

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1347
 Wednesday, February 25, 1981, 1:30 p.m.
 Langenheim Auditorium, City Hall, Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---------------------------------|----------------|---------------|-----------------------------|
| Avey | Freeman | Alberty | Linker, Legal Department |
| Eller | Gardner | Gardner | |
| Holliday, Secretary | Inhofe | Howell | |
| Kempe, 2nd Vice Chairman | C. Young | | |
| Parmele, First Vice Chairman | | | |
| Petty | | | |
| T. Young | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, February 24, 1981, at 12:58 p.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "absetn-tions"; Freeman, Gardner, Inhofe, C. Young "absent") to approve the Minutes of February 11, 1981 (No. 1345).

REPORTS:

Comprehensive Plan Committee:

Commissioner Petty, Chairman of the Comprehensive Plan Steering Committee, advised that he had met with the Staff concerning the proposed change in designation of the townhouse zoning from RM-T to RS-T or RTH. The Committee had previously suggested the change to avoid confusion in the townhouse district particularly when property was being advertised for the zoning change. Many interested parties who were reading the signs, were of the opinion that multifamily zoning was being proposed. Commissioner Petty was advised by the Staff that this amendment to the Zoning Code to change the designation would be a very involved and expensive process including changes to 13 pages or more of the Code. The cost to the City of Tulsa for advertising the new Zoning Code was \$18,000 plus the present costs. One alternative solution to the problem, which was discussed at the Committee meeting, was to eliminate the word "multiple" from the advertising sign. Commissioner Petty advised that he felt this would be the best solution at the present time.

Commissioner Petty also discussed with Mr. Gardner, the possibility for a new use unit to include all types of adult oriented businesses as requested some time ago by Commissioner Young. Once again, the time-consuming process and expenses involved would be factors in considering a change at this time to the Code. Mr. Gardner stated that he felt the lack of sufficient off-street parking was the principal problem for most adult businesses. The Code could be amended to require more off-street parking spaces for adult entertainment businesses.

Comprehensive Plan Committee (continued)

After talking with the Staff concerning the proposed changes, Commissioner Petty was of the opinion that it would be best to wait until the Zoning Code is revised, in five years, to consider these changes.

Addressing the parking requirements for the adult entertainment businesses, Mr. Gardner advised that there was a concern over the lack of sufficient parking for bars, taverns and similar places which are unique because they draw large crowds. In many of the commercial strip areas; i.e., 11th and 15th Streets and Admiral Avenue, there is a great deal of CH zoning, which does not have any off-street parking requirements. The customers park on the neighborhood streets. He pointed out that this problem could be handled by amending the parking standards of Use Units 19 and 20 of the Zoning Code. Since most of the adult businesses would not be able to meet the parking requirements, it would be necessary to allow a reasonable time to relocate or grandfather them in. All of the CH zoned property in the downtown area would need to be excluded from any new requirement since, by design, there would not be any off-street parking for businesses downtown (other than parking garages).

Commissioner T. Young stated he felt the members were missing the point on the adult entertainment issue. When the amendment for sexually oriented businesses was addressed, there were some members of the Planning Commission who were not in support of the proposed change in the Zoning Ordinance because the proposed amendment was directed at a particular type of business rather than a category which included a variety of like-businesses. He noted that there was some very good testimony from attorneys representing adult entertainment businesses and the City Attorney's office at the hearing for the amendment. The attorneys pointed out that it would be discriminatory to legislate in that fashion and if the amendment was adopted it would open the door to law suits on that particular element of the Ordinance. Commissioner T. Young advised that it was his particular concern that adoption of the amendment would be an action which the Commission would end up regretting. He stated that it was due to that recognition and discussions with Commissioner Ron Young that led to the compromise of adopting the Amendment as presented and directing the Staff to draft an amendment to the Zoning Code which would not be discriminatory, but comprehensive, in dealing with all adult entertainment-type businesses.

Commissioner T. Young pointed out that action was taken on the amendment well in advance of the printing of the Zoning Code and since a comprehensive amendment was not accomplished there has been an error of omission. The question is, should we let the cost of publishing an amendment prevent us from doing what we as a commission told the public we would do. He noted that the grouping of a number of adult businesses in one location and the resulting undesirable pedestrian traffic was as much an issue as parking and felt it would be necessary to address the issue more comprehensively than just parking, although that would be a step in the right direction.

On MOTION of PETTY, the Planning Commission voted 6-1-0 (Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; Avey "nay"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to instruct the Staff to call a public hearing to amend the Zoning Code to provide for adequate off-street parking for bars and other adult entertainment businesses.

ZONING PUBLIC HEARING:

Application No. Z-5494 Present Zoning: RD
Applicant: C. H. Lindsey Proposed Zoning: RM-T
Location: South and East of the SE corner of 71st Street and Memorial Drive

Date of Application: January 7, 1981
Date of Hearing: February 25, 1981
Size of Tract: 2.5 acres

Presentation to TMAPC by: C. H. Lindsey
Address: 4305 South Lewis Avenue Phone: 747-4475

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.

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

The subject property is located east of Memorial Drive, north of 76th St. The property is vacant, zoned RD duplex and the applicant is requesting RM-T to permit townhouse development.

The subject property was zoned RD duplex in an effort to provide a residential buffer development between the low density single-family development to the east and the office development to the west. The RM-T District was recently approved on the property to the north. The Townhouse District provides a compatible use adjacent to single-family detached dwellings, and was envisioned to be used in locations such as the subject tract.

Therefore, the Staff recommends APPROVAL of the requested RM-T zoning.

Applicant's Comments:

C. H. Lindsey advised that he plans to purchase property to the north of the subject tract to provide an access to his property from 74th Place.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned RM-T:

The SE/4, NE/4, SW/4, NW/4 of Section 12, Township 18 North, Range 13 East, Tulsa, Oklahoma.

Application No. Z-5495 Present Zoning: RS-3
Applicant: Gregory G. Dixon Proposed Zoning: IL
Location: North of the NE corner of Queen Street and Peoria Avenue

Date of Application: January 12, 1981
Date of Hearing: February 25, 1981
Size of Tract: 50' x 133'

Presentation to TMAPC by: Gregory G. Dixon Phone: 834-2474
Address: 15 North Harvard Avenue

Relationship to the Comprehensive Plan:

The District 2 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 IL District is not in accordance with the Plan Map.

The Staff recommends DENIAL of the requested IL zoning, for the following reasons:

The subject property is located on the east side of Utica Avenue, north of Pine Street. The property is developed residential, zoned RS-3 and the applicant is requesting IL zoning to accommodate a landscape business.

The subject property together with the other properties on the east side of Utica Avenue, north of Pine Street, were not recognized for industrial zoning by the Plan although across from IM zoning. Zoning on the subject property, industrial, would also isolate a residential property to the north, which is one of the better maintained residential properties in the area. The Staff would not favor a lot-by-lot conversion of these properties due to the adverse affect it will have on those properties trying to maintain residential status.

For these reasons, the Staff recommends DENIAL of the requested IL zoning.

Applicant's Comments:

Gregory Dixon advised that the lots to the north of the subject tract are being used for commercial purposes. Mr. Dixon noted that the only residences in the area were his, the lady to the north and four other houses. He stated he was in the process of purchasing two of those houses. Mr. Dixon advised that he plans to remove the existing structures on the subject tract and use the property for storage of nursery materials. The landscaped business will be conducted from the office location at 15th Street and North Harvard Avenue; the subject tract will serve as the warehouse area for the nursery materials.

Protestants: None.

Special Discussion for the Record:

Commissioner Petty questioned if IL zoning would be necessary for this type of use.

The Staff advised that, although across from IM zoning, the subject tract and other properties on the east side of Utica Avenue, north of Pine St.,

Z-5495 (continued)

are not recognized for industrial zoning by the Plan. However, the Staff noted that if the zoning is going to be change, the IL designation would be the most appropriate, and would be required for the proposed use.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lot 16, Block 1, Elm Motte Addition to the City of Tulsa, Oklahoma.

Application No. Z-5496 Present Zoning: RS-2
Applicant: Patricia A. Barley Proposed Zoning: OL
Location: South of the SE corner of 51st Street and Toledo Avenue

Date of Application: January 12, 1981
Date of Hearing: February 25, 1981
Size of Tract: 72' x 140'

Presentation to TMAPC by: Ruth Johnston
Address: 4232 South Norfolk Avenue Phone: 496-8486

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 OL District may be found in accordance with the Plan Map.

The Staff recommends DENIAL of the requested OL zoning for the following reasons:

The subject property is located south of the SE corner of 51st Street and Toledo Avenue. The property contains a single-family dwelling and the applicant is requesting OL zoning.

The subject tract is an integral part of a single-family subdivision. There is no planning or development reason for allowing office encroachment into this neighborhood. The only access is from Toledo Avenue, a residential street.

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

NOTE: A home occupation through the Board of Adjustment, may have some merit, but not a zoning change.

Applicant's Comments:

Ruth Johnston, representing the applicant, advised that the subject property has been on the market for almost a year, but has not sold due to the location. Potential buyers who have looked at the property do not want to live across from the fire station and adjacent to the office-use on the north. Ms. Johnston pointed out that this is not a place where the average family would want to raise their children.

Protestants: D. L. Dobie, 5148 South Toledo Avenue and William E. Dobney, 5117 South Toledo Avenue

Protestant's Comments:

D. L. Dobie, a resident of the neighborhood, advised that this is the 10th year he has carried on an objection to encroachment into the neighborhood. Mr. Dobie stated that many of the protestants in the audience were also in attendance at the public hearing in 1970, when, despite the Staff Recommendation for denial, the proposed zoning change was approved. Mr. Dobie presented a protest petition (Exhibit "A-1") bearing signatures of 65 area residents who oppose the rezoning application. The protestant also pointed out that the Tanglewood Addition still has the covenants for single-family residences in the Deed of Dedication.

Z-5496 (continued)

William E. Dobney advised that he was opposed to the rezoning in 1970 and wanted to urge the Commission to deny the subject application.

The following protestants were in attendance at the hearing, but did not comment:

| | |
|-----------------------------|--------------------------|
| Mr. & Mrs. Gerald H. Barnes | 5234 South Toledo Avenue |
| Mrs. Guy Hendricks | 5243 South Toledo Avenue |
| Mr. & Mrs. James L. Fischer | 5250 South Toledo Avenue |
| Mr. S. F. DeVore | 5242 South Toledo Avenue |
| Mr. R. W. McClish | 5237 South Toledo Avenue |
| Mrs. R. W. McClish | 5237 South Toledo Avenue |
| Mr. & Mrs. Larry D. Johnson | 5216 South Toledo Avenue |
| Mr. & Mrs. J. C. Barnett | 5204 South Toledo Avenue |

Instruments Submitted: Protest Petition, 65 signatures (Exhibit "A-1")

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be DENIED:

Lot 2, Block 1, Tanglewood Addition, City of Tulsa, Tulsa County, Oklahoma.

Z-5497 Vincent E. Butler, Sr. (Oxford Place) West of the SE corner of 66th
Street and Sheridan Road RS-3 to OL

A letter (Exhibit "B-1") was presented from the applicant requesting a continuance of the application to April 8, 1981.

Harold Furtney, 6640 South Oxford Road, advised that he owns a one-acre tract adjacent to the subject property. Mr. Furtney was unaware that the applicant had requested a continuance of the public hearing.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to continue Z-5497 to April 8, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-6 Present Zoning: AG
Applicant: James Davidson (B. J. Smith) Proposed Zoning: CS
Location: NE corner of 116th Street North and Yale Avenue

Date of Application: January 15, 1981
Date of Hearing: February 25, 1981
Size of Tract: 10 acres, plus or minus

Presentation to TMAPC by: James Davidson
Address: 801 Beacon Building Phone: 425-7879

Relationship to the Comprehensive Plan:

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Type II Activity Node.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map.

The Staff recommends APPROVAL of the requested CS zoning for the following reasons:

The subject property is located on the NE corner of the intersection of 116th Street North and Yale Avenue. The property is vacant, zoned AG and the applicant is requesting CS zoning to accommodate a medical, dental office.

The subject property, although located within an area that is rural in nature and years from any intensive development, is recognized by the Plan for 10 acres of medium-intensity nonresidential development. The subject request is consistent with the Plan Map for location of nonresidential uses.

Accordingly, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

James Davidson, attorney for the applicant, advised that the owner of the subject tract proposed to build a dental clinic for his son's use. However, after the plans were nearly complete, it was found that a zoning change would be necessary and the subject application was filed.

Mr. Davidson pointed out that there are no other dentists located within 8 or 9 miles of the subject tract. Future plans include another building to house a medical clinic and possibly an optometrist, optician and a pharmacy will be located in the complex.

At the present time, the owner operates a quarter horse operation on almost all of the 80-acre tract which includes the subject property. The tract is located near the Cherokee Expressway; there is a salvage yard located nearby.

Mr. Davidson presented a petition (Exhibit "C-1") in support of the requested zoning change. The 23 people signing the petition are property owners in the vicinity of the subject tract.

Mr. Davidson related that Dr. Smith, the owner's son, feels that this attempt to bring dental and medical facilities to North Tulsa County,

Application No. Z-5498 Present Zoning: AG, FD
Applicant: Charles E. Norman (Oral Roberts Univ.) Proposed Zoning: CO, CS
Location: North and West of the intersection of South Lewis Avenue and East
81st Street

Date of Application: January 20, 1981
Date of Hearing: February 25, 1981
Size of Tract: 30 acres, more or less

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

Relationship to the Comprehensive Plan:

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

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

The Staff recommends APPROVAL of the requested CO zoning for the following reasons:

The subject property is located north and west of the NW corner of 81st Street and South Lewis Avenue. The property is zoned AG and FD and the applicant is requesting CO or CS zoning to permit a mixed use development.

The properties between 71st and 81st Streets, and between Mingo Creek Channel and Lewis Avenue have been approved for, and are developing in, higher densities and intensities than other typical mile sections. Approval of OM Medium Intensity zoning away from the intersection nodes since the Plan Map was first adopted, have resulted in a Plan Map amendment for the area. The amendment and the impact of the City of Faith and Oral Roberts University provides a unique area, certainly different from the basic planning approach to be used in a low-intensity subdistrict. As a result of these developments and the request of Oral Roberts University to include all their property within the Special District, a Plan Map amendment has been advertised for public hearing on March 11, 1981. The proposed Plan Map amendment includes the subject property and all of the present ownership of ORU in the Special District. This proposed amendment will require the addition of some ORU properties on the west side of Lewis and the elimination of some properties on the south side of 81st Street, east of Delaware Avenue, no longer belonging to ORU. Within the Special District the CO District may be found in accordance with the Plan Map. The Staff is opposed to CS conventional commercial zoning; however, the CO District requires site plan approval and the uses and design of the project can be made compatible with adjacent uses.

Therefore, the Staff recommends DENIAL of CS zoning and APPROVAL of CO zoning on all but the northern portion determined to be in a Floodway.

For the record, there are two Lewis Avenue frontage properties that is north of the subject property which remain zoned AG. These, as well as others within the mile section will have to be studied further as to additional Plan Map modifications.

CZ-6 (continued)

an area so lacking in this type of facility, would be a great opportunity.

Protestants: T. W. Williamson Address: R. R. #1, Box 710, Sperry, Okla.

Protestant's Comments:

T. W. Williamson stated he did not feel this type of facility was needed in the area since there is a dental clinic located approximately 5 miles away on Highway #169, another clinic in Owasso, 7 miles away, and a clinic located in Collinsville. Mr. Williamson noted that the salvage yard near the subject tract is an eye-sore and he was opposed to any further development in the area. He advised that he wanted to raise his children in the "country" and would like the area to remain agricultural. The protestant was also concerned that the development would generate more crime and robberies in the area, as well as problems with trash, etc.

Instruments Submitted: Petition in Support, 23 signatures (Exhibit "C-1")

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CS:

The SW/4 of the SW/4 of the SW/4 of Section 3, Township 21 North, Range 13 East, Tulsa County, Oklahoma.

Applicant's Comments:

Charles Norman, representing Oral Roberts University, advised that the subject tract was originally within the floodplain, with Fred Creek and Old Joe Creek both crossing the property. The University, in order to eliminate flooding which occurred within the campus, purchased the subject tract, owned by the Spears family, in 1976, immediately after the last major flood. Under a cooperative agreement with the City of Tulsa, a channel was constructed along the north and west boundary of the subject property. This was connected into an existing channel which also has 100-year pass-through capacity and provided an outlet for Fred Creek all the way to the Arkansas River. Since that time the University, at its own expense, has doubled the size of the conduits under Lewis Avenue to provide a greater pass-through capacity.

Mr. Norman presented a copy of a letter (Exhibit "D-1") transmitted to the Planning Commission on January 20, 1981, requesting that TMAPC consider amending the District 18 Plan and Map to include in Special District No. 4, the areas owned by the University west of South Lewis Ave., and north of East 81st Street.

In the event that the Commission accepts the Staff Recommendation for approval of corridor designation on the subject tract, Mr. Norman advised that Oral Roberts University and a developer will submit, in the near future, a detailed development and site plan for the construction of a hotel to be located initially on approximately 6 acres of the subject tract. Proposed future expansion will utilize almost all of the northern portion of the tract. The drainage channel occupies at least 100 feet of right-of-way. The size of the tract, a gross of 30 acres, has been reduced by the right-of-way for Lewis Avenue, 81st Street and drainage.

Mr. Norman advised that the City of Faith Hospital will be opened late in 1981; however, the hospital is only a part of the facilities that will be available at the medical center and perhaps more activity will be generated and more people coming to the center for the clinical facilities than for hospitalization. The projected need for lodging and hotel facilities that will be developed as a result of the opening of the City of Faith, were received from the Staff at the medical center. Mr. Norman advised that these needs will be met, as nearly as possible, within the immediate area, but the projections indicate that a large number of hotel rooms will be necessary within the south Tulsa area. In June, 1982, the projected number of physicians employed in the clinic at the City of Faith will be 56; the average clinic load at that time will be 733 patients per day with approximately 183 new patients per day. Based on the anticipation that most of the patients will be from out of the City and most, if not all, will have a relative or traveling companion, it is projected that along with the average hospital load which is expected to be 141 patients at that time, there will be an additional 730 patients per day in the process of going through the clinic. These projections indicate that over 1,100 lodging rooms will be needed by the completion of the first phase of the City of Faith Hospital development. Mr. Norman stated that the University has not seen the development of a number of hotel projects which have been discussed in the community and, therefore, has now leased, under a long term lease agreement, a site for a hotel. The proposed hotel will be operated under restrictions that will pertain to the objectives and goals of Oral Roberts University and the City of Faith. Initially, the hotel

Z-5498 (continued)

will include a 400 room development, a detailed site plan review for this phase will be presented soon. The purpose for the requested corridor designation was to permit a detailed planning process and it was also recognized that it would be inappropriate to extend commercial zoning northward along Lewis Avenue. Mr. Norman advised that Oral Roberts University would be opposed to any uses permitted within the corridor district that would be inconsistent with the development of the University, or the City of Faith medical complex. It is the University's intention to maintain control of those lands fronting on Lewis Avenue and insure that they are developed compatibly with what has been and is being done at that location.

Protestant: Gomer Evans Address: 2406 Fourth National Bank Building

Protestant's Comments:

Gomer Evans, representing Mrs. Vera Spears, who resides on the subject tract advised that under the Contract with Oral Roberts University, Mrs. Spears plans to continue to live in her residence for the rest of her life and is opposed to the rezoning of the property and the construction of a hotel in her front yard. Mr. Evans questioned in what regard the University anticipates recognizing Mrs. Spears' interest in the property. He urged the Commission to continue the rezoning application until such time as Mrs. Spears' interest is determined. Mr. Evans suggested the University is presumptuous and moving too fast in comprehensive planning based upon something, at this point in time, has not been determined by the courts to be appropriate.

Instruments Submitted: Letter (Exhibit "D-1")
Copy of the provisions of
the Contract (Exhibit "D-2")

Special Discussion for the Record:

Mr. Norman presented a copy of the provisions of the Contract (Exhibit "D-2") between Oral Roberts University and the Spears' family and pointed out that the Spears' family was paid over \$500,000 for the 30 acres which was under water at the time and completely within the floodway and the floodplain in order to acquire right-of-way to construct a development channel that would help the Spears' property as well as the University property. This Contract of purchase provided that Mrs. Spears could reside in the house on the subject tract until such time as she changes her place of residence or until her death. It also provides that she has the right of ingress and egress, any housekeeper or similar employee shall have the right to reside in the house and she shall pay no rent. The Contract further provides that the buyer shall not construct any improvement closer than fifty feet on any side of the house.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO on all but the northern portion determined to be in a Floodway.

The SE/4 of the SE/4, LESS and EXCEPT the SE/4 of the SE/4 of the SE/4 thereof, Section 7, Township 18 North, Range 13 East, containing 30 acres, more or less, City of Tulsa, Oklahoma.

Application No. Z-5499

Present Zoning: RS-3

Applicant: Ron Hixon

Proposed Zoning: CS

Location: North of the NE corner of 46th Street North and Lewis Avenue

Date of Application: January 21, 1981

Date of Hearing: February 25, 1981

Size of Tract: 2 acres, more or less

Presentation to TMAPC by: Ron Hixon

Address: 476 South 94th East Avenue

Phone: 836-3165

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use (west 467') and Special District 3 (balance of property).

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map on the west 467 feet.

The Staff recommends APPROVAL of CS zoning on the west 467' and DENIAL of the balance for the following reasons:

The subject property is located north of the NE corner of 46th Street North and Lewis Avenue. The property contains a single-family dwelling on the western portion and is zoned RS-3. The applicant is requesting CS zoning to accommodate commercial development.

The west 467' of the subject tract is within the 467' x 467' medium intensity node. Commercial zoning exists on the west side of Lewis Avenue, north and south of the subject tract. The east portion falls outside of the medium intensity node and does not merit consideration for CS zoning.

Based on these reasons, the Staff recommends APPROVAL of CS zoning on the west 467' and DENIAL of the balance.

The applicant was present, but did not comment.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS on the west 467' and DENIAL of the balance:

Lot 7, of Grimes Tracts, a Subdivision of the south-half of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East of the IB&M, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: A part of the S/2 of the SW/4 of the SW/4 of Section 8, Township 20 North, Range 13 East, described as beginning at a point 177.5 feet north and 40 feet east of the SW corner of said Section 8; thence north and parallel with the west line of said Section 8, a distance

Z-5499 (continued)

of 152.5 feet to a point; thence east and parallel with the south line of said Section 8, a distance of 620 feet to a point; thence south and parallel with the west line of said Section 8, a distance of 152.5 feet to a point; thence West and parallel with the south line of Section 8, a distance of 620 feet to the point of beginning.

Application No. Z-5500 Present Zoning: RS-3
Applicant: Robert E. Parker (Dargan) Proposed Zoning: IL
Location: South of 29th Street North, Between Richmond and Toledo Avenues

Date of Application: January 21, 1981
Date of Hearing: February 25, 1981
Size of Tract: 2.2 acres, more or less

Presentation to TMAPC by: Robert Parker
Address: M-100 Beacon Building Phone: 587-5185

Relationship to the Comprehensive Plan:

The District 2 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 IL District is not in accordance with the Plan Map.

The Staff recommends DENIAL of the requested IL zoning for the following reasons:

The subject property is located on the west side of Toledo Avenue, south of 29th Street North. The property is vacant, zoned RS-3 and the applicant is requesting IL zoning to accommodate a trucking company.

The subject property together with properties to the north and south of the subject tract are zoned RS-3 and developed single-family. The Comprehensive Plan did not recognize industrial development on these properties, although industrial zoning and development exists to the north and east. The Staff recommends DENIAL based on the Comprehensive Plan designation.

Applicant's Comments:

Robert Parker advised that the purpose of the rezoning request was to acquire IL zoning which will accommodate a trucking depot. Approximately one-mile north of the subject tract is the Gilcrease Expressway. There is other IL zoning in the area and also an existing trucking depot. The surrounding area is very sparsely settled and consists primarily of vacant land. Mr. Parker did not feel there would be a possibility for more residences in the area, since it is a good location for light industry, which is developing there. He noted that it would improve this area of Tulsa to bring in some light industrial tracts.

Protestants: Charles Drouillard Address: R.R. #8, Box 696, Tulsa, Oklahoma.

Protestant's Comments:

Charles Drouillard, a property owner in the area, advised that he was opposed to the requested zoning change, since light industrial zoning would be an invasion of the residentially single-family area. The subject tract and the 50 or more acres of vacant land zoned AG to the west and north should be reserved, in the opinion of the protestant, for residential use for the purpose of providing a location for future residents who will work or go to school in the local area and provide residential density to support and be served by Tulsa Junior College located approximately one-half mile west, the Mohawk Park Golf Course and Zoo, and the Gilcrease Freeway Industrial Park.

Z-5500 (continued)

Mr. Drouillard pointed out that light industrial zoning of the subject tract would be spot zoning and would be a small island surrounded by RS-3 zoned property. He stated that the subject tract should be retained as a buffer for further expansion of industrial zoning to the west. Mr. Drouillard noted that there is sufficient IL zoned land in the area and he also felt it would be unfair to the many owners within Gilcrease Industrial Park who have undergone considerable expense to form the Industrial Park.

Special Discussion for the Record:

In answer to Commissioner Holliday's question, Mr. Drouillard stated that he owns a tract of land in the immediate area; however, he maintains his residence in Osage County.

Mr. Parker pointed out that the protestant is the owner of the tract which is already zoned IL and, therefore, it would be beneficial to him if the subject tract was not rezoned IL. He also noted that it would be advantageous to other property owners in the immediate area to have the subject tract rezoned for industrial use.

Commissioner T. Young questioned if a tract of this sort could be expected to be included as industrial use at some point in the future. Bob Gardner advised that it could be expected and was just a matter of timing. The traffic on Toledo is industrial with large trucks using the street at this time.

TMAPC Action: 7 members present.

On MOTION of ELLER, the Planning Commission voted 6-1-0 (Avey, Eller, Holliday, Kempe, Parmele, T. Young "aye"; Petty "nay"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lots 20 and 21, Mohawk Heights 4th Addition, City of Tulsa, Okla.

Application No. Z-5501

Applicant: K. L. Gibson

Location: East of the NE corner of 30th Place and Harvard Avenue

Present Zoning: RS-3

Proposed Zoning: OL

Date of Application: January 22, 1981

Date of Hearing: February 25, 1981

Size of Tract: 50' x 135'

Presentation to TMAPC by: James Davidson

Address: 801 Beacon Building

Phone: 582-5179

Relationship to the Comprehensive Plan:

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

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

The Staff recommends DENIAL of the requested OL zoning for the following reasons:

The subject property is located on the north side of 30th Place, east of Harvard Avenue. The property contains a single-family residence, and is zoned RS-3 and the applicant is requesting OL zoning to permit office use.

The subject property is one of five residential homes on the north side of 30th Place. These properties are all similarly situated in that they are all fronting commercial zoning. The property on the south side of 30th Place, although zoned commercial, is not developed commercially. The commercial development faces 31st Street and much of the rear portion of the property is devoted to open space and screening. If the subject tract was planned for an expansion of off-street parking for adjacent commercial uses and not planned to create a separate new use, the Staff could support this approach with certain conditions. But to zone this property to establish a new separate use would only piecemeal the redevelopment of this area to the detriment of the remaining residential properties.

The Staff feels the subject property at this time, should maintain its residential use, and therefore, the Staff recommends DENIAL of the requested OL zoning.

Applicant's Comments:

James Davidson, representing the owners, advised that Mrs. Gibson is a specialist in educational consultation. Mrs. Gibson has been using the subject property for consultation on a one-to-one basis. However, Mr. Davidson pointed out that the subject tract is a very expensive piece of property to use on such a limited basis. The owners would like to improve the subject property, centrally air condition and heat it and have the opportunity to rent a portion of the building for professional offices.

Mr. Davidson advised of the existing OL zoning adjacent to the subject tract on the west, a beauty parlor located two doors to the east of the tract and CH zoning immediately across the street which has not been developed. He noted that most of the neighbors are renters and are not opposed to the proposed rezoning.

Z-5501 (continued)

A letter (Exhibit "E-1") from the District 6 Steering Committee was presented. The Committee found that the application is not in accordance with the District 6 Plan and, therefore, recommended that it be denied.

Protestants: None.

Instruments Submitted: Letter - District 6 Chairman (Exhibit "E-1")

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 5-2-0 (Avey, Holliday, Kempe, Petty, T. Young "aye"; Eller, Parmele "nay"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be DENIED:

Lot 8, Block 6, Bellaire Heights Addition to the City of Tulsa, Okla.

Application No. Z-5503
Applicant: Ralph L. Jones (Wallace)
Location: 64th Street South and Peoria Avenue

Present Zoning: CS, RM-2
Proposed Zoning: CG

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: 3.3 acres, more or less

Presentation to TMAPC by: Ralph Jones
Address: 4720 South Harvard Avenue, Suite 206 Phone: 743-2586

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium-Intensity -- Commercial (west 341') and Medium Intensity -- Residential on balance.

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

The Staff recommends DENIAL of CG and APPROVAL of CS on the west 341', for the following reasons:

The subject property is located on the east side of Peoria Avenue, between 62nd and 64th Streets. The property is zoned a combination of CS Commercial and RM-2 Multifamily. The applicant is requesting CG General Commercial to accommodate a mini-storage.

The commercial zoning patterns on both sides of Peoria Avenue, between 61st and 71st Streets are well-established. However, there is no precedent for CG zoning or for commercial zoning to a depth of 660' as requested. The Plan did, however, recognize CS Commercial zoning to a depth of 341' on the subject property, or 391' from the centerline of Peoria Avenue. The Staff is opposed to the requested zoning, since it is contrary to the Comprehensive Plan and it is not consistent with the established zoning and development patterns in the area.

Therefore, the Staff recommends DENIAL of CG and APPROVAL of CS on the west 341' (391' from centerline).

For the record, the applicant could achieve mini-storage development through the PUD process. The PUD would be consistent with the Development Guidelines, would insure the integrity of the Comprehensive Plan Map for this area and would assure land use compatibility.

Applicant's Comments:

Ralph Jones advised that a study has been made of this particular location with relation to some of the unique problems in this area. One of the problems is that the front 361' of Lot 9 is zoned CS; efforts have been made by the applicant to purchase this property; however, the owner objects to selling the property because once the front on Peoria is sold, the back 277' of Lot 9 will be locked in. Mr. Jones presented a letter (Exhibit "F-1") which indicates that the Tradewinds, Inc., has no interest in pursuing their option from the standpoint of constructing additional apartments to Orchard Park. The applicant pointed out that if the Tradewinds, Inc., had no interest in purchasing the property and if someone purchases the CS property which fronts on Peoria Avenue it will lock in a portion of the tract, approximately 314' x 277', which cannot be used at all.

Z-5503 (continued)

Mr. Jones presented a plat of survey (Exhibit "F-2") and a plot plan (Exhibit "F-3") of a mini-storage facility including 45,000 sq. ft. The mini-storage units would be constructed of concrete block which would be painted to present an attractive facility. A 1,200 sq. ft. apartment is proposed to house an attendant and provide 24-hour security. A privacy or security fence would completely surround the subject property.

Protestants: C. H. Medearis Address: 1359 East 64th Street

Protestant's Comments:

C. H. Medearis, who resides adjacent to the subject tract, advised that he was not opposed to the construction of the mini-storage units, but was concerned with drainage in the area. Mr. Medearis stated that since the Warehouse Market and apartments adjacent to it were constructed, the ground has been paved; the water runs to the back, goes across his property and onto the property of two neighbors who were also in attendance at the hearing. The neighbors have had water 10-12 inches deep in their yards and garages. Mr. Medearis expressed the hope that some drainage plan would be proposed to carry the water on to Peoria rather than flooding the neighborhood.

Mr. Medearis advised that he wrote a letter to the Commission in 1974 urging them to adopt some type of requirement that storm sewers be laid back to 61st Street which is the closest storm sewer. At that time he was advised that such a requirement would slow up development in the area.

Instruments Submitted: Letter (Exhibit "F-1")
 Plat of Survey (Exhibit "F-2")
 Plot Plan (Exhibit "F-3")

Special Discussion for the Record:

Commissioner T. Young questioned what was proposed for the area marked "outdoor storage" on the north side of the tract. Mr. Jones advised that the area would be a canopy-covered area, an open area that would not be locked. There will be a privacy fence on three sides of the subject tract with a locked gate at the front of the lot. All of the units will be drive-up spaces for easy loading and unloading.

In relation to drainage, Mr. Jones stated he did not know the history of drainage in the area since all of the apartments were constructed; however, the architect had studied the matter and has assured the applicant that the proposed construction will not increase any type of drainage problem that may exist. In addition, the architect felt the addition will actually lessen the problem for the people living in the southeast area.

Addressing Mr. Medearis' concern about drainage, Commissioner Parmele advised that an earth change permit, drainage permit and on-site detention would be required as noted on the "determination" received from the Engineering Department.

Mr. Jones advised that there has been some discussion concerning the drainage and the contractor and architect are aware that this situation exists. He stated that everything possible will be undertaken to alleviate the problem.

Z-5503 (continued)

In answer to Commissioner T. Young's question, the applicant advised that the amount of commercial square-footage, as proposed by the Staff, would not be economically feasible. Mr. Jones stated he anticipated spending between \$800,000 and \$900,000 on the project and there would not be any way to have a profitable operation with only 35,000 square feet of storage area.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be re-zoned CS on the west 445' of the tract and the balance to remain RM-2:

Lot 9, Block 2, Valley View Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof and the North 157.2' of Lot 1, Block 1, Orchard Park Addition, in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

Application No. Z-5504
Applicant: William M. Wiles (Kaspar)
Location: 41st Street, West of South Garnett Road

Present Zoning: AG
Proposed Zoning: CS & FD

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: 5 acres, more or less

Presentation to TMAPC by: William Wiles
Address: 9726 East 42nd Street, Suite 136
Phone: 585-5569

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and Low-Intensity -- No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map in the Medium Intensity designation and not in accordance with the Low-Intensity designation.

The Staff recommends APPROVAL of CS, except the portion required for FD Floodway for the following reasons:

The subject property is located on the north side of 41st Street, east of Mingo Valley Expressway. The property is zoned AG Agriculture and contains a single-family dwelling. The applicant has requested CS Commercial and FD Floodway zoning.

The Comprehensive Plan recognizes medium-intensity zoning on the southern one-half of the subject property and there is no question that CS zoning is appropriate on that portion. The portion of the subject property lying north of the medium intensity designation and south of the required floodway is also appropriate for CS zoning. This was the same zoning approach taken on the property adjacent to the east. A Plan Map amendment has been advertised for this overall area recommending extending medium intensity north to the FD line.

Based on these reasons, the Staff recommends APPROVAL of CS zoning, except on that portion required for FD Floodway to be zoned FD on that portion.

Applicant's Comments:

William Wiles, representing the contract purchasers of the subject tract, noted that the Commission had previously rezoned the adjacent property of the applicant and this request was a continuance of that development. The requested CS and FD zoning is in accordance with the Plan.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS, except on that portion required for Floodway to be zoned FD:

Z-5504 (continued)

The W/2 of the E/2 of the E/2 of the SW/4 of the SE/4 of Section 19, Township 19 North, Range 14 East of the IB&M, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; LESS AND EXCEPT THE FOLLOWING FLOODWAY AREA: Beginning at the NW corner of the above described property; thence North $89^{\circ}-55'-51''$ East a distance of 165.13'; thence South $0^{\circ}-09'-26''$ East a distance of 400'; thence North $49^{\circ}-48'-00''$ West a distance of 216.52'; thence North $0^{\circ}-04'-07''$ West a distance of 260' to the point of beginning, and containing 1.25 acres, more or less.

Application No. CZ-7 Present Zoning: RE
Applicant: D. M. Sokolosky Proposed Zoning: IM
Location: NW corner of 96th Street North and Cherokee Expressway

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: 5 acres, plus or minus

Presentation to TMAPC by: D. M. Sokolosky
Address: Box 8, Owasso, Oklahoma Phone: 272-3234

Relationship to the Comprehensive Plan:

The North Tulsa County Comprehensive Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property potential Corridor.

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

The Staff recommends DENIAL of the requested IM zoning for the following reasons:

The subject property is located at the NW corner of the intersection of 96th Street North and the Cherokee Expressway. The property is zoned RE Residential Single-Family Estate District and the applicant is requesting IM Industrial zoning to accommodate a concrete ready-mix plant.

The North Tulsa Comprehensive Plan recognizes three locations for industrial development. The first area is the Cherokee Special Industrial District (area between the Cherokee Expressway and Memorial Drive and between 66th Street North and 76th Street North). This area involves some 1,500 acres of land of which 1,100 acres is currently zoned IL. The second area is adjacent to the Cherokee Special District to be used as an expansion area. The third area is proposed at the intersection of 56th Street North and Mingo Road.

The subject tract is located two miles north of the industrial expansion area (area 2). To allow industrial zoning outside of the planned industrial area is contrary to the Comprehensive Plan and would lead to illogical piecemeal development. There is ample industrial land both zoned and planned within the general area to accommodate the proposed use. The planned industrial area is also closer to the greater area of need.

The Staff can find no reason to violate the Plan by approving IM zoning at the proposed site, therefore, we recommend DENIAL.

For the record, the Tulsa County Zoning Code permits off-site construction facilities (includes ready-mix plant) for a period of two years by Board of Adjustment approval.

Applicant's Comments:

D. M. Sokolosky advised that he had an opportunity to put a ready-mix cement plant on the subject tract and requested approval of the application.

CZ-7 (continued)

Protestants: Kathryn Tomlinson Address: R.R. #1, Box 512, Sperry, Okla.
Barbara Akins R.R. #1, Box 417, Sperry, Okla.
Bill Wines P. O. Box #35 - Owasso, Okla.
Thurman Rowe R. R. #1, Box 416, Sperry, Okla.
T. W. Williamson R. R. #1, Box 710, Sperry, Okla.

Protestant's Comments:

Kathryn Tomlinson advised that she and her husband own 16 acres in the immediate area. Mrs. Tomlinson presented a protest petition (Exhibit "G-1") signed by 108 area residents. The protestant stated that she had lived in the area for the past 23 years and would like to keep the area residential. The area is made up of small acreages and there are still a few farmers living there. The protestant advised that she owns a business in Tulsa near a concrete plant. The dust, pollution and heavy trucks, which ruin the road, are some of the reasons Mrs. Tomlinson listed in her objections to the proposed rezoning.

Barbara Akins who owns the land where a mobile home is located adjacent to the subject tract, stated that she was opposed to the proposed use because of the pollution, noise and the fact that it would be an "eye-sore" in the neighborhood.

Bill Wines expressed concern about the amount of water which would be needed for the operation of the concrete plant. Mr. Wines stated he had checked with the Evans Concrete Company and was advised that 10,000 to 20,000 gallons of water per day would be required to operate the plant. The rural water company has a 4" line serving the subject area.

Mr. Wines also brought up the fact that there will be no access to Highway #75 from the subject property when the four lanes are completed. The trucks from the concrete plant would have to circle the mile either south to 86th Street North or go two miles north to 116th Street North.

Thurman Rowe, who lives to the southwest of the subject tract, was opposed to the concrete plant because of the noise and pollution it would create. He stated that he selected his property because he preferred to live in a quiet, agricultural-type environment.

T. W. Williamson advised that he lives in the area and is opposed to the proposed use of the subject tract because of the pollution and the effect it would have on the crops and cattle. Devaluation of property in the area was another consideration. Mr. Williamson expressed concern for his children's safety while bicycling in the area near their home. He also noted that the water which would be required to operate the concrete plant would have a disastrous affect upon the water supply in the neighborhood.

Instruments Submitted: Protest Petition, 108 signatures (Exhibit "G-1")

Special Discussion for the Record:

Mr. Sokolosky expressed surprise at the number of signatures on the protest petition. Only six notices were sent to those property owners within 300' of the subject tract. The applicant also pointed out that two of the protestants at the meeting live 1 1/2 miles from the subject property.

In regard to the highway access, Mr. Sokolosky explained that he does have access to 96th Street and it would be less than one-fourth mile to

CZ-7 (continued)

Mr. Sokolosky informed the Commission that he had received several calls from persons interested in operating a retail oil equipment supply business on the subject tract. The business would be housed in a metal building, approximately 6,000 sq. ft., facing the expressway. He proposed amending the subject application for light industry to accommodate the oil equipment supply business.

The Staff advised that they would recommend DENIAL of any industrial zoning or use on the subject tract.

TMAPC Action: 7 members present.

On MOTION of HOLLIDAY, the Planning Commission voted 6-1-0 (Avey, Holliday, Kempe, Parmele, Petty, T. Young "aye"; Eller "nay"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of County Commissioners that the following described property be DENIED:

A tract of land situated in the W/2 of the SE/4 of Section 16, Township 21 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at a point 114.3' North and 516.0' West of the SE corner of the W/2 of the SE/4; thence North 0°-02' West a distance of 545.7'; thence North 89°-55' East a distance of 434.0' to a point on the Westerly property line of U. S. Highway #75; thence Southwesterly around a curve to the left whose radius is 21,635.9', a distance of 478.71' thence South 89°-49'-36.7" West a distance of 63.5'; thence South 79°-24'-36.7" West a distance of 367.55' to the point of beginning, containing in all 5.0 acres.

Application No. Z-5505 Present Zoning: RM-1
Applicant: Donald Pendergrass Proposed Zoning: IM
Location: South of the SE corner of King Street and Birmingham Avenue

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: 50' x 280'

Presentation to TMAPC by: Donald Pendergrass
Address: 6208 East Latimer Place Phone: 834-9660

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property: W/2 Medium Intensity-- No Specific Land Use, Special District 2; E/2 Low-Intensity -- Residential.

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

The Staff recommends DENIAL of the requested IM zoning for the following reasons:

The subject properties are located north of Independence Street, between Birmingham Avenue and Birmingham Place. The properties contain single-family dwellings and are zoned RM-1. The applicant is requesting IM zoning to permit a machine shop.

The subject properties lie east and south of industrial zoning and development. The Comprehensive Plan recognizes industrial redevelopment potential on the west lot under application as part of the tier of residential lots that front IM zoning and development. The east lot, however, is a part of the single-family residential neighborhood and any industrial encroachment would be detrimental to the existing residential uses. For this reason, the Staff feels that there is no justification for industrial zoning on the eastern lot. The Comprehensive Plan would consider IL light industrial zoning on the west lot providing it is accomplished in a logical manner, i.e., not isolating any residential properties or spot zoning between residential properties. IL zoning on the west lot, if approved, would require a 75-foot setback from the north, east and south, which would render the property undevelopable, without a variance of the setback from the Board of Adjustment. Since the subject request is not contiguous to existing industrial zoning it does not meet the Plan policy for industrial development; therefore, the Staff recommends DENIAL of the requested IM or IL zoning.

NOTE: If the Commission is inclined to favor industrial zoning the Staff would suggest it consider the IL zoning on the west lot only.

Applicant's Comments:

Donald Pendergrass proposed that Lot 6 be dropped from the zoning application and requested that the Commission recommend light industry (IL) on the west tract. The applicant advised that he plans to operate a small machine shop in the existing building on the subject tract.

Protestants: Leo M. McFadden, Jr. Address: 828 North Birmingham Place

Z-5505 (continued)

Protestant's Comments:

Leo M. McFadden, Jr., who lives directly south of the subject tract, advised that many of the people in the area are retired and have lived in the neighborhood many years. It would be impossible for these residents to purchase a new home and move at this point in their lives.

Mr. McFadden noted that if this application was approved similar requests would be made and this would eventually destroy the neighborhood.

Special Discussion for the Record:

Commissioner T. Young questioned the present use of the existing building on the subject tract and was advised by the applicant that the building is the size of a garage and is currently used for storage. Mr. Pendergrass stated that he does not intend to enlarge the building that exists on the tract.

Commissioner T. Young stated that while some of the elements of industrial use are present, the impact of that zoning, perhaps not related to the intended use, could have other much more adverse affects on the entire area. He advised that perhaps the Board of Adjustment could provide some type of relief for use of the existing building on the subject tract.

TMAPC Action: 7 members present.

On MOTION of PETTY, the Planning Commission voted 4-3-0 (Avey, Holliday, Parmele, Petty, "aye"; Eller, Kempe, T. Young "nay"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL on the west lot only:

Lot 21, Block 12, McLane Addition to the City of Tulsa, Oklahoma.

Application No. Z-5506
Applicant: Thomas A. Mann (Greenstreet)
Location: 56th Street and Lewis Avenue

Present Zoning: RS-2
Proposed Zoning: OL

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: 216' x 195'

Presentation to TMAPC by: Thomas Mann
Address: 816 Enterprise Building

Phone: 749-7515

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 OL District may be found in accordance with the Plan Map.

The Staff recommends APPROVAL of the requested OL zoning for the following reasons:

The subject tract is located on the NE corner of 56th Place and Lewis Avenue. The property is zoned RS-2, contains a single-family residence and the applicant is requesting OL zoning to permit office development.

The zoning policy for frontage properties on Lewis, between 51st and 61st Streets has been for OL zoning to a depth of one lot. The actual depth varies based on the ownership lines. Office zoning and development abuts the property to the north and office zoning and development exists to the south. Based upon the Comprehensive Plan designation and surrounding zoning, the Staff recommends APPROVAL of the requested OL zoning.

Applicant's Comments:

Thomas Mann, attorney for the applicant, advised that the developer, Ron McDaniel, had carefully studied the area for compatibility with the type of office building which is proposed. Plans include a lot of green area and trees on the subject tract.

Ted Larkin, architect for the project, presented a site development plan and pointed out that the subject tract has a considerable amount of grade change with the property sloping from the east toward Lewis Avenue, with an approximate drop of 10 feet. There are many larger, mature trees on the tract. The plans for the proposed building were drawn to honor both the sloping grade change and to preserve the trees. The one-story building will include three minor changes in grade, three feet for each grade change. Parking spaces will wrap around the bottom level of the building.

An existing office development to the north of the subject tract includes large railroad tie retaining walls. That complex has generated some drainage problems in the area which the applicant hopes to take care of on the subject tract. The proposed curb cut on East 56th Place will be located so as to minimize the traffic into the residential area.

Mr. Larkin requested waiver of the subdivision plat in lieu of the plot plan.

Z-5506 (continued)

Protestants: J. W. Lewis Address: 2421 East 56th Place
 Hobart Hammond 2420 East 56th Place

Protestant's Comments:

J. W. Lewis, an adjacent property owner to the east of the subject tract, stated that his main concern was the space between the proposed building and his property line. He recommended the building be constructed on the western 150' of the property providing a buffer area between the building and his property. Mr. Lewis also objected to the curb cut on 56th Place due to the traffic problem.

Hobart Hammond stated that the proposed depth of the construction, 216', was too deep and would intrude into a residential section. Mr. Hammond also expressed concern for his two young daughters with the additional traffic which would be generated by the proposed office building. He was not opposed to OL zoning on the front 150' of the subject tract.

Ronald B. Stone referred to the District Plan which stated that the office activities will be properly buffered to reduce adverse affects on nearby uses. He also pointed out that the Policy Section noted that special consideration must be given to establishing an adequate building setback along the periphery of the special district where it abuts residential areas.

Special Discussion for the Record:

Commissioner T. Young asked if the developer had looked at the possibility of the elimination of any access on 56th Street. Mr. Larkin advised that it had been considered and it would be possible; however, because of the number of cars which will be utilizing the subject tract it seemed best to offer an access on 56th Street, rather than having two access points on Lewis Avenue.

In answer to Commissioner Petty, Mr. Larkin stated that the curb cut on Lewis Avenue would almost line up with 56th Place on the west side of Lewis Avenue.

In consideration of the protestant's objections, Mr. Larken pointed out that there is a very dense, mature hedge which is 6 feet to 7 feet tall on the east boundary of the subject tract. Parking was also considered for the east portion of the tract; however, the grade change and drainage from the hill would have dictated 12 and 15% ramps in the driveways. Therefore, it seemed easier to absorb the grade change with the building changes than with surface parking and drainage problems.

Commissioner T. Young questioned why the Staff had not held to the 150' office zoning line in their recommendation. Mr. Gardner advised that the delineation of the office depth from 51st to 61st Streets was handled in the South Lewis Special Zoning Study. There was no way to draw a straight line because of the varying depth of the lots. He also noted that if the OL line was kept at 150 feet on the subject tract, the applicant could file a PUD and accomplish precisely what he has proposed. Under a PUD, the Staff would be concerned with the trees and the topography which dictates that the office building be located to the east rather than the west portion of the tract.

Z-5506 (continued)

TMAPC Action: 7 members present.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-1 (Avey, Eller, Holliday, Kempe, Parmele, T. Young "aye"; no "nays"; Petty "abstaining"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL:

A tract of land beginning 40' East and 357.32' South of the NW corner of the NW/4 of the NW/4 of the SW/4; thence North 192.32'; thence East 216'; thence South 195.80'; thence West 216.03' to the point of beginning, all in Section 32, Township 19 North, Range 13 East and containing .96 acres.

Application PUD #253 Present Zoning: (CS & OL)
Applicant: Jim H. Biffle (Sanditen Investments, Ltd.)
Location: East of the SE corner of 51st Street and Harvard Avenue

Date of Application: January 23, 1981
Date of Hearing: February 25, 1981
Size of Tract: .9 acre, plus or minus

Presentation to TMAPC by: Jim Biffle
Address: Philtower Building Phone: 599-8104

Staff Recommendations:

The subject property is located at the SW corner of Marion Avenue and 51st Street. The applicant is proposing to build an office building and convenience store.

The subject request raises several planning concerns which are:

- (1) The property is zoned OL light office and was zoned to be a buffer to prevent strip commercial zoning along 51st Street. Commercial stripping is still a very real concern.
- (2) The subject proposal includes a commercial use (convenience grocery) and office use all to be located in the OL zoned portion.
- (3) A small strip of CS commercial land between the closed service station building and the OL District has been included in the PUD in order to obtain commercial floor area for the convenience grocery.
- (4) Commercial traffic in the proposal is permitted to Marion Avenue, a minor residential street. This is poor planning at best.
- (5) Conventional CS zoning could not be approved on the site without violating the established commercial zoning lines and the Comprehensive Plan for the District.
- (6) Nothing is proposed to be built or controlled within the existing CS zoned area which is a part of the PUD.
- (7) What assurance is there that the office would ever be built even if the commercial access and other problems could be resolved?
- (8) What is the consequence of such a precedent if approved in its present form?

The proposed Outline Development Plan in its present form, does not meet the purposes of the PUD Ordinances and therefore, the Staff has no basis to support the subject request. Accordingly, we recommend DENIAL of PUD #253.

NOTE: If the Commission is inclined to support some commercial use the Staff desires the input of the Planning Commission as to our enumerated concerns.

PUD #253 (continued)

Several significant changes would have to be made in order to meet the purposes of the PUD Ordinance, such as:

1. Additional commercial land needs to be added to the application, such as the old service station site.
2. Revise the plan to remove the old service station and replace with the convenience grocery. Some of the commercial buildings could extend into the OL District in order to maintain good access to the southeast corner of the existing CS site.
3. Isolate the office site, from a traffic standpoint, from the commercial site, not permitting any commercial traffic to access to Marion Avenue.
4. Require the office to be under construction before the commercial building permit would be issued.

Applicant's Comments:

Jim Biffle advised that the subject tract is a problem piece of land for the neighborhood residents and also the owners of the Country Club Plaza shopping center. He noted that the best solution to the problem lies within careful design consideration for the subject tract.

In the process of reviewing the master planning effort for the total shopping center, Mr. Biffle stated that a great deal of interest had been expressed by two concerns for the construction of a convenience food store on the northeastern portion of the subject tract. This could be accomplished, as a matter of right, in the CS commercial District. It was Mr. Biffle's opinion that it would be a bad precedence to zone the subject property commercial; however, through the PUD and site plan review a great deal could be accomplished both for the residents of the area and also for the long term benefit of the shopping center in encouraging a better quality of design for the area.

The site slopes from the north to the south and is at a lower elevation than all of the surrounding streets and drives. As a result of the recent widening of 51st Street, the land directly adjacent along the arterial has been built up resulting in this area having a greater slope than the southern portion of the property. The soil characteristics of the subject tract are quite adaptable for the intended construction.

The subject tract is located in the Joe Creek watershed. A recently realigned channel of Joe Creek exists approximately 800 feet to the south. The existing drainage pattern is not highly desirable because the whole site drains across adjacent residential property to the south. The proposed drainage plan utilizes the parking lots as diversion and collection facilities. The site will still drain to the existing low point and will be routed to the west and then to the south in an underground system. Since the drainage area is very small, on-site storage is not required or preferred.

There are no prominent landscape features on the subject tract, therefore, the proposed project will be heavily landscaped with shrubs, trees and groundcover. Some berming and earthwork will also be done to add

PUD #253 (continued)

some physical interest and provide identification to the project.

Existing water and sanitary sewer lines are sufficient for the proposed development.

A six-foot screening fence will be erected along the southern property line. This fence will be a continuation of the one which surrounds Country Club Plaza. Trees will be planted along the fence to soften the image.

Not more than two ground signs on the street frontage of 51st Street will be erected. Wall or canopy signs will not exceed the height of the building and there will be no projecting signs except beneath a canopy.

The major entrance to the site will be on an existing curb cut to the northwest. This cut will be a major entrance used by Country Club Plaza to gain access to the back of their complex. Two minor entries will be used to provide access to the parking area in front of the proposed structures. All traffic will be kept as far away as possible from the residential areas.

Mr. Biffle advised that he had met with residents of the area and found them to be very concerned about the drainage problem and the screening wall. At the conclusion of the meeting, it was agreed that the retaining wall should be constructed in sufficient height and in accordance with the approved drainage plans to prevent any normal rainfall or drainage runoff from the subject site flowing under the residential property to the south and that a screening fence, at least 6 feet in height, should be constructed on top of the retaining wall. He noted that since the meeting there has been some consideration by persons who did not attend that evening, as to the desirability or acceptability of having a convenience store located on the subject tract. The applicant stated that, in his opinion, the construction of the convenience store on the service station site, which is of a higher elevation, would not be as appropriate as the proposed PUD.

| | | | |
|---------------------|-------------------|----------|--------------------------|
| <u>Protestants:</u> | Rita Icenogle | Address: | 5140 South Marion Avenue |
| | James L. Mitchell | | 3805 East 51st Place |
| | Norris Wing | | 3829 East 51st Place |

Protestant's Comments:

Rita Icenogle advised that she resides immediately south of the subject tract, an area which now has a reasonably good buffer from the adjacent shopping center.

Ms. Icenogle stated that the proposed brick wall would solve a great deal of the problem; however, it would still leave a convenience store which creates noise in the evenings and also increases trash which is already a problem in the area. The residents of the area do not object to the light office structure, but are opposed to the convenience store. Within .4 of a mile there is a major Safeway Store, a 24-hour Skaggs and a Git-N-Go; the protestant did not feel there was a need for an additional convenience store. In fact, Ms. Icenogle stated she would be surprised if the store would be profitable.

PUD #253 (continued)

James L. Mitchell advised that his greatest concern was the drainage in the area. Noting that the subject lot will be raised 2 feet, Mr. Mitchell pointed out that the 2' & 6" stemwall will not carry the water from the tract. Mr. Mitchell also advised of the heavy traffic on Marion Avenue.

Norris Wing stated that he was concerned about the traffic on Marion Ave., and the through-way traffic from the Country Club Plaza. The convenience store would be a 24-hour traffic problem to the area. Mr. Wing was in favor of a blockage on the subject tract to deter the pass-through traffic. The protestant advised that there is almost an 8-foot drop between 51st Street and 51st Place; drainage is major concern.

Special Discussion for the Record:

Commissioner T. Young expressed concern about the possible cross-through traffic from the commercial, past the proposed office building onto Marion.

Mr. Biffle stated that the separation is almost a matter of preference. It was his understanding that, if there is going to be a convenience store located on the subject tract, some of the neighbors would like to have access to the store without going onto 51st Street. He advised that he would not object to the median being extended.

Commissioner T. Young asked Ms. Icenogle if it would alter her opinion of the convenience store if there was no pass-through traffic.

Ms. Icenogle advised that the primary concern of the surrounding neighbors is the possibility of lower property values if the convenience store is approved.

Mr. Biffle stated he felt the vacant tract, as the subject property exists, is probably more of a detriment to the adjacent residential area than a well landscaped, improved area with berms and attractive buildings, which could be achieved through a PUD.

In regard to drainage, the applicant advised that steps would be undertaken to achieve whatever is needed to control the runoff and drainage from the subject tract.

In consideration of the traffic generated on Marion Avenue, Mr. Biffle advised that the median or landscaped berm for separation between the office and commercial use would eliminate the cross-flow of traffic on the subject tract and onto Marion Avenue. Mr. Biffle stated that he has not talked with the Traffic Engineering Department in regard to the access to the subject tract.

Commissioner Parmele asked the applicant if he would be in agreement with having no access to Marion and two curb cuts on 51st Street in lieu of the separation between the office and commercial use. Mr. Biffle advised that would be acceptable and might be preferable over the median separation on the subject tract.

Commissioner T. Young pointed out an additional seven parking spaces would be available if there was no access to Marion Avenue. He did not understand why so much parking was needed for office use and questioned if the applicant would agree to a single access point at the driveway of the Texaco Station. Mr. Biffle stated that in order for the office space to

PUD #253 (continued)

have the kind of accessibility that it should have as an office site, there should be some access either from Marion Avenue or 51st Street so that people would not have to drive into some entrance of the shopping center and through the convenience store lot.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be APPROVED with the text and site plan as submitted, with the additional conditions that the office be under construction before the commercial building permit is issued, no access to Marion Avenue and upon the advice of Traffic Engineering, the middle access point on 51st Street, may or may not be allowed:

Lot 2, Block 1, of the Southern Hills Mall Addition (Amended) and a tract of land beginning at the NE corner of Lot 1, Block 1, of the Southern Hills Mall Addition (Amended); thence South $0^{\circ}-01'-05''$ West a distance of 125.00'; thence North $89^{\circ}-56'-49''$ West a distance of 50'; thence North $0^{\circ}-01'-05''$ East a distance of 125'; thence South $89^{\circ}-56'-49''$ East a distance of 50' to the point of beginning, containing .9 acre, more or less, all in Section 33, Township 19 North, Range 13 East, in the City of Tulsa, Tulsa County, Oklahoma.

SUBDIVISIONS:

Crow-Dobbs Office Park (PUD #202) (283) 61st Street and South 76th East Avenue
(CS)

Baystone Addition (3193) South side of 58th Street at Quincy Avenue (RM-2)

Southpark Square Addition (2994) SW corner of 41st Street and South 118th E. Ave.
(RM-1)

The Commission was advised that not all letters had been received for these subdivision plats and the Staff recommending tabling the items.

The Chair, without objection, tabled Crow-Dobbs Office Park, Baystone Addition and Southpark Square Addition.

OTHER BUSINESS:

PUD #179-H Bob Compton East of the SE corner of 71st Street and 85th E. Ave.

Request for Detailed Site Plan approval on Lot 9, Block 2, El Paseo Addition.

The Staff made the following report:

The site plan for PUD #179-H (Lot 9, Block 2, El Paseo) was presented to the Planning Commission on February 18, 1981, for consideration. Due to the unusual and unprecedented situation involving the approval of this PUD, the Staff had raised several legal questions concerning the Planning Commission's role in the site plan review. The Planning Commission continued the site plan for one week to allow the Staff and Legal Department to look further into the matter. After discussion with the Legal Department, the Staff can make the following statements of fact and recommendations.

Statement of Fact:

- 1) The City Commission approved PUD #179-H on January 27, 1981. It was clear that the Commission intended to allow the car wash use on the property, but the remainder of the required Outline Development Plan was not specified; i.e., setbacks, open space, square footage, building square footage; height of structures, height and square footage of signs, etc.
- 2) PUD #179 is approved for a maximum of 484,123 square feet of commercial floor area. A total of 476,868 square feet of commercial floor area has been allocated to the lots within the PUD. This leaves a remaining 7,255 square feet of commercial floor area that can be allocated to any of the lots within the PUD.
- 3) Lot 9, Block 2, El Paseo is restricted by the approved subdivision plat to 10,000 square feet of office floor area, 31 minimum parking spaces, 23,585 square feet of open space, a 50-foot building setback and green belt on the east.
- 4) The Planning Commission is required to approve a detailed site plan for all lots within the PUD prior to the issuance of a building permit.
- 5) The building permit must be issued in accordance with the approved subdivision plat for the PUD.

Recommendations:

- 1) The Planning Commission should request that the City Commission clarify its approval of PUD #179-H by establishing the conditions of approval with respect to maximum floor area, minimum green space, minimum setbacks, minimum off-street parking spaces and maximum height and display surface area of any signs. The Planning Commission may want to recommend appropriate conditions for the City Commission's benefit.
- 2) The PUD site plan should then be reviewed by the Planning Commission as to conformance to the Outline Development Plan approval by the City Commission.

PUD 179-H (continued)

- 3) The applicant should then amend the subdivision plat and covenants in conformance to the City's approval and conditions. This must be filed of record and approved by the Planning Commission prior to the issuance of a building permit.
- 4) The Planning Commission may want to withhold final approval and release of the detailed site plan until the subdivision plat has been amended.

Other Comments:

- 1) The Planning Commission must approve any amendment to the subdivision plat together with the owner of the affected lot or lots and the El Paseo, limited partnership. The consent of all the owners is not required for amendment to the subdivision plat.

Conditions of Approval:

- 1) That the maximum commercial development area, including office equipment room, automatic bays, self-service bays and vacuum canopy, not exceed 6,800 square feet.
- 2) That the minimum landscaped area be 15,000 square feet, 25 feet of landscaped area on the east and north (except access to 71st Street), 15 feet on the south and 10 feet on the west (to the drive access approximately 50 feet south of 71st Street). In addition, a split-rail or similar type fence to provide a barrier to traffic to the west, be provided.
- 3) That one ground sign be permitted a maximum of 80 square feet of display surface area and 20 feet in height, to be located on the frontage within 100 feet of the west property line.
- 4) That an attendant be on duty at all times during hours of operation.

Bob Gardner advised that the Staff has been in contact with the property owner to the west of the subject tract. The adjacent property owner expressed two concerns about utilization of his shopping center without any adverse affects from the car wash: 1) Preventing the traffic from parking on his property to dry and polish cars and also stacking up on the adjacent tract while in line to utilize the car wash; and 2) the possibility of vandalism in the surrounding area if the car wash was not attended at all times. Mr. Gardner noted that the Staff had not talked with the applicant concerning attendants at the car wash or the hours which the car wash will be in operation.

Commissioner Petty advised that he felt the condition of approval #4, "...That an attendant be on duty at all times during hours of operation," was extending far beyond the purposes for which the Planning Commission has been established.

The applicant, Bob Compton, stated that he would not like to be bound to the condition of providing 24-hour supervision. In regard to the landscape area, Mr. Compton advised that he felt 5 feet of green area on the west side of the subject tract would accomplish the same as the proposed 10 feet in providing a barrier, and would, in addition, provide the drive-

PUD 179-H (continued)

way access which is needed. The erection of the automatic bays to the back of the subject tract will allow four lanes of traffic and also keep the traffic off of 71st Street. The applicant stated that if the landscaped area on the west side of the subject tract could be amended from 10 feet to 5 feet he would be in agreement with all of the proposed conditions.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to approve the recommendations of the Staff and request they be forwarded to the City Commission, with the Conditions of Approval 1, 2 and 3 attached; with the required landscaped area on the west boundary of the subject tract to be reduced from 10 feet to 5 feet.

PUD #198-A Fred Chadsey SE corner of 61st Street and Lakewood Avenue

Request for a Minor Amendment and revised Site Plan approval to permit a decrease in open space and an increase in off-street parking.

The Staff advised that the applicant is requesting a minor amendment to permit an increase in off-street parking from 80 spaces to 100 spaces. This will result in a 7,500 square-foot reduction in open space. The Zoning Code requires a parking ratio of 1 per 400 square feet for general office and 1 per 250 square feet for medical office. The approved site plan provides 1 per 237 square feet. The applicant's request is to provide 1 per 190 square feet. The Staff feels that the open space approved was significant and integral to the PUD approval, and therefore, recommend DENIAL of the requested minor amendment.

The applicant, Fred Chadsey, advised that the proposed use for the subject tract is a medical park. The users groups, in analyzing the potential parking needs for the complex, have determined that there will not be adequate parking spaces as proposed. The alternatives which were suggested was to have the staff park on Lakewood or Maplewood side streets, or to park across the street at Park Plaza Shopping Center.

Mr. Chadsey, in an effort to provide more parking area and deter parking on the public streets, modified the site plan and by taking away the least impact of green area, reduced the overall green space by 3.6%. Realizing that 61st Street will be double-laned in the future, the applicant advised that 10 feet of the frontage area will be solid sodded which will increase the image of greenery on the City's property. This green space will be maintained by the applicant.

The Staff advised that they would be more concerned with increasing the floor area than decreasing the green space.

On MOTION of AVEY, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to approve the minor amendment to increase off-street parking from 80 spaces to 100 spaces and a reduction of 7,500 square feet of open space, and approve the site plan as submitted.

PUD #222 James R. Witte NE corner of 81st Street and Sheridan Road

Request for detailed site plan and landscape plan approval.

Mr. Alberty advised that Planned Unit Development #222 is located on the NE corner of 81st Street and Sheridan Road. The development was approved for a maximum of 108,900 square feet of commercial floor area on the 10.28 acre site. 20% of the net site area is to be landscaped open space. The applicant has submitted the detailed site and landscape plans for review and approval. The Staff has reviewed the site plan and landscape plans and find that it meets the concept and conditions of approval for PUD #222, therefore, the Staff recommends APPROVAL, subject to the conditions.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to approve the Detailed Site Plan and Landscape Plan for PUD #222, subject to the following conditions:

PUD #222 (continued)

1. That the total commercial floor area not exceed 108,900 square feet as indicated on the site plan.
2. That the minimum landscaped open space, walks and plazas be 2.73 acres as shown. (1.75 acres was the minimum open space required.)
3. That a minimum of 510 parking spaces be provided as indicated on the site plan.
4. That a landscaped 3-foot high berm or 3-foot high solid fence be provided within the 12-foot landscaped area on the east 292 feet of the 81st Street frontage (except for the 40-foot access drive).

PUD #187 Gene Oliver NW corner of 65th Place South and 72nd East Avenue

Request for minor amendment to permit the reduction of a 25-foot building setback to 20 feet.

The Staff advised that the applicant is requesting a minor amendment on Lot 4, Block 13, Shadow Mountain (NW corner of 65th Place South and 72nd East Avenue) to permit a 20-foot setback from 65th Place South. The PUD and subdivision plat require a 25-foot building line, but in order to provide a 13-foot side yard on the north, which is a side lot easement, the builder needs to slide the structure within 20 feet of 65th Place So. The Staff feels this request is reasonable, since 20 feet will provide the minimum setback needed from the structures to the property line, corner visibility will not be affected and the street curves south which will not affect the visibility of the adjacent homes.

The Staff recommended APPROVAL of the requested minor amendment, per site plan.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Inhofe, C. Young "absent") to approve the requested minor amendment on Lot 4, Block 13, Shadow Mountain (PUD #187), per site plan.

There being no further business, the Chair adjourned the meeting at 5:55 p.m.

Date Approved _____

March 11, 1981

Robert J. Parmele

1st Vice-Chairman

ATTEST:

Cherry A. Kempe

Secretary

