thomason stated that he owns 98 of the existing 150 lots and it was to his best interest that the area was not deteriorated.

Mr. Thomason stated that the major problem in the area is the existing RMH area to the east of the subject tract. He noted that the mobile home rental park was atrocious and most of the mobile homes located there are old, junky mobile homes and travel trailers, the property of an absentee owner.

The proposed addition will include double-wide mobile homes which are owner occupied. These mobile homes will be placed on permanent foundations and a 6-foot screening fence will be erected on the subject tract.

Mr. Thomason presented pictures (Exhibit "B-1") of the surrounding area. The applicant advised that the smallest of the available lots would be 60' x 120' with only one mobile home to be located on each lot. Each lot, including driveway and pad installed, will be offered for \$7,500 - \$10,000. The sale price of the mobile homes will be approximately \$22,940 (monthly payments of \$322). A monthly payment of approximately \$400 would cover the cost of the lot and the mobile homes. He noted that there is a great demand for mobile home money at this time and it is much easier to qualify for a home loan, in regard to credit criteria, than it is for a mobile home loan.

<u>Protestants:</u> Debbie Brown	Address: 2032 E. 61st Place North
Robert A. Peterson	1928 E. 61st Place North
Jeff Hall	1909 E. 61st Place North
Eugene White	2038 E. 61st Place North
Mrs. Robert A. Peterson	1928 E. 61st Place North
Ernest Dean	2044 E. 61st Place North

Protestant's Comments:

Debbie Brown pointed out that there is only one entrance into the existing housing development and the applicant would have to go to the back of the lot and through the existing mobile home park. Two existing entrance points have been barricaded to cut the high volume of traffic cutting thru the area.

CZ-4 (continued)

Ms. Brown stated that the entrances had been barricaded, due to the efforts of Commissioner Lewis Harris and a large expenditure of County funds, following numerous complaints of heavy traffic and erratic driving in the area.

Ms. Brown advised that her house was built in 1975; the outside weight bearing walls were assembled at a manufacturing plant and the balance of the house was stick-built on the site. The 1,100 - 1,200 sq. ft. houses in the area include full brick construction, shingle roofs and single car garages and have received recent appraisals of upwards to \$37,500. The protestant stated that it has taken five years of hard struggle to upgrade the neighborhood and instill a pride in ownership. She expressed concern that approval of the requested zoning for a mobile home addition would be detrimental to the area. Ms. Brown pointed out that the Farmers Home Administration had provided the funds for homes in the addition and further development had ceased when the FHMA ran out of money.

Robert A. Peterson advised that he lives on the second lot west of the entrance to the subject tract. He stated there were no facilities or roadways to move large objects into the area. Mr. Peterson also noted that there is not adequate police or fire protection in the area.

Jeff Hall presented two protest petitions (Exhibit "B-2") and Exhibit "B-3") which were signed by 92 homeowners in the immediate area. Mr. Hall advised that he had moved into the area feeling he would be protected by the existing zoning. He expressed concern that if the mobile home venture was not successful the existing neighborhood would be stuck with a very depressed area adjacent to their homes.

Eugene White expressed concern with the proposed use of the subject tract, noting that there are no guarantees that the mobile homes will not deteriorate into the same condition as the existing mobile homes to the east. He further questioned what would keep the new mobile homes from becoming just an addition onto the existing mobile home park. He noted that these mobile homes would have a direct impact upon the value of the existing homes.

Mrs. Robert A. Peterson advised that the homeowners in the area want nice homes and to develop a pride in ownership in their neighborhoods. The protestant stated that the area had enough problems as it is and was very much opposed to the rezoning application which would allow a mobile home park.

Ernest Dean stated that his neighborhood was nice. He voiced opposition to the proposed development saying he had never known a mobile home park to "hold up."

Instruments Submitted: Pictures of the surrounding area (Exhibit "B-1")
Protest Petition, 59 signatures (Exhibit "B-2")
Protest Petition, 33 signatures (Exhibit "B-3")

CZ-4 (continued)

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use, Development Sensitive; and Low Intensity -- Residential.

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

Staff Recommendation:

The Staff recommends APPROVAL of RMH, except on the south tier of lots zoned RS-3, for the following reasons:

The subject property is located west of Lewis Avenue, between 61st Court North and 63rd Street North. The properties are zoned either RS-3 or RD and are vacant, but have been subdivided into lots. The applicant is requesting RMH Residential Mobile Home zoning to permit the development of a mobile home park.

The subject property was zoned and platted for residential development. The streets and utilities were constructed, but development has not occurred on any of the lots under application. The tract abutting the subject property to the south was zoned and platted at the same time and single-family development has occurred on these lots. Also, a mobile home park abuts the subject tract to the east. The area represents a mixture of residential and industrial uses. The industrial park on the south side of 61st Street North is an interior development that is surrounded by residential uses.

Based upon the established character of the area, and the existing mobile home park, the Staff considers mobile home zoning on the majority of the subject tract appropriate. However, the south tier of lots that would front existing single-family residences should remain RS-3. This would permit the change from mobile homes to the existing single-family site built homes to occur at the rear property line rather than the street. Thereby, not fronting mobile homes into existing single-family residences.

Therefore, the Staff recommends APPROVAL of RMH, except on the south tier of platted lots, within the RS-3 area, to remain RS-3.

Special Discussion for the Record:

Commissioner T. Young asked Ms. Brown if, as a young homeowner herself, she would take the position of depriving someone in the same situation, of being able to talk about the pride of ownership of a piece of ground upon which a dwelling unit could exist, in a range of \$40,000 or below. He noted that by denying this zoning it would deprive an individual of getting out of an apartment and owning their own residence.

In answer to Commissioner Young's question, Debbie Brown stated that you can still purchase a very substantial home in North Tulsa for \$25,000 and there are hundreds of these houses for sale. She questioned why someone would want to move to North Tulsa, and spend \$40,000 for just a mobile home when they could have a house for \$25,000.

CZ-4 (continued)

Commissioner Petty questioned what would be the future status of the access points to the subject tract in the event that the rezoning is approved.

Mr. Alberty advised that these are dedicated streets into the tract which the public has a right to use. He noted that, for all practical purposes the north entrance was open, only the south entrance is barricaded.

Bob Gardner stated he felt one reason for the area being barricaded was that it has been used as a dumping ground in the past.

Mr. Thomason felt the accessibility to the subject tract was misrepresented by the protestants. He stated that the street from Lewis Avenue comes through the mobile home park and enters the proposed addition from the back. He advised that there would be no need to wind through the residentially developed area when the street from Lewis Avenue is a straight entryway into the mobile home area.

The applicant, Mr. Thomason, stated that there will be one mobile home on a lot. He advised that he never intends to increase the density on the subject property.

Commissioner T. Young asked the applicant if he would consider amending his plat to close Wheeling and Xanthus Avenues, create cul-de-sacs to segregate the entire mobile home development from the residential neighborhood, and provide one point of access at 63rd Street North with a crash gate, on Xanthus, for fire purposes.

Mr. Thomason stated he would amend his plat if the zoning was approved. Terry Young advised that the plat would need to be amended and the matter would then need to be coordinated with Commissioner Harris and the District One Highway Department.

In answer to questions of Commissioner Keleher, the applicant stated that he proposed to place the mobile home on the lot, connect the utilities and install the driveway. The mobile homes will not be installed on permanent foundations, but proper skirting of the homes will be required.

Commissioner C. Young suggested the application be continued to allow time for the applicant to pursue these suggestions. Mr. C. Young made a motion to continue which did not receive a second.

Commissioner Keleher stated he would oppose the requested RMH zoning because he felt the existing zoning would be workable and since the area could be developed with permanent foundations and contain manufactured housing as opposed to mobile homes.

Commissioner T. Young advised that he would support the rezoning application with the understanding that the applicant is going to make the suggested changes to the plat.

Commissioner Petty also felt the area could be developed for manufactured housing; however, he expressed concern that this would be economically feasible.

CZ-4 (continued)

TMAPC Action: 8 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-2-0 (Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; Avey, Keleher, "nay"; no "abstentions"; Eller, Gardner, Inhofe "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RMH, except on the south tier of platted lots, (Lots 15-18, Block 1, Lot 25, Block 1, Lot 15, Block 3, Lots 11-21, Block 5) to remain RS-3 and RD:

Lots 1 to 18, and Lots 25-41, Block 1; and Lots 15 to 41, Block 3; and Lots 1 to 15, Block 4; and Lots 1 to 21, Block 5; Scottsdale Addition, County of Tulsa, according to the recorded plat thereof.

There being no further business, the Chair adjourned the meeting at 9:00 p.m.

Date Approved _____

Jan 28, 1981

Ralph Kempf

Chairman

ATTEST:

Cherry A. Kempf

Secretary

