

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1359
Wednesday, May 27, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Gardner Holliday, Secretary Kempe, 2nd Vice- Chairman Parmele, 1st Vice- Chairman Petty C. Young, Chairman T. Young	Freeman Higgins Inhofe	Howell Lasker Malone	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, May 26, 1981, at 11:12 a.m., as well as in the Reception Area of the INCOG Offices.

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

MINUTES:

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe, Kempe, T. Young "absent") to approve the Minutes of May 13, 1981 (No. 1357).

DIRECTOR'S REPORT:

Director Jerry Lasker announced that the notices had been published for the Public Hearings to establish the policy and guidelines for downzoning of property. The first hearing will be held June 3, 1981, at 3:00 p.m., following the regularly scheduled TMAPC meeting in Langenheim Auditorium.

CONTINUED ZONING PUBLIC HEARING:

Z-5533 John Moody (Midwesco, Inc.) SW corner of East 71st Street and South Yale Avenue OM to CS

A letter (Exhibit "A-1"), requesting a continuance of this item, was exhibited. A PUD application has been filed and Mr. Moody, the applicant, requested that both the PUD and Z-5533 be considered by the Commission on June 10, 1981.

On MOTION of PARMELE, the Planning Commission voted 6-0-0 (Eller, Gardner, Holliday, Parmele, Petty, C. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe, Kempe, T. Young "absent") to continue Z-5533 to June 10, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5544
Applicant: Jerry R. Lee
Location: 1715 South Peoria Avenue

Present Zoning: RM-2
Proposed Zoning: OL

Date of Application: April 1, 1981
Date of Hearing: May 27, 1981
Size of Tract: 50' x 150'

Presentation to TMAPC by: Jerry Lee
Address: 6730 South Louisville Avenue

Phone: 492-3572

Relationship to the Comprehensive Plan:

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

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.

Staff Recommendation:

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

The subject property is located on the east side of Peoria Avenue, south of 17th Street. The property is zoned RM-2 Medium Density Multifamily, contains a single-family structure and the applicant is requesting OL Light Office zoning to permit office use.

The subject property is within an area that has been zoned and designated by the Comprehensive Plan for medium density multifamily. Approval of OL zoning would encourage continued nonresidential zoning south of the established buffer line, the SE corner of 17th Street and Peoria Avenue. Non-residential zoning of the subject property would isolate one residence to the north.

The Zoning Code permits office use by exception in a multifamily District. The Staff feels that if office use is the appropriate use on the subject property, then it should be accomplished through the Board of Adjustment. The Board of Adjustment could permit office use of the property, while assuring that adequate off-street parking is possible. The Staff would prefer this method of changing the use rather than changing the zoning. This would permit the multifamily zoning District to stay intact for the possible future redevelopment of medium density apartments. The Staff is concerned that further extensions of the nonresidential zoning, whether it be office or commercial, would lead to strip zoning south on Peoria Avenue.

For these reasons, the Staff recommends DENIAL of the requested OL zoning and suggests that the applicant seek relief through the Board of Adjustment.

Applicant's Comments:

Jerry Lee advised that he had owned the subject property and used it as a rental property the past three years. Mr. Lee stated that he had been forced to rent the property to undersirable tenants due to the traffic situation in the area. The three bedroom home would be suitable for family use; however, its location on Peoria deterred parents from renting the house. It was the applicant's opinion that the neighborhood would be improved considerably if office use was approved for the subject tract. Mr. Lee proposed a low-traffic residential company dealing primarily in the managing of single family residences. The office use would not further congest traffic on Peoria since it would generate a use by three-four people each day. The subject tract would be utilized during normal office hours and would improve the life-style of the immediate neighbors.

<u>Protestants:</u>	Steve Clark	Addresses:	1408 E. 20th Street
	Nick Jones		1242 E. 28th Street
	Mary Jo Kinsey		1712 S. Quaker Ave.
	Todd Henshaw		1732 S. Quaker Ave.
	Pryor Lee Price, IV		1719 S. Peoria Ave.

Protestant's Comments:

Steve Clark, representing the Swan Lake Homeowner's Association, advised that it was difficult to come up with fresh and original ideas on why the area residents are opposed to office zoning. He noted that if this application is approved it will be like saying "goodby" to the entire block, which still contains several residential structures.

Nick Jones, President of the Maple Ridge Association, advised that the subject tract borders, across the street, from the Association boundaries. The homeowners believe that the rezoning of the subject tract will lead to further deterioration of the neighborhood which is primarily residential. Mr. Jones noted that if application is made to the Board of Adjustment the Maple Ridge Association will also oppose the action.

Mary Joe Kinsey, an adjacent homeowner, presented a protest petition (Exhibit "B-1") with 37th signatures of residents of the area. She stated that she was very interested in developing her property and preserving the area as a residential setting. Mrs. Kinsey was concerned that existing drainage problems in the area will be compounded with future development.

Todd Henshaw pointed out that City Ordinances regarding OL zoning require a 75' frontage on a major arterial street. The subject tract is 50' wide and Mr. Henshaw expressed doubt that the property could qualify for rezoning.

Pryor Lee Price IV, who resides next door to the subject tract, advised that the applicant is presently conducting his business on the property. Mr. Price stated that an average of one person a day parks on his front lawn. He urged that the application be denied and the area remain as residential.

Z-5544 (continued)

A letter (Exhibit "B-2") from the District 6 Steering Committee was presented. The Committee voted 14-2-0 to recommend denial of the application. It was noted that the area on the east side of Peoria is dedicated to multifamily residential use and office zoning at this location would constitute "spot zoning" which, if granted, would lead to "strip zoning."

Instruments Submitted: Protest Petition, 37 signatures (Exhibit "B-1")
Letter from District 6 Steering Comm. (Exhibit "B-2")

TMAPC Action: 8 members present.

On MOTION of PETTY, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe "absent") to recommend to the Board of City Commissioners that the following property be denied.

Lot 13, Block 24, Orcutt Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5546 Present Zoning: RS-3
Applicant: Spradlin (Miller) Proposed Zoning: IL
Location: South of the SE corner of 58th Street and Mingo Road

Date of Application: April 3, 1981
Date of Hearing: May 27, 1981
Size of Tract: 2.5 acres, more or less

Presentation to TMAPC by: Ida Spradlin
Address: 500 South Elm Place, Broken Arrow, Ok. Phone: 665-3720

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I.

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

Staff Recommendation:

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

The subject property is located on the east side of Mingo Road, south of 58th Street. The property is zoned RS-3, contains a single family dwelling and the applicant is requesting IL zoning.

The properties surrounding the subject tract are either zoned, or have been approved for IL zoning. The property to the north is developed industrial and is zoned IL. The property to the south has been rezoned IL, but has not developed. The property immediately to the east has been approved for IL zoning, but the ordinance has not been published. The property is recognized by the Comprehensive Plan for industrial redevelopment.

Therefore, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Ida Spradlin advised that she had made the application on behalf of Winston Miller. She was of the opinion that the subject property should be zoned IL since IL zoning is in place on the east side of the road, from 58th Street to 59th Street with the exception of the subject tract. The only other property adjacent to the subject tract is 8 acres of vacant land to the back.

Interested Party: Lynn Moore Address: 13516 East 68th Street,
Broken Arrow, Oklahoma

Interested Party's Comments:

Lynn Moore, representing the purchasers of the property, noted that the subject tract was to be used for light industrial purposes for which there is a demand in the area.

Protestants: None.

Z-5546 (continued)

TMAPC Action: 8 members present.

On MOTION of ELLER, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be re-zoned IL:

The North 200' of the W/2 of Lot 4, Section 31, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Okla.

Application No. Z-5547
Applicant: John S. Denney (Johnson)
Location: 1135 S. Frankfort

Present Zoning: CH
Proposed Zoning: RS-3

Date of Application: April 7, 1981
Date of Hearing: May 27, 1981
Size of Tract: 50' x 125'

Presentation to TMAPC by: John Denney
Address: 3140 S. Winston

Phone: 743-7836

Relationship to the Comprehensive Plan:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Residential/Commercial Services.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RS-3 is in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends DENIAL of the requested RS-3 zoning for the following reasons:

The subject property is located on the east side of Frankfort Avenue and south of 11th Street. The property is zoned CH and contains a single-family residence.

The Staff recognizes the applicant's desire to have the zoning conform to the use. However, we question this in view of the potential redevelopment of the areas. If the area can maintain a low density residential character then perhaps the entire area should be looked at for possible rezoning. The District Plan encourages medium intensity residential or commercial service uses because of its location inside the Inner Dispersal Loop.

The Zoning Code provides for single-family development in a CH District by Board of Adjustment approval. Based on this fact and that the Plan designates this area for medium intensity, the Staff would recommend DENIAL of the application and referral of the applicant to the Board of Adjustment.

Applicant's Comments:

John Denney, attorney representing the owner of the property, advised that there is a sale pending on the subject tract. The loan funds are reserved; however, the lending institution is making the requirement of residential zoning on the property. Mr. Denney understood that the requirement was in connection with the Tulsa County Bond Program. The zoning requirement has prolonged the pending sale of the property for two months and there is a possibility that the loan funds may be lost if there is further delay of the rezoning. The attorney requested a downzoning of the subject property pointing out that it would not adversely affect the surrounding area.

Protestants: None.

Special Discussion for the Record:

Commissioner T. Young advised that the County Bond Program has no restrictions or requirements that are outside of conventional mortgage programs. If the

Z-5547 (continued)

mortgage lending agency would require this kind of a zoning action for its own future security of the property that is another matter. He suggested this requirement might be reviewed for accuracy. Commissioner Young advised that he was familiar to the area and was of the opinion that, despite the fact that it is adjacent to the expressway, it is a residential subdivision in the near downtown area which could redevelop residential.

TMAPC Action: 8 members present

On MOTION of GARDNER, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3:

Lot 3, Block 7, Elm Park Addition, Tulsa County, Oklahoma.

Application No. CZ-19 Present Zoning: AG
Applicant: Fred Liardon (Sand Springs Home) Proposed Zoning: IM
Location: SW corner of Highway #97 and Arkansas River

Date of Application: April 3, 1981
Date of Hearing: May 27, 1981
Size of Tract: 3.1 acres, more or less

Presentation to TMAPC by: Dura-Structures, Inc.
Address: 8335 East 51st Street Phone: 664-7391

Relationship to the Comprehensive Plan:

The subject property is located within the Sand Springs Regional Planning Commission Fence Line. The Sand Springs Regional Planning Commission held a public hearing pertaining to this matter on April 21, 1981, and voted 4-0-0 to forward a favorable recommendation to the Commission.

Staff Recommendation:

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

The subject property is located north and west of the NW corner of the intersection of U. S. Highway #97 and State Highway #51. The property is zoned AG Agriculture and the applicant is requesting IM Industrial Moderate.

The subject property has been used for a number of years in an industrial manner. IM zoning exists on the east side of Highway #97, south of the Arkansas River. The subject property is north of the railroad and south of the River. The Staff feels the property merits industrial zoning based on its location, surrounding uses and adjacent industrial zoning.

For these reasons, the Staff recommends APPROVAL of the requested IM zoning.

For the record, the subject property will require a subdivision plat prior to development.

The applicant was not present; however, Commissioner T. Young advised that he was familiar with the area and recommended the request be heard.

Interested Parties: Evelyn Taylor Addresses: 5437 South 107th E. Ave.
Bessie Jackson Unknown

Interested Party's Comments:

Evelyn Taylor and her mother, Bessie Jackson, were present at the meeting as interested parties. Mrs. Taylor's property is adjacent to the subject tract and she questioned the proposed use for the property under application.

Commissioner T. Young advised that he thought the use would be related to the sand operation that is located in the area. He assured her that the proposed use would be consistent with the existing business in the area.

Protestants: None.

CZ-19 (continued)

TMAPC Action: 7 members present.

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

A tract of land in Section 14, Township 19 North, Range 11 East, Tulsa County, Oklahoma, described as follows: Commencing at a point on the West Line of said Section 14 where said West Line intersects with the Northerly right-of-way line of the Frisco Railway; thence North 254.2' along the West Line of said Section 14 to a point being 24' South of the Easterly prolongation of Elm Street in McKellop's Subdivision to Tulsa County, Oklahoma; thence East 485' to the West right-of-way line of Oklahoma State Highway #97; thence South along said West right-of-way of Oklahoma State Highway #97, 300' to the North right-of-way line of the Frisco Railway; thence Northwesterly along said North Line of the Frisco Railway a distance of 490' to the West Line of said Section 14 and the point of beginning, containing 3.10 acres, more or less.

Application No. 5548 Present Zoning: AG
Applicant: M. D. Pollard (Walton) Proposed Zoning: IL
Location: 29th and 31st North Pittsburg Avenue to Toledo Avenue

Date of Application: April 8, 1981
Date of Hearing: May 27, 1981
Size of Tract: 33 acres, more or less

Presentation to TMAPC by: Tom Russell
Address: 2250 East 49th Street Phone: 749-5716

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, Development Sensitive.

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

Staff Recommendation:

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

The subject property is located on the west side of Toledo Avenue, north of Apache Street. The property is located immediately south and abutting the proposed right-of-way for the Gilcrease Expressway. The tract is zoned AG Agriculture and the applicant is requesting IL Light Industrial zoning.

The property located south of the proposed Expressway and west of Toledo Avenue was planned for low-intensity uses. The properties to the north and east, however, are zoned IL Light Industrial. The Commission recently approved a light industrial zoning south of the subject property, thereby declaring intent to zone properties on the west side of Toledo for light industrial zoning. Based upon the established lines, which would align with the subject property on the north and based upon the fact that industrial zoning has been approved on the west side of Toledo Avenue, south of the subject property, the Staff feels this warrants an amendment to the Comprehensive Plan.

Based on these findings, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Tom Russell advised that he was involved with the company that will use the subject tract. The subject property will be utilized for the same type of business operated by the company on adjacent properties to the north. Mr. Russell pointed out that the existing business has improved the conditions of the area by establishing a productive and more presentable use rather than a place where everyone dumped their trash.

Protestants: None.

Z-5548 (continued)

TMAPC Action: 8 members present.

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

The W/2 of the NW/4 of the SE/4 and the North 220' of the SE/4 of the NW/4 of the SE/4 lying West of North Toledo and the NE/4 of the NW/4 of the SE/4 lying West of North Toledo; All in Section 21, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Application No. Z-5549 Present Zoning: RM-1
Applicant: Jack C. Cox (H & R Inv.) Proposed Zoning: OM
Location: N of 71st Street S., East of S. Utica

Date of Application: April 10, 1981
Date of Hearing: May 27, 1981
Size of Tract: 2.5 acres, more or less

Presentation to TMAPC by: Jack Cox
Address: 1323 S. Baltimore Phone: 583-7588

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 OM District is not in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located on the north side of 71st Street, east of Trenton Avenue. The property is currently zoned RM-1 and the applicant is requesting OM office medium intensity zoning.

The subject tract abuts properties on the east and south that are zoned OM. On the east, the property has developed office, while the properties to the south have been approved for medium density apartments. The Staff feels that, based upon the adjacent zoning, the subject property merits consideration for OM zoning. The Staff feels that the Comprehensive Plan on the subject property should be amended to include medium intensity office use.

For these reasons, the Staff recommends APPROVAL of the requested OM zoning.

Applicant's Comments:

Jack Cox, representing the owner, advised that the subject tract is bounded on the west by Joe Creek. He also noted that he is the engineer for the owner of the abutting property to the north and that he has no objections to the proposed rezoning.

Protestants: None.

TMAPC Action: 7 members present

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

A tract of land in the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) described as Beginning at the Southwest corner of the SE/4; thence North 563.05 feet; thence East 199.97 feet;

Z-5549 (continued)

thence South 563.05 feet; thence West 200.1 feet to the point of beginning, less the South 60 feet thereof, all in Section Six (6), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof.

Application No. CZ-21
Applicant: Robert B. Paddock (Stockton
Oil Field Equipment)
Location: NW/c 181st & U.S. Highway 75

Present Zoning: AG
Proposed Zoning: IL

Date of Application: April 16, 1981
Date of Hearing: May 27, 1981
Size of Tract: 10 acres

Presentation to TMAPC by: Robert Paddock
Address: 4143 E. 31st Street

Phone: 749-9994

Relationship to the Comprehensive Plan:

The subject tract is within the planning area of the City of Glenpool. The Glenpool City Council held a public hearing on this matter on May 18, 1981 and voted 3-0-0 to recommend approval of the requested zoning.

Staff Recommendation:

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

The subject property is located at the NW corner of the intersection of 181st Street and U.S. Highway #75. The property is zoned AG Agriculture, is vacant and the applicant is requesting IL zoning to permit equipment storage and a maintenance shop.

The subject property is located at the intersection corner of a Highway and an arterial street. There is no precedent development or zoning within the area to preclude consideration of the full range of zoning categories within the medium intensity node. IL zoning may be found in accord with a medium intensity node.

Based upon these reasons and the Glenpool City Council's recommendation, the Staff recommends APPROVAL of IL zoning as requested.

Applicant's Comments:

Robert Paddock represented the applicant at the meeting, but did not comment.

Protestants: None.

TMAPC Action: 8 members present

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

South Half of East Half of the Southwest Quarter of the Southeast Quarter (S/2 E/2 SW/4 SE/4) of Section 34, Township 17 North, Range 12 East, Tulsa County Oklahoma, LESS AND EXCEPT that portion conveyed to the State of Oklahoma by deed recorded in Book 2768 on Page 273 of the records of the County Clerk of Tulsa County.

Application No. Z-5550 Present Zoning: RS-3
Applicant: Robert J. Nichols (Crews) Proposed Zoning: RM-T
Location: South side of East 67th Street and South Rockford Place and
South Troost Avenue

Date of Application: April 16, 1981
Date of Hearing: May 27, 1981
Size of Tract: 9.28694 acres

Presentation to TMAPC by: Robert Nichols
Address: 420 South Boulder Avenue Phone: 582-3222

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 -- Residential.

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

Staff Recommendation:

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

The subject property is located on the south side of 67th Street, west of Utica Avenue. The property is approximately 9 acres in size, is zoned RS-3, is vacant and the applicant is requesting RM-T Townhouse zoning to permit the development of townhouses.

The subject property is located on the interior of the section. Conventional single family homes are located to the south and west of the subject property. The subject tract abuts RS zoning (duplexes) to the north and RS-2 zoning to the west. RD residential duplex zoning abuts to the east. The RD is developed into open space recreation and apartments under Planned Unit Development #127. Single family dwellings are being developed on the property immediately to the south. The RS-3 zoning to the north contains duplexes through the Board of Adjustment. The Staff feels that RS-3 density is the appropriate development on the subject property. The Staff can find no reason to support the RM-T zoning, which would more than double the density permitted on the surrounding tracts.

The Staff feels compelled to protect the new single family homes regardless of the unusual zoning patterns in the area. Everything east of Utica Avenue is going apartments. Mason Sr. High School has closed and some stability is needed in the area.

For these reasons, the Staff recommends DENIAL of the requested RM-T.

Applicant's Comments:

Robert Nichols advised that this is a very strong application and requested the Commission look at the application in view of the total community recognizing that each rezoning request must be considered in light of the whole community rather than just the surrounding area. He pointed out two basic principles: balance and conformity. The proposed development is single family, owner occupied residences (in conformity with the neighborhood) with the owners making an investment and contributing to the stability of the area. In regard to balance, it has been

Z-5550 (continued)

noted that Tulsa is in need of single family housing in the medium price range. The proposed development will add 72 single family housing units within the medium price range. Mr. Nichols also noted that Mason High School, immediately north of the subject tract, was closed because of the unavailability of family housing in the area.

The application for townhouse zoning would allow a maximum of 112 units on the subject tract; a total of 72 units are proposed. Mr. Nichols stated he would be amenable to reducing the application for townhouse zoning on the east one-half of the tract with the remainder of the property remaining in the RS-3 zoning category. The east portion of the subject tract would allow 80 townhouse units. however, a PUD including only 72 units would be filed allowing the Commission an opportunity to approve the Site Plan, drainage and all other aspects of the development.

Protestants: None.

Special Discussion for the Record:

In answer to Chairman C. Young's question, the applicant advised that the RS-3 zoning classification would allow 47-48 units.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-0-0 (Eller, Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-T on the east 5 acres:

RM-T: The East-Half of a tract of land described as follows:

Beginning at a point in the Easterly boundary of said W/2, SE/4, NE/4, SW/4, 25.00' from the NE corner thereof; (NW corner of Block 5, Collegiate Square, according to the Official Recorded Plat); thence South $0^{\circ}-03'-46''$ West along the Easterly boundary of said W/2, SE/4, NE/4, SW/4, (West boundary of Block 5, Collegiate Square) a distance of 636.72' to the SE corner thereof; (Southwest corner of Block 5, Collegiate Square); thence South $89^{\circ}-55'-38''$ West along the Southerly boundaries of said W/2, SE/4, NE/4, SW/4 and E/2, SW/4, NE/4, SW/4 (North boundaries of Block 6, Collegiate Square and Block 5, Sans Souci according to the Official Recorded Plat) a distance of 660.12' to the SW corner of said E/2, SW/4, NE/4, SW/4 thereof; thence North $0^{\circ}-03'-54''$ East along the Westerly boundary of said E/2, SW/4, NE/4, SW/4 a distance of 483.84' to a point 177.97' from the NW corner thereof; thence North $89^{\circ}-55'-38''$ East a distance of 102.98'; thence North $0^{\circ}-16'-13''$ East a distance of 152.96' to a point 25.00' from the Northerly boundary of said E/2, SW/4, NE/4, SW/4 thereof; thence North $89^{\circ}-56'-06''$ East 25.00' from and parallel to the Northerly boundaries of said E/2, SW/4, NE/4, SW/4 and the W/2, SE/4, NE/4, SW/4 a distance of 556.57' to the point of beginning, containing 404,539 square feet, or 9.28694 acres.

Application No. Z-5551
Applicant: John P. McQuade (Ansteth)
Location: S of SW/c of 48th & Quaker

Present Zoning: RS-3
Proposed Zoning: RM-T

Date of Application: April 20, 1981
Date of Hearing: May 27, 1981
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: William Ansteth
Address: 1372 E. 48th Place

Phone: 747-0163

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

Staff Recommendation:

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

The subject property is located on the west side of Quaker Avenue, between 48th Street and 48th Place. The property is zoned RS-3 and has been used as a storage for the landscape firm to the west of the subject property. The tract is currently undeveloped and the applicant is requesting RM-T zoning to permit development of townhouses.

The Staff feels that the subject tract is an appropriate location for townhouse development. The single-family subdivision located to the north of the subject tract is separate and distinct from the subject property. The subject property is adjacent to medium density apartments, a commercial landscaping firm and is directly west of the Henthorne Park. The Staff feels that townhouses at this location would provide a transition or buffer use between the single-family homes and the commercial and medium density apartments abutting the subject tract on the west.

For these reasons, the Staff recommends APPROVAL of the requested RM-T zoning.

For the record, the subject property will require a townhouse plat and each unit must be individually lotted.

Applicant's Comments:

The owner of the property was present, but did not wish to comment.

Protestants: None

A letter (Exhibit "C-1") was presented from the District 6 Steering Committee recommending approval of the application. The Committee unanimously (16-0-0) considered the proposed townhouse project across from Henthorne Park to be appropriate land use at that location.

A Development Booklet (Exhibit "C-2") with location map, concept plan, floor plan, design standards and photos was exhibited.

Z-5551 (continued)

Instruments Submitted: Letter from District 6 (Exhibit "C-1")
Steering Committee
Development Booklet (Exhibit "C-2")

TMAPC Action: 8 members present

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

Part of Lot 3, Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, according to the United States Government Survey thereof, in Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: BEGINNING at a point 25 feet South and 485 feet East of the Northwest corner of the South Half (S/2) of Lot 3 of said Section 30; thence South along a line parallel to and 485 feet East of the West boundary of South Half of said lot, a distance of 216.55 feet; to the Northeast corner of SOUTHERN CENTER ADDITION to the City of Tulsa; thence South along the East boundary line of said SOUTHERN CENTER ADDITION to the City of Tulsa, a distance of 244 feet to a point along the North boundary line of East 48th Place South; thence East along the said North boundary line of East 48th Place South 155 feet to a point along the West boundary line of South Quaker Avenue; Thence North along the West boundary line of said South Quaker Avenue 459' to a point along the South boundary line of East 48th Street South, being 25 feet South of the North boundary line of the South Half of said Lot 3; thence South 89°58'48" West along the South boundary line of East 48th Street South a distance of 155 feet to the point of beginning, containing 71,145 square feet more or less.

Application No. Z-5552 Present Zoning: RS-1
Applicant: David H. Barnes (Griffin) Proposed Zoning: RM-T
Location: North and East of 47th Street and Gary Avenue

Date of Application: April 20, 1981
Date of Hearing: May 27, 1981
Size of Tract: 118' x 136.1'

Presentation to TMAPC by: David Barnes
Address: 3311 East 45th Street Phone: 749-0178

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

Staff Recommendation:

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

The subject property is located north of 47th Street and east of Gary Ave. The property is interior in location, is an undeveloped portion of a single family lot, and the applicant is requesting RM-T zoning to permit townhouse development.

The property request will be a continuation of the development proposed on the RM-T tract to the south. The Staff feels that the RM-T zoning is a logical extension of the presently zoned RM-T tract and supportive on that basis. The Staff is aware that any additional extensions of townhouse zoning north of the subject tract perhaps would be illogical, since access would be a key consideration. The subject property does have access to 47th Street via a private street. If the zoning were to be extended further north, access to a public street would become a problem. The Staff would not support RM-T zoning on the property to the north if the only access would be to Gary Avenue, a low density residential street.

For these reasons, the Staff recommends APPROVAL of the requested RM-T zoning.

Applicant's Comments:

David Barnes advised that the purpose of the acquisition of the subject property was primarily motivated by the sewer access. The existing sanitary sewer is located on the front of the subject tract. During negotiations to acquire the sewer easement the applicant agreed to purchase the back-half of the property to obtain that easement. The other alternative for acquisition of the sewer easement included going west 250' on 47th Street along the City right-of-way, south 150' on Gary Avenue, also on the City right-of-way. Mr. Barnes favored the first alternative which would keep the excavation off of the City streets and the additional 118' included in the subject tract would involve only five more townhouse units.

Z-5552 (continued)

<u>Protestants:</u>	James M. Lamb	Addresses:	1918 E. 51st St.
	Jerry Malone		4610 S. Gary Ave.
	George Furlong		3141 E. 47th St.
	Kay Campbell		4615 S. Gary Avenue
	Benjamin M. Danford		4523 South Gary Ave.
	Gus H. Caldwell		4632 South Gary Ave.
	Elizabeth Robbins		2835 E. 47th St.
	Hicks Brunson		4631 South Gary Ave.
	Mike Tramontana		2809 E. 49th St.
	Connie Whinery		4547 South Gary Avenue

Protestant's Comments:

James M. Lamb, attorney for the protestants, presented a protest petition (Exhibit "D-1") containing 42 signatures of area residents. Noting storm water runoff problems in the area, Mr. Lamb advised that he had been informed by the City Engineer's Office that the area is "flood prone" and a drainage plan, as well as a detention plan, would be required in the area. They also advised that standard detention procedures would not stop the runoff in this area.

Mr. Lamb pointed out the change in elevation, the drop off to the adjacent home and noted that a 6-foot privacy fence would be inadequate. Additional lights, noise and traffic were also concerns of the protestants.

Homes in the area are located on one-acre lots and are in the \$175,000 + price range. The proposed townhouses, at an approximately sale price of \$40,000 - \$70,000, would be incompatible with the quality and price level of the existing homes in the area.

Mr. Lamb stated that the requested townhouse zoning is incompatible with the surrounding zoning and land use. There is no comparable pattern in the area to allow for this zoning intrusion into an established neighborhood of quality homes.

Jerry Malone advised that he had lived in the area for the past 20 years and during that time has seen Harvard Avenue develop, on both sides, in businesses and offices. Pointing out the drainage and storm water runoff problems in the area, Mr. Malone stated that during a heavy rain the past week, approximately 8" of water ran onto Gary Street which does not have sanitary sewer or storm sewers. Three times in the past eight years, the storm water runoff has cut through the neighborhood taking out fences and storage buildings. The protestant pointed out it wasn't the danger of the whole area flooding, but that the lay of the land will not permit the water to run off quick enough to avoid accumulation.

In regard to traffic, Mr. Malone advised that there is a one-half to three-fourth mile backup on Harvard Avenue between 4:00 p.m. and 6:00 p.m. each evening. In order to avoid the heavy traffic on Harvard Avenue, many people cut through the residential neighborhood. The proposed townhouses will generate additional traffic and further compound the problem. The three objections of the protestant were: flood problems, increased traffic and additional encroachment into the neighborhood.

George Furlong advised that there is one item the Commission should take into consideration: As soon as the Tradewinds Motel is completed there will be one of the worst traffic problems ever in the area.

Z-5552 (continued)

Kay Campbell advised that he lives near Edison School, therefore, there are many school children traveling up and down the street. There are no sidewalks in the area. In addition, the school bus stops at the intersection of 47th Street and Gary Place where children walk to and from their homes on the narrow, very congested street.

Mr. Campbell stated that the area had not experienced sewer problems until the completion of the medical building in the area. Since that time several residents have experienced sewer backups in their homes.

Benjamin M. Danford pointed out that no one received notice and signs were not posted when the property immediately south of the subject tract was rezoned. This would account for the fact that there were no protesters at that meeting.

Gus H. Caldwell has lived in the area for the past 20 years and advised the Commission that it is one of the nicest areas in the City of Tulsa. Mr. Caldwell also noted the convenience of living in the neighborhood which is close to "everything." He was opposed to any change in zoning in the area.

Elizabeth Robbins advised that she and her husband had purchased their property on the assumption that the zoning in the area would remain as it was. If townhouses are allowed on Gary Avenue there would be no stopping the encroachment. She expressed concern that the addition would decrease her property value.

Hicks Brunson advised that all of the neighbors that have been contacted are in favor of the wonderful residential atmosphere in the area at the present time. He stated that he and his wife plan to live in the neighborhood for the rest of their lives. Mr. Brunson voiced objections to the invasion of privacy and pointed that there are other locations more suited to the development of townhouse units.

Connie Whinery advised that she lives two doors from the previously approved townhouses. She was unhappy that the addition would be so close to the back yard where her children play. If the subject tract is approved for RM-T zoning, the townhouses will be next door.

Mike Tramontana advised that he was going to continue to come to the meetings until some of the Commission members will help the residents prevent the encroachment which is occurring in the square mile west of Harvard, between 41st and 51st Streets. The City on various levels is making it very difficult for the homeowners. He noted that, one by one, the developers are being allowed to intrude on this residential area. The protestant pointed out that when the Staff Recommendation is not for approval the Commission comes up with creative ideas, compromise ideas; the recommendation of the Staff is for approval of the requested RM-T zoning.

A letter of inquiry (Exhibit "D-2") was presented from Sequoyah A. Perry, President of the Turner Corporation. The letter stated that there would be no objection to the rezoning provided several provisions: i.e., erection and maintenance of a permanent fence prior to beginning of construction, further review by Mr. Perry prior to approval and construction of the structures, were considered.

Z-5552 (continued)

The District 6 Steering Committee letter (Exhibit "D-3") was exhibited. The letter advised that the Committee voted 14-1-1 to recommend denial of the subject application. Members of the Steering Committee were concerned with lack of adequate access for emergency vehicles to the interior tract north of the present RM-T District, further encroachment northward into the interior and rear portions of single family residential lots and the increased traffic generation and congestion on Harvard Avenue due to the layout of the streets in that neighborhood.

Instruments Submitted: Protest Petition, 42 signatures (Exhibit "D-1")
Letter of Inquiry (Exhibit "D-2")
Letter - District 6 Steering
Committee (Exhibit "D-3")

Special Discussion for the Record:

Commissioner T. Young asked the applicant if he wanted to build more town-house units or just get to the sewer easement. Mr. Barnes advised that to acquire the property and not be able to use it for anything other than the sewer easement would not be economical.

Commissioner T. Young was of the opinion that the role of the Commission is to consider the property rights of property owners and the collective rights of those around them. When a compromise is possible it should be pursued.

In response to the drainage problems in the area, Mr. Barnes advised that he plans to construct a retaining wall and raise the grade for the whole property; this will be required in the platting process.

The applicant noted that it was pointed out at the City Commission during discussion of a contested zoning case, that traffic is not something that is zonable. It is created by people from all over the City driving in the area. Mr. Barnes stated that he lives in the area and is sympathetic with anyone who tries to cross Harvard Avenue during the rush hour.

The proposed project is for 14 luxury townhouses, sale price of \$90,000, on the existing tract. The property will be enclosed with a security fence and gate.

Commissioner T. Young stated that he was continually persuaded by the arguments being presented by the residents of this area. Residents from both sides of Harvard have been before the Planning Commission for years. He pointed out that the Commission continues to rezone in the area and he could not support any further rezoning.

Chairman C. Young advised that he agreed with Commissioner T. Young and to rezone the subject tract would lead to future requests for zoning changes in the area.

In response to Commissioner Parmele's question, Mr. Lasker advised that 13 units could be constructed under a PUD on the subject tract and the adjacent property which is already zoned RM-T.

Commissioner Parmele expressed mixed emotions on the application. In his opinion, the additional 5 units would be a logical extension of the existing RM-T zoning and failed to see that it would be a detriment to the neighborhood with the RM-T already in place.

Z-5552 (continued)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 4-3-0 (Gardner, Holliday, C. Young, T. Young "aye"; Kempe, Parmele, Petty "nay"; Eller, Freeman, Higgins, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be denied.

The East 136.1' of the South 128' of the W/2 of Lot 1, LESS the South 10' and West 5', Claypool Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5553
Applicant: John L. Morton
Location: 5646 South Mingo Road

Present Zoning: RS-3
Proposed Zoning: IL

Date of Application: April 21, 1981
Date of Hearing: May 27, 1981
Size of Tract: 100' x 200'

Presentation to TMAPC by: John Morton
Address: 5646 South Mingo Road

Phone: 252-3200

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 -- Residential.

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

Staff Recommendation:

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

The subject property is located on the west side of Mingo Road, north of 58th Street. The property is zoned RS-3, contains a single family dwelling, and the applicant is requesting IL Light Industrial zoning.

The subject request is "spot zoning" and the Staff's opinion, does not merit consideration for light industrial zoning just simply because the IL zoning and development exists on the east side of Mingo Road. The subject tract together with a number of other properties to the north and to the south of the subject tract were platted and developed into single family residential uses. The conversion of single family lots to industrial presents several problems. First, the depth of the subject tract would limit the development of the property under the IL category severely, since a 75' setback is required from the property to the west, which is zoned residential, and a 100-foot building setback would be required from the centerline of Mingo Road, leaving only a 75' strip of ground that could be developed with these two setbacks. Second, the residential zoning to the north and south would require a 75' building setback. The subject tract is only 100' in depth, which would eliminate any industrial development without a variance by the Board of Adjustment. Rezoning is a self-imposed hardship, and therefore, not a basis for relief. Third, the Zoning Code requires 150 feet of frontage on an arterial street if it is to be zoned IL.

The Staff is aware that perhaps there should be some sort of relief for the property owners that are now faced not only with the prospects of an industrial district to the east, but also the increased traffic flow on the arterial street, such as Mingo Road. The Staff feels that light office or a home occupation would be a more reasonable use of the property. Office zoning requires only 75' of frontage and 10' setback from residential. Unfortunately, the IL advertising would not permit the consideration of OL zoning. So unless the applicant agrees to readvertise for OL zoning, OL could not be considered at this time.

The Staff therefore recommends DENIAL of the requested IL zoning.

Z-5553 (continued)

Applicant's Comments:

John Morton advised that he had purchased the subject tract two years ago with the intention of using the property for commercial purposes at a future date. Mr. Morton purchased the property from people who wished to move from the area due to other commercial ventures in the neighborhood.

There was an existing, incomplete building on the subject tract at the time of purchase which the applicant has since completed for office use. The applicant stated he would like to have the property rezoned before spending any more money on development of the property.

Mr. Morton, in talking with the surrounding neighbors, did not find anyone who was opposed to the rezoning since it was agreed that the whole area would eventually turn to commercial use.

Protestants: None.

TMAPC Action: 7 members present.

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

Lot 5, Block 1, Andersen Addition, A Subdivision in Tulsa County, Oklahoma.

Application No. Z-5554
Applicant: Craig Heidinger
Location: South side of 61st Street and East of Rockford Avenue

Present Zoning: RS-2
Proposed Zoning: RD

Date of Application: April 21, 1981
Date of Hearing: May 27, 1981
Size of Tract: 1 acre, more or less

Presentation to TMAPC by: Ted Sack
Address: 3216 East 27th Place
Phone: 749-0737

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 -- Residential.

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

Staff Recommendation:

The Staff recommends DENIAL of the requested RD zoning and APPROVAL of RS-3, for the following reasons:

The subject property is located on the north side of 62nd Street, west of Trenton Avenue. The property is zoned RS-2, contains a single family dwelling and the applicant is requesting RD Residential Duplex to accommodate the duplex development.

The Staff is concerned about the interior location of the subject property and the surrounding low density single family development. The Staff recognizes that the subject properties will at some point in time develop to a higher density use. Duplex zoning would permit approximately 10 dwelling units per acre, whereas the RS-3 would permit approximately 5 dwelling units per acre and with Board of Adjustment exception 8 dwelling units per acre. The Staff feels that based upon the surrounding zoning and development that RS-3 is the highest zoning category that we could support. The duplex zoning to the north of the subject property does have direct access to 61st Street and can be distinguished from the subject tract. The apartment zoning and development to the west of the subject tract is according to the established plans for the properties on the east side of Peoria Avenue. This area provides the transition from the commercial and medium intensity apartment zoning to the west. The majority of the properties surrounding the subject tract are developed at a density of 1 to 2 units per acre. This area also has surface drainage problems and the greater density only magnified the problem.

Therefore, the Staff recommends DENIAL of RD and APPROVAL of RS-3.

Applicant's Comments:

Ted Sack, represented the applicant who also owns the adjacent property to the north of the subject tract. The proposed plan is to tie the two properties together for the duplex development. Mr. Sack pointed out other duplex units and apartments located in the area.

Drainage is a concern in the area which has very little storm sewer. The subject tract could drain to the north and utilize the existing storm sewer on 61st Street.

Z-5554 (continued)

Mr. Sack pointed out that the Staff suggested the RS-3 zoning and making application to the Board of Adjustment for duplex use. This type of action would require lots and on a narrow tract the lot configuration would be strange and would require several waivers.

Craig Heidinger advised that when he purchased the adjacent property, which is zoned RD, there was a complete misunderstanding on the way the sewer, water and utilities were to go into the area. He pointed out that if he gained Board of Adjustment approval and was tied to lots, he would not be able to shift the buildings so that drainage can be handled through the storm sewer on 61st Street.

Protestants: None.

Special Discussion for the Record:

Chairman C. Young advised that he was troubled with the fact that the entire block on 62nd Street would be dedicated to duplexes when it is presently zoned RS-2. He was concerned that the trend may continue throughout the area. Mr. Heidinger pointed out that there would be no way to develop much of the property unless there is frontage on 61st Street since it would be impossible to get to the storm sewer.

Mr. Heidinger, explaining the proposed duplex development, advised that there is an entrance from 61st Street to an area which will accommodate only 5 duplexes. The development, as proposed, will not allow a cut-through from 61st Street to 62nd Street.

Commissioner Petty questioned the proposed design of the project since it would seem logical to have all access to the duplexes from 61st Street and limit access to 62nd Street.

Mr. Heidinger felt that would put too much congestion within the project itself. It was the applicant's desire to provide some type of amenity with the project, and by splitting the two duplex developments there would be a green area in the middle which would allow for construction of a tennis court.

Commissioner T. Young pointed out that for some reason there is a demand for duplex, RM-T, multifamily-type development in the area. He noted that in considering the whole section and the development there he could find no reason to object to the requested duplex zoning.

TMAPC Action: 7 members present.

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

Lot 7 of Valley Center Addition, Tulsa County, Oklahoma.

Application No. CZ-22
Applicant: Russ Roach (Freeland, Krumme, Conrad)
Location: Osage Drive and 99th Street N.

Present Zoning: AG
Proposed Zoning: RS

Date of Application: April 15, 1981
Date of Hearing: May 27, 1981
Size of Tract: .6 acres

Presentation to TMAPC by: Russ Roach
Address: 209 E. 21st
Phone: 585-1938

Relationship to the Comprehensive Plan

The subject property lies within the unincorporated area of Tulsa County. This area does not have an approved District Plan; however, the Development Guidelines do apply for guiding zoning decisions. The subject tract is located within the area defined as a subdistrict and the RS zoning is a zoning category that is considered appropriate within the subdistrict.

Staff Recommendation:

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

The subject property is located north of the NE corner of Osage Drive and 99th Street North (West Cemetery Road). The property contains a single-family dwelling, is zoned AG Agriculture and the applicant is requesting RS zoning.

The subject property is part of a larger tract that has been in agricultural use and is zoned AG. The applicant is wanting to sell a portion of that property (the subject tract) for residential use. Based on the existing use, the Staff recommends APPROVAL of RS.

Applicant's Comments:

Russ Roach advised that the applicant has owned the subject property for a considerable length of time. The surrounding tracts to the north, east and south are also owned by the applicant. The owner moved to a condominium, sold the subject property within the fenced area, and then discovered that the tract was too small to qualify under the existing AG zoning. Therefore, the rezoning to RS is requested.

Protestants: None.

TMAPC Action: 7 members present

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

Commencing at the Southwest corner of Lot 2, Section 14, Township 21 North, Range 12 East, Tulsa County, Oklahoma; thence North along the West line of Lot 2, a distance of 519.50' to the point of beginning; thence S. 88° 20' E. a distance of 183.64'; thence N 0° 28' 41" W. a distance of 141.43'; thence N. 89° 10' West a distance of 182.40' to a point on the West line of said Lot 2; thence South along the West line a distance of 138.74' to the point of beginning; containing 0.6 acres, more or less.

OTHER BUSINESS:

PUD #131-A I. N. Berman SW corner of 14th Street and Garnett Road

Consider approving Site Plan and Minor Amendment to permit a reduction in front and rear yards, per applicant's final site plan.

The Staff advised that the applicant is submitting the detailed site plan for the undeveloped portion of PUD #131-A. The property is located south and west of 14th Street and Garnett Road. The applicant's site plan reflects 152 lots on which duplex and four-plex units will be constructed. The Staff has reviewed the applicant's site plan and recommends APPROVAL, according to the submitted site plan.

On MOTION of PARMELE, the Planning Commission voted 7-0-0 (Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Freeman, Higgins, Inhofe "absent") to approve the Site Plan and Minor Amendment to permit a reduction in front and rear yards of PUD #131-A, per applicant's final Site Plan.

PUD #139 Riverside South Complex

Applicant is requesting approval of an addition to the Covenant.

This action includes an addition to the protective covenant stating that the open space will not be developed. This was a requirement of the PUD.

On MOTION of PARMELE, the Planning Commission voted 7-0-0 (Gardner, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Freeman, Higgins, Inhofe "absent") to approve an addition to the protective covenant requiring that the open space will not be developed on PUD #139 Riverside South Complex.

There being no further business, the Chair adjourned the meeting at 3:45 p.m.

Date Approved _____

June 10, 1981

Carl H. Young
Chairman

ATTEST:

Marion E. Holliday
Secretary

