

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1361
Wednesday, June 10, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Freeman Holliday, Secretary Kempe, 2nd Vice- Chairman Parmele, 1st Vice- Chairman Petty C. Young, Chairman T. Young	Eller Gardner Higgins Inhofe	Alberty Gardner Howell	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, June 9, 1981, at 11:30 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 KEMPE, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to approve the Minutes of May 27, 1981 (No. 1359).

REPORTS:

CHAIRMAN'S REPORT:

Resolution of Appreciation for Thomas J. Keleher

Chairman C. Young presented the following resolution to former Planning Commissioner Thomas J. Keleher:

R E S O L U T I O N

WHEREAS, Thomas J. Keleher served the Tulsa Metropolitan Area Planning Commission with dedication and concern from January 27, 1976, until January 18, 1981, serving as Secretary and as Second Vice-Chairman of the Commission during that period; and

WHEREAS, for a period of five years Tom used his talent in the planning and implementation of the growth and development of the Tulsa Metropolitan Area; and

WHEREAS, Tulsa is a better place to live because Tom spent many hours in service to his community.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Tulsa Metropolitan Area Planning Commission wish to formally express appreciation for the service given by Thomas J. Keleher.

DIRECTOR'S REPORT:

Personnel Matters:

Bob Gardner announced the resignations of Staff members, Kelly Dees and Wayne Alberty. Wayne Alberty, a member of the TMAPC Staff for the past 10 years, had resigned to take a position in the private sector of the City.

Commissioner T. Young expressed appreciation to Mr. Alberty for the amount of time he had given to the job. He also stated that he appreciated the composure of Mr. Alberty and other Staff representatives who are accosted regularly by people on both sides of zoning issues while making recommendations based upon the actions of the elected officials at the City and County.

CONTINUED ZONING PUBLIC HEARING:

Z-5543 Arnold Webster South of 4th Street, East of 129th East Ave. RS-2 to IL

Mr. Gardner advised that this item had been previously continued to allow the applicant to seek a Board of Adjustment application for relief; that application will be heard by the Board on June 11, 1981. The Staff recommended a continuance for one week.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue Z-5543 to June 17, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5539 Present Zoning: AG
Applicant: T. I. Nelson Proposed Zoning: CG & RM-2
Location: SW corner of 71st Street and South Peoria Avenue

Date of Application: March 26, 1981
Date of Hearing: June 10, 1981
Size of Tract: 2.75 acres, more or less

Presentation to TMAPC by: Charles Voseles
Address: 801 Beacon Building Phone: 582-5179

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 Public and Riverside Expressway right-of-way.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CG or RM-2 District is not in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of RM-1 and DENIAL of RM-2 or CG zoning, for the following reasons:

The subject property is located south of the SW corner of the intersection of 71st Street and Peoria Avenue. The property is zoned RS-3, contains a single family dwelling and several accessory buildings and the applicant has advertised in the alternative requesting either CG General Commercial zoning or RM-2 Residential Multifamily.

The subject property is designated by the District 18 Comprehensive Plan as public use; however, the public has not purchased the property. The applicant is seeking an appropriate zoning category for the subject tract. The Staff believes that residential use is the most appropriate use for the subject property based upon the fact that the commercial zoning line has been established north of the subject property and RM-1 and RM-2 Multifamily density has been considered appropriate and reasonable for the interior properties. The Staff feels that an argument could be made for RM-2 densities on the subject property, however, there is a precedent for RM-1 based upon recent zoning decisions which approved RD zoning immediately to the east of the subject tract and RM-1 zoning approximately a block east of the subject tract. The Staff can find no justification for extending commercial zoning south of the established line.

Therefore, the Staff recommends APPROVAL of RM-1 and DENIAL of RM-2 or CG.

Applicant's Comments:

Charles Voseles, attorney for the applicant, advised he would like to withdraw the application for CG zoning. The applicant pointed out that RM-2 would be compatible with other commercial development in the area and would act as a suitable buffer for development to the south of the subject tract. He noted that there is RM-2 zoning on the east side of Peoria. It was Mr. Voseles' opinion that RM-2 zoning on the subject tract would enhance the commercial development in the area.

Protestants: None.

Special Discussion for the Recorded:

Commissioner Parmele questioned if the shape of the subject property would lend something to the request for RM-2 zoning. Bob Gardner advised there are at least three single-family homes remaining immediately to the south of the subject tract; this is one of the reasons the Staff recommended RM-1. The RM-2 zoning to the south of the subject tract was recommended because there are no other homes in the area and it was a part of a PUD, an overall zoning of the total area. Mr. Gardner expressed doubt that more than 22 units, per acre, which would be allowed under RM-1, could be located on the subject tract due to the shape. Approximately 33 units per acre, could be constructed under RM-2 zoning.

Commissioner Parmele felt the applicant may need the increased density because of the shape of the subject tract.

Commissioner T. Young pointed out that there are several "unknowns" about what will happen in this area; Riverside Drive extended in its present configuration will not present any problems for the subject tract; however, it is not known what type of intersection might occur in the future with Peoria and the Riverside extension. If the intersection is like Riverside and South Denver rather than having an interchange where the 71st Street bridge will be, with a heavy degree of traffic on South Peoria, RM-2 density might be more than the area can handle.

Commissioner Petty asked if any of the subject property was designated as floodway and Mr. Gardner advised that it is not.

Commissioner T. Young made a motion to support the Staff recommendation for RM-1.

Commissioner Parmele stated he was not opposed to the RM-1 zoning, but was of the opinion that the RM-2 designation would be more appropriate for that area. There is enough existing RM-2 in the area to support the use. The subject tract will be difficult to develop because of the configuration of the property; the increased density will allow the applicant to achieve a better development.

Commissioner T. Young questioned if an RM-1 designation would be the basis for any Board of Adjustment relief that might allow additional units based upon the shape of the property. Bob Gardner advised that a PUD would allow a maximum of 26 units per acre; Board of Adjustment would have the authority to allow a minor increase. The Commissioner pointed out that approval of the RM-2 designation would allow the applicant to construct as many units as he could cram in under that density; RM-1 would allow some opportunity for upward movement to a reasonable number of units.

TMAPC Action: 7 members present.

On MOTION of PARMELE, the Planning Commission voted 4-3-0 (Freeman, Parmele, Petty, C. Young "aye"; Holliday, Kempe, T. Young "nay"; no "abstentions"; Eller, Gardner, Higgins, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-2:

Z-5539 (continued)

A Tract of land beginning 480' South of the NE corner of Lot 1, in Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian; thence South 550'; thence northwesterly 625'; thence East 300' to the point of beginning, AND a Tract of land beginning 326' south of the northeast corner of Lot 1, Section 12, Township 18 North, Range 12 East, Tulsa County, Oklahoma; thence 154' south; thence 264' west; thence 156' northwesterly and; thence 301' east to the point of beginning.

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

The Staff suggested this item be tabled since they had not received enough information to evaluate the application.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue Z-5533 to July 1, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Z-5555 Robert L. Triplett (Bevard) NW corner of 91st Street and Yale Ave.
RS-3 to CS and RD

Mr. Gardner advised that the applicant had requested this application be withdrawn.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to withdraw Z-5555.

Z-5556 Robert L. Triplett (Humbyrd) NW corner of 91st Street and Yale Ave.
RS-3 to CS and RD

Ann Donovan, 4625 East 91st Street, requested a continuance of this item to allow time for the area residents to consider the zoning change. She noted that there seems to be a lot of unbalanced rezoning going on in the area. The homeowners would like to request that a PUD be filed on the subject tract.

The applicant was present and stated that he had no objections to the requested continuance.

Chairman C. Young suggested that Ms. Donovan meet with the applicant to review the plans and resolve any differences.

On MOTION of PARMELE, the Planning Commission voted 5-2-0 (Freeman, Holliday, Kempe, Parmele, C. Young "aye"; Petty, T. Young "nay"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") for Z-5556 to be continued to June 24, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5557

Present Zoning: AG

Applicant: Robert L. Triplett (Goodwin)

Proposed Zoning: IL

Location: SE corner of 51st Street and Mingo Road

Date of Application: April 21, 1981

Date of Hearing: June 10, 1981

Size of Tract: 14.91 acres

Presentation to TMAPC by: Robert L. Triplett, Jr.

Address: 5001 East 68th Street, Suite 500

Phone: 494-5020

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 may be found in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located south and east of the SE corner of the intersection of 51st Street and Mingo Road. The property is zoned AG Agriculture and the applicant is requesting IL Light Industrial zoning.

The subject property is within an area that is recognized by the District 18 Plan for industrial development. Industrial zoning and development exists to the north, south, east and west of the subject property. The IL zoning is not only consistent with the Comprehensive Plan, but is also consistent with the existing zoning patterns in the area. Therefore, the Staff recommends APPROVAL of the requested IL zoning.

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

All of Lot 1, Section 31, Township 19 North, Range 14 East, EXCEPT the East 20 acres thereof, and the 250' x 250' site in the Northwest corner, ALL in Tulsa County, State of Oklahoma, containing approximately 14.91 gross acres.

Z-5558 Richard W. Riddle (71st Street, Ltd.) 71st Street, between Yale and
Sheridan Road RS-3 to 0L

The applicant, Richard Riddle, advised that he had filed a PUD application on the subject tract which would be heard on June 24, 1981. He requested the item be continued to the same date as the PUD so they could be heard together.

W. J. Pfiffner, 6708 South 66th East Avenue, was interested in the application and stated he would like to be notified of the hearing date.

On MOTION of PETTY, the Planning Commission voted 6-0-1 (Freeman, Holliday, Kempe, Petty, C. Young, T. Young "aye"; no "nays"; Parmele "abstaining"; Eller, Gardner, Higgins, Inhofe "absent") to continue Z-5558 to June 24, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5559 Present Zoning: AG
Applicant: Richard W. Riddle (71st Street, Ltd.) Proposed Zoning: OL
Location: 68th Street, between Yale Avenue and Sheridan Road

Date of Application: April 22, 1981
Date of Hearing: June 10, 1981
Size of Tract: 4.25 acres

Presentation to TMAPC by: Richard Riddle
Address: 2111 Fourth National Bank Building Phone: 583-1847

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 and Development Sensitive.

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 APPROVAL of the requested OL zoning, for the following reasons:

The subject property is located north of 71st Street, between Yale Avenue and Sheridan Road. The property is zoned RS-3 Residential single-family and the applicant is requesting OL zoning to permit office development.

The area between Yale Avenue and Sheridan Road, on the north side of 71st Street extending to a depth of 1/4 of a mile has been considered appropriate for either OL Light Office or RM-1 Apartment zoning. Multifamily zoning exists on the south side of 71st Street, at approximately RM-1 densities. More recently the Planning Commission and City Commission recommended approval of office zoning approximately 1/2 of a mile north of 71st Street, on the west side of Sheridan Road. Based upon these zoning decisions, the Staff feels that OL zoning on the subject property is both appropriate and consistent with the established planning and zoning practices. Therefore, the Staff recommends APPROVAL of the requested OL zoning.

Commissioner Parmele announced that he would abstain from voting on this item.

Applicant's Comments:

Richard Riddle was of the opinion that the area north of 71st Street, between Yale and Sheridan, has received a great deal of attention to detail with respect to how it is going to be developed. The precedent has been set, 71st Street will be a major arterial Street to the east and west. The proposed 71st Street bridge will provide an outlet for the mainstream of traffic in the area. He pointed out that we are underdeveloped with respect to the infill of the City, we need to see higher intensity of uses in this area. Yale and 71st Street is no longer South Tulsa, it is approximately 1 1/2 miles from the center of the City in terms of population. This area must be considered very carefully as to how it will be developed. Consideration must be given to the fact that there are existing utilities along 71st Street; sewer lines will be in place before the proposed development is begun. Tulsa must follow the valid planning concept of infill. The RS-3 zoned area is a great deal too

Z-5559 (continued)

restrictive from an economic point of view; it is not practical, economically, to develop the area of the subject tract. In essence, Mr. Riddle advised, failure to zone higher intensity uses in this area will result in no use at all - this we cannot afford to do as a city and as a county. We cannot afford to ignore the availability of existing utilities and services with the shortsighted attitude that the best kind of development is residential. With respect to the subject application, Mr. Riddle stated that any kind of office use along 71st Street is a good use and OL zoning has less of an impact than additional residential use would have.

Protestants: W. J. Pfiffner Addresses: 6708 South 66th East Avenue
 Harold Furtney 6604 South Oxford Place.

Protestant's Comments:

W. J. Pfiffner, a nearby property owner and also representative of the Southeast Tulsa Homowner's Association, objected to the Staff Recommendation, particularly the part which refers to the inclusion of a nearby, recently approved PUD which included light office zoning. Mr. Pfiffner advised that the homeowners believed that speculative zoning should be avoided, especially where it is adjacent to undeveloped RS-3 zoning property. The protestant stated he would like to reserve the right to comment on any plan for the subject property which is brought before the Commission.

Harold Furtney, who owns a one acre lot in the area, pointed out to the Commission that this is very prime residential land. This is a wooded area with a large lake, 4 or 5 acres, inhabited by many delightful animals. Mr. Furtney advised that he loves this area and purchased his home there because of the quiet setting and did not like to see the area on 71st Street chopped away, piece by piece, by changes in zoning. He urged the Commission to plan for the future of the area. There are no through streets in the residential area and Mr. Furtney questioned how the residents would gain access to their property if OL zoning was granted. The District 18 Plan designates the area as development sensitive, an area which needs to be protected.

Special Discussion for the Record:

Bob Gardner advised that a PUD application for medium intensity office use has been filed on the 40-acre tract to the west of the subject tract. Application Z-5558, one lot removed to the east of the subject tract, which was continued to June 24, 1981, also requests the OL zoning category.

In answer to Commissioner Petty's question concerning access to 71st St., from the subject tract, Mr. Riddle advised that there is a dedicated street to the back line, it is not improved as yet. Sixty-eighth Street has been dedicated to the corner of the subject tract.

TMAPC Action: 7 members present.

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

The North Five Hundred Sixty-one feet (561') of the E/2 of the E/2 of the SE/4 of the SW/4 of Section 3, Township 18 North, Range 13 East, containing four and one-fourth acres more or less in the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

Z-5560 David C. Cameron SW corner of 91st Street and Yale Avenue RS-3, RM-0,
CS to CS, RM-2 and RM-0

An employee of Bill Jones, attorney for the applicant, advised that Mr. Jones was ill and, therefore, requested a continuance of the item for two weeks.

Several interested parties were in attendance at the meeting. They were not opposed to the requested continuance.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue Z-5560 to June 24, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 257 Present Zoning: (RS-2)
Applicant: R. L. Swanson
Location: SE corner of 51st Street and South Columbia Place

Date of Application: April 23, 1981
Date of Hearing: June 10, 1981
Size of Tract: 3.2 acres

Presentation to TMAPC by: Ernest Moody
Address: 2738 East 57th Street Phone: 749-2231

Staff Recommendation:

Planned Unit Development #257 is located at the SE corner of 51st Street and Columbia Place. The property is zoned RS-2, but an application on the subject property for OL is pending City Commission action following a recommendation for OL on the north 399' by the Planning Commission. Approval by the City Commission of the Planning Commission's recommendation would permit the consideration of the proposed 49,200 square feet of office floor area. The applicant has submitted the PUD for consideration by the Planning Commission, based upon the recommended OL zoning, so the City Commission can act upon both applications at the same time.

The applicant's site plan is essentially the same plan presented to the Planning Commission on March 26, 1981. The access to Columbia Place has been eliminated and the townhouses to the south have also been eliminated. The applicant's site plan shows a sensitivity to the existing development and the natural features on the site. The Staff has reviewed the applicant's text and site plan and recommended APPROVAL of the requested PUD, subject to the following conditions:

1. That zoning application Z-5518 be approved as recommended by the Planning Commission.
2. Development Standards:
 - a) That the gross site area be-----167,461 square feet
 - b) That the maximum office floor area be--- 49,200 square feet
 - c) That the maximum building height be-----1-story
 - d) That the minimum number of parking spaces be-----214
 - e) That the minimum open space area including walkways be-----21% of gross site area
 - f) Building Setbacks:
 - from north property line-----50 feet
 - from south property line-----50 feet
 - from east property line-----50 feet
 - from west property line-----40 feet
3. That the City Hydrology Division of the City Engineering Department approve the drainage plans, and detention design, if required.
4. That all efforts be taken in the development of the property to retain the maximum number of existing trees on the site as indicated by the applicant's text and site plan.
5. That no access be permitted to Columbia Place and a six-foot solid surface screening fence be required on the west, south and east boundaries, except where adjacent to office zoning.

PUD #257 (continued)

6. That the applicant's text and site plan be incorporated as a condition of approval unless modified herein.
7. That two ground signs be permitted on the 51st Street frontage per location indicated on the site plan not to exceed 32 square feet of display surface area and 15 feet in height for each sign.
8. That a subdivision replat be approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the conditions of PUD approval, prior to the issuance of any building permit.

Applicant's Comments:

Ernest Moody advised that the application includes only the office building, there will be a separate request for the townhouse development.

Mr. Moody asked Ted Sack, Sisemore, Sack, Sisemore, to address specific questions concerning drainage which were raised during the hearing on the zoning application Z-5518.

In regard to the sewer system, Mr. Sack advised that there is existing sanitary sewer along Delaware Place, the street immediately east of the subject tract. There is another existing sewer line which is low enough to serve a portion of the subject tract. In addition, there is a sewer on 53rd Street which could be extended up Columbia Place - the elevation would permit this. The PUD application would require a replat.

There is an existing storm sewer on Columbia Place. An 18" storm sewer comes into a 24" sewer line and extends to 53rd Street where there is a 50" pipe which goes to Joe Creek. The subject property drains to the south; drainage from 51st Street is to the east and does not cross the subject tract. On-site detention and the normal drainage requirements will be required on the subject tract.

<u>Protestants:</u>	Steve Schuller	Addresses:	Kennedy Building
	Nelson Little		5248 South Columbia Place
	Elton Hamilton		5235 South Columbia Place
	Elizabeth Piantanida		2707 East 53rd Street
	Edwin E. Terry		5525 South Columbia Place
	Lilly Stover		5226 South Columbia Place
	Mary Ann Little		5248 South Columbia Place
	Ann Little		5248 South Columbia Place
	Bob Selman		5212 South Columbia Place
	David Madden		5202 South Columbia Place

Protestant's Comments:

Steve Schuller, attorney representing Thomas G. Rogers who owns the property immediately south of the subject tract, advised that there are two items in the proposed PUD which need to be corrected, clarified or changed. The first item is addressed in the Land Use and Zoning section "...The south 75 feet of Lot 3 and Lot 4 can be considered unchanged from the original RS-2 zoning." Mr. Schuller suggested that be left as RM-T, recommended by the TMAPC on March 25, 1981, Z-5518. The PUD proposes a 6 ft. high screening fence to be erected on the south and east of the subject property. The protestant was of the opinion that a 6-foot fence would not be high enough to effectively screen the adjacent properties; an

PUD #257 (continued)

8-foot screening fence was recommended.

In regard to drainage, Mr. Schuller advised that his client has serious doubts that an extension of the 18" sewer line would be sufficient to take care of the drainage requirements in the area. He suggested that a 24" line should be required to take care of the drainage requirements.

Mr. Schuller stated that his client was a part of the original application for rezoning from RS-2 to RM-T.

Nelson Little presented a protest petition (Exhibit "A-1") including 49 signatures of area residents who are opposed to the application. Mr. Little stated that he was appearing as a resident of the area and also as State Representative of those who signed the protest petition. Mr. Little also presented a letter (Exhibit "A-2") from Mr. & Mrs. Jack Hunter who live directly across the street from the subject tract. The Hunters, unable to attend the meeting because of their work, expressed concern about the proposed construction in the area. Their letter stated that they disapproved of the project which will present many problems; i.e., congestion of traffic, more parking lots and cars in the area.

Representative Little pointed out that the development is creeping too far into the residential area and is going to ruin the neighborhood. One of the many worries of the area residents who contacted Mr. Little, was that they bought their homes to raise their families and to retire in a nice quiet area. The protestant requested that the area residents be notified when the application is considered by the City Commission.

Elton Hamilton advised that he has an acre lot near the subject tract. The area has water problems and Mr. Hamilton expressed concern that the proposed project will add to those existing problems. He noted that water, 5-6 inches deep, runs across the back of his lot when it rains.

Elizabeth Piantanida strongly objected to the PUD application, noting that it will be the beginning of the ruin of a beautiful neighborhood. She noted that she and her husband purchased their home five years ago with the intention of staying in the area. She expressed concern for her small child due to the increased traffic which will be cutting through the neighborhood.

Edwin E. Terry advised that he came to Tulsa in 1920 and a lot of his tax dollars have been spent on planning since that time. In regard to the zoning application on the subject property, Z-5518, Mr. Terry pointed out that the Staff had recommended approval of OM zoning on the north 200' and the TMAPC had approved OL zoning on the north 399' - the protestant noted that the Commission should listen to the planning Staff. He was of the opinion that 400' would be too far into the neighborhood and would be depriving the residents of all of the advantages they have now. This is a lovely residential area, like living in the country. Mr. Terry would like to see it remain just as it is.

Lilly Stover advised that there is a water problem in the area. There is no covered drainage in front of all the properties. She questioned, if a storm sewer and sanitary sewer are put in to accommodate an office building, how long will the street be in disrepair and who will replace the sod.

PUD #257 (continued)

Mary Ann Little stated she has lived, off and on, in her parents home the past few years. This is a lovely neighborhood and it would be hard to find another one like it in Tulsa. Residents have purchased their homes to raise their families and with the hope their property would appreciate in value. Ms. Little pointed out the heavy traffic in the area.

Ann Little advised that she has lived and raised her family in the area the past 24 years. She objected to the fact that commercial zoning goes down Columbia Place and faces residential property.

Bob Selman presented a drawing of an alternate plan (Exhibit "A-3") which respects the Comprehensive Plan and the Staff's original recommendation for the subject tract. The plan has an economic return, not as great as the applicant's proposed use, but more than the present market value. The plan respects the existing residential character of the neighborhood and reinforces the existing property values. Mr. Selman pointed out that if the TMAPC considered the option he presented as a viable option that works, there would be no reason to approve the PUD. He urged the Commission to reject the PUD.

David Madden advised that the area is a successful residential neighborhood which meets the recommendation of the Comprehensive Plan; however, with the variance from the Plan there has been more square footage and penetration into the neighborhood. Mr. Madden expressed concern that if the PUD is approved, there will be more requests for development and the neighborhood will be nibbled away at like a piece of cake until the residential area is gone.

<u>Interested Parties:</u>	Verna Rogers	Addresses:	5145 South Columbia Place
	Evelyn Connors		
	David Detrick		2202 East 52nd Place

Interested Parties Comments:

Verna Rogers advised she has lived in the immediate neighborhood since 1962, raised her family there and has enjoyed the country-like atmosphere. However, there is a lot of noise in the area now and it is no longer the same neighborhood as when she moved into the area 20 years ago.

Mrs. Rogers noted that the proposed storm sewers for the PUD project will help the water problem in the neighborhood. She stated she has watched a "river" come down the street and cross her lawn - the proposed PUD will be an improvement to the entire area.

Evelyn Connors stated she has lived in the area for the past 32 years and the pristine nature of the neighborhood is long gone. The neighborhood has been encroached upon from every side. She pointed out that a church that was built directly behind her property has brought about the worst problem that the neighborhood has ever known. The area is in need of sewers and Mrs. Connors stated she was in favor of the PUD application for that reason - they will provide sewers to the area.

David Detrick assured the protestants that all of their concerns and comments have been taken into consideration. He noted that the project will not be treated as an investment and he felt a certain responsibility toward the development since his name would be on the project.

PUD #257 (continued)

The congestion which might be created by the project will be on 51st Street - there will be no access to Columbia Place. The drainage in the area has been addressed and the development will not create any additional problems for the residential neighborhood. In regard to the requested 8-foot screening fence, Mr. Detrick advised that it would not be too much of a cost factor; however, he questioned if the 8-foot fence would look like a billboard. He had a visual objection to the proposed fence.

Instruments Submitted: Protest Petition (Exhibit "A-1")
Letter of Protest (Exhibit "A-2")
Drawing - Alternate Plan (Exhibit "A-3")

Special Discussion for the Record:

Chairman C. Young asked if the Commission had ever required an 8-foot screening fence to be erected for a project. Bob Gardner advised that under the PUD you could make a requirement of a higher fence; however, the standard height for a screening fence, under the Zoning Code, is 6 feet.

Commissioner T. Young questioned Mr. Schuller's suggested 24" sewer line on the subject tract. Mr. Schuller advised that his client is urging the applicant to install a 24" sewer line in order to handle the drainage for the office complex and other development of the surrounding area.

Addressing Lilly Stover's question concerning the street, Mr. Sack advised that the developer would be responsible for the cost of repairing the right-of-way to its in-like condition. The applicant proposes to go down the right-of-way and, therefore, would not actually tear up the street; the street will not be shut down for any length of time.

Noting Ms. Little's comment about the heavy traffic, Commissioner T. Young asked if she believed that the traffic experienced on 51st Street during rush hours was generated in the area or by others returning to their homes from other parts of the City. Ms. Little stated it definitely was other people returning to their homes, but she noted that because of the heavy traffic, citizens cut through the residential area to avoid the intersections.

Commissioner T. Young pointed out that one of the reasons the TMAPC recommended the zoning, which is now before the City Commission, was to require the applicant to come back with a PUD so as to have some control over the development.

In answer to questions of the Commission, Bob Gardner advised that the RM-T portion of the zoning application is under separate ownership. In the event that the proposed zoning is approved, the property owner would have the right to develop townhouses under the conventional zoning; they need not, nor do they wish to, be a part of the Planned Unit Development.

Commissioner Petty advised that he felt this was a very difficult case because of the time table involved. He stated that he hoped the Commission would not be placed in this position in the future - having to approve a PUD when the underlying zoning has yet to be approved by the City Commission. Commissioner Petty was sympathetic towards the protestants, but questioned their strategy and tactics because if the TMAPC does not approve the PUD and the City Commission approves the zoning application, the residents have totally lost any voice in the development of the subject property. For that reason, Commissioner Petty advised that he was inclined to

PUD #257 (continued)

favor the PUD application. He urged that the protestants take all of their arguments that were presented to the City Commission.

Commissioner Parmele pointed out that it was at the Planning Commission's request that the applicant submitted the PUD. The TMAPC, at the zoning hearing, felt that the OL designation was an appropriate use on the property, but should be subject to some controls.

Commissioner T. Young was of the opinion that it is very important that there be understanding of the recommendations made by the TMAPC. It would be important to note that residential character of this neighborhood was established at least 32 years ago, prior to the time that the Skelly Bypass was constructed. It was in direct response to the citizen participation in the zoning hearing which lead to the recommendation that the City Commission will consider. The TMAPC made the recommendation in such a way as to force the applicant, Mr. Moody, to submit a PUD in order to construct his development in the way it was presented. The PUD gives the Commission the opportunity to very tightly restrict the type of use which will be allowed under the zoning which may be approved by the City Commission. It gave the TMAPC the opportunity to prevent a multi-story office building on 200 feet of the subject tract or a multi-story office building on 500 feet of the property. It also presented the opportunity to guarantee certain landscaping which will add to the neighborhood, certain fencing which will prevent detracting from the residential area, and most important, affords the opportunity to prevent access to Columbia Place.

Following a motion by Commissioner Petty for approval of the Staff Recommendation, Commissioner T. Young questioned if motion included the 6-foot screening fence on all three sides or if he would be willing to include an 8-foot provision on the south side of the subject tract. Commissioner Petty stated it was his intent to move for Staff Recommendation of a 6-foot fence. He noted that he was in agreement with Mr. Detrick's statement concerning the visual affect of an 8-foot fence; however, he would accept the amendment to his motion.

Commissioner T. Young offered the amendment to the motion to include an 8-foot screening fence on the south side of the subject tract. At this point, Steve Schuller, who had requested the 8-foot fence, advised that he would like to withdraw the request. Commissioner T. Young then withdrew his amendment to the motion.

TMAPC Action: 7 members present.

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

The North 225' of Lot 3 and the North 225' of Lot 4, Bethel Union Heights and the North 248.9' of the South 373.9' of Lot 3 and the North 249' of the South 374', Tulsa County, Oklahoma.

Z-5561 Turner Fox (Arnold) North of the NE corner of 17th Street and Carson
Avenue RS-1 to OM

James Walker advised that he had filed a written request for continuance of this item to allow time to meet with the applicant concerning his plans for the property.

The applicant was present and advised that he had no objections to a continuance for one week.

On MOTION of PARMELE, the Planning Commission voted 6-1-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young "aye"; T. Young "nay"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue Z-5561 to June 17, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5524 (Amended) Present Zoning: AG
Applicant: Wilson (Gilbert) Proposed Zoning: IH
Location: South and East of the SE corner of 32nd Street North and 129th East Avenue

Date of Application: April 24, 1981
Date of Hearing: June 10, 1981
Size of Tract: 60 acres, more or less

Presentation to TMAPC by: Art Wilson, Sr. Phone: 834-2812
Address: 2521 East Independence Avenue

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District II.

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

Staff Recommendation:

The Staff recommends APPROVAL of IM zoning and DENIAL of the requested IH zoning, for the following reasons:

The subject property is located on the east side of 129th East Avenue, north of Apache Street. The property is zoned AG Agriculture and contains a single family residence. The bulk of the property, however, is undeveloped and is in agricultural production.

This application is a readvertisement of Z-5524 for the purpose of including additional property and correcting an error in the original legal description. The previous application was recommended for approval of IM zoning by the Planning Commission on April 8, 1981 by a 6-0-0 vote. The Staff at that time made a recommendation for approval of IM zoning based upon the Comprehensive Plan and predominant IM zoning classification within the area. The primary reason for not recommending approval of IH zoning was due to the proximity of the residential uses to the north of the subject property. IH zoning would permit unrestricted utilization of the land without regards for these residential properties.

Based on these reasons, the Staff recommends DENIAL of IH and APPROVAL of IM zoning.

Applicant's Comments:

Art Wilson, Sr., advised that he was in agreement with the Staff Recommendation for IM zoning.

Protestants: Paul Navarre Addresses: 3111 North 129th East Avenue
Don Jenkins 3149 North 129th East Avenue

Protestant's Comments:

Paul Navarre, owner of the adjacent property to the north of the subject tract, advised that he had two objections to the application; the pollution and odor problem and the lack of water in the area. The surrounding area is not on city water - the closest fire hydrant is approximately one mile from the property line.

Don Jenkins stated he would not have any objections to IL or IM zoning on the subject tract if it can be restricted so that pollution does not be-

Z-5524 (continued)

come a problem for area residents. Mr. Jenkins was opposed to IH zoning on the subject property.

Instruments Submitted: Letter from District 16 Steering Committee (Exhibit "B-1")

Special Discussion for the Record:

In regard to the water problem mentioned by Mr. Navarre, the applicant, advised that he had received the water permit from the City of Tulsa. If the tract is developed, the applicant would need to bring the water line in. In addition, he has reviewed the proposed use of the property with the City and has been advised of all restrictions, in regard to pollution, that must be addressed; i.e., a paved road must be constructed to the area. Mr. Navarre stated that development of the subject tract will depend upon the economy in the future. The City did request that the proposed plant be located on the south side, lowest area, on the tract. He also noted that the amount of pollution that comes out of new asphalt plants is .004 miligrams, a minimal amount. In the applicant's opinion, there is no disagreeable odor connected with the asphalt plant; however, he advised there will not be any out in the open other than when it is actually being made.

A letter (Exhibit "B-1") from the District 16 Steering Committee was presented. The Committee recommended denial of the application because of the respiratory and pollution problems.

TMAPC Action: 6 members present.

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

The NW/4, SW/4 and W/2, NE/4, SW/4 of Section 21, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5562
Applicant: Warren G. Morris (Johns Park Dev.)
Location: 118th East Avenue and Admiral Place

Present Zoning: RM-1, RM-2
Proposed Zoning: RMH

Date of Application: April 24, 1981
Date of Hearing: June 10, 1981
Size of Tract: 9 acres, more or less

Presentation to TMAPC by: Warren G. Morris
Address: P. O. Box 45551

Phone: 627-4300

Relationship to the Comprehensive Plan:

The District 5 and 16 Plans, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and Development Sensitive.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested RMH zoning, except on that portion required for RD Floodway District, for the following reasons:

The subject property is located between Admiral Place and the Crosstown Expressway, east of Garnett Road. The property is zoned RM-2 and RM-1 Multifamily and the applicant is requesting RMH zoning.

The subject property and abutting property has been under application for a number of zoning categories over the past two years. Categories ranging from CO to RMH have been requested on the subject property. The applicant is now requesting that mobile home zoning be approved on the subject property, which would be a less intense use, in terms of number of dwelling units, than the existing zoning. Two applications still are pending publication based upon the applicant's requirements to supply a legal description for the floodway. The subject property was not advertised for FD Floodway consideration, even though it should have been advertised.

The Staff considers the RMH District appropriate based upon the existence of mobile home zoning within this corridor. Therefore, the Staff recommends APPROVAL of the requested RMH zoning, less and except that portion required for the FD Floodway.

Note: The Planning Commission may want to hold this application pending readvertisement for the FD Floodway.

A letter (Exhibit "C-1") was presented from the District 16 Steering Committee. The Committee recommended a screening fence be constructed by the applicant to provide privacy for the adjacent property owners.

Applicant's Comments:

Warren G. Morris advised there might be justification for a screening fence on the portion of the subject tract which is adjacent to a school. He pointed out that he is giving 25 acres of land to the Park Department and the rest of the surrounding area is in the flood zone.

Instruments Submitted: Letter from District 16 Committee (Exhibit "C-1").

Z-5562 (continued)

TMAPC Action: 6 members present.

On MOTION of PARMELE, the Planning Commission voted 6-0-0 (Freeman Holliday, Kempe, Parmele, C. Young, T. Young "aye"; no "nays"; no "abstentions, Eller, Gardner, Higgins, Inhofe, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH less and except that portion in the floodway.

All of Lot 3, and the E/2 of the E/2, Lot 4, and the NW/4 of the E/2 of Lot 4, except the following tract: Beginning at a point 30 feet south of the NW corner of the E/2 of Lot 4; thence Southerly along the West line of the E/2 of Lot 4; 307.7'; thence Easterly and parallel to the North line of said Lot 4, 330 feet; thence Northwesterly 356.1' to a point 150 feet Easterly and 30 feet Southerly of the Northwest corner of the above described tract; thence Westerly parallel to and 30 feet distance from the North line a distance of 150 feet to the place of beginning, all in Section 5, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, less the East 600 feet of Lot 3, Less the South 200' of the E/2 of the E/2 of Lot 4 (S200, E/2, E/2, Lot 4), Less the South 200' of the West 470' of Lot 3, all in Section 5, and the South 200' of the SE/4 of the SW/4 (S200), (SE/4 SW/4) of Section 32, Township 20 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government Survey thereof.

PUD #258 John Moody (Midwesco, Inc.) SW corner of East 71st Street and South
Yale Avenue (OM)

The Staff requested this PUD be continued to allow more time to evaluate the application.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue PUD #258 to July 1, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #259 Roy Johnsen (Birmingham Property) North of the NE corner of 41st St.,
and Birmingham Place (RS-2)

G. C. Spillers, Jr., attorney for the protestants, had previously presented a written request (Exhibit "D-1") for continuance of this application. The request stated that it would manifestly be inequitable, arbitrary and improper to consider and conceivably grant said PUD application when it may ultimately be determined in another proceeding that the Section should be rezoned and/or that the erroneous zoning from a mapping error should be corrected. The protestants requested the application be continued until resolution of the petition for downzoning of Section 20, as well as the whole question of downzoning generally, is resolved.

Roy Johnsen, representing the applicant, advised that he would not object to one continuance; however, he noted that July 15, 1981, would be the latest date to which he would be agreeable to. This would be more than adequate time to conduct the TMAPC hearings on the downzoning issue.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Freeman, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe "absent") to continue PUD #259 to July 15, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-23 Present Zoning: AG
Applicant: Opal Rivers Proposed Zoning: RS
Location: West 56th Place South and 167th West Avenue

Date of Application: April 24, 1981
Date of Hearing: June 10, 1981
Size of Tract: 45 acres, more or less

Presentation to TMAPC by: Stewart Coale
Address: 6945 South 153rd West Avenue

Stewart Coale advised that this will be one of the most beautiful subdivisions in the area.

Relationship to the Comprehensive Plan:

The subject property is located within an unincorporated area of Tulsa County which does not have an adopted Comprehensive Plan. The adopted Development Guidelines do apply and should be used in the evaluation of this zoning request. The subject property according to the Development Guidelines is located in a subdistrict. The RS District is one of the zoning districts considered appropriate within the subdistrict.

Staff Recommendation:

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

The subject tract is located north and west of the NW corner of the intersection of West 61st Street and 161st West Avenue. The property is zoned AG, is vacant and the applicant is requesting RS Single Family zoning.

The property to the east of the subject tract was zoned AG-R by the original mapping for Tulsa County zoning adopted in 1980. The decision was made based on the size of the platted lots. The subdivision is currently under development. The RS District would permit smaller lots and a greater density of development than the AG-R District. However, the RS District is reasonable in the Staff's opinion, since the size of lots will be determined by the ability to serve the subdivision with utilities and not the zoning. The RS District is considered appropriate to be located within the subdistrict. Therefore, the Staff recommends APPROVAL of the requested RS District.

Protestants: None.

TMAPC Action: 6 members present.

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

The NW/4 of the SE/4 and the North 353 feet of the East 660 feet of the SW/4 of the SE/4 of Section 31, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

Application No. Z-5563

Present Zoning: RS-2

Applicant: John Shelton (Samara)

Proposed Zoning: OL

Location: SE corner of 21st Street and 135th East Avenue

Date of Application: April 29, 1981

Date of Hearing: June 10, 1981

Size of Tract: 304' x 290'

Presentation to TMAPC by: Rental Properties, Ltd.

Address: 4625 South Harvard Avenue

Phone: 749 -0364

Relationship to the Comprehensive Plan:

The District 17 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.

Staff Recommendation:

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

The subject tract is located at the SW corner of 21st Street and 135th East Avenue. The 135th East Avenue is not an improved street at the present location. The property is zoned RS-2 Residential Single Family and the applicant is requesting OL zoning to permit office development.

The subject property is within an area along the south side of 21st Street that has been recognized for either low-intensity office uses or multi-family uses. Several properties within this area have been recently rezoned to either RM-1 or OL. Most recently, the SW corner of 135th East Avenue adjacent to the subject property to the west, was recommended for approval of OL zoning by the Planning Commission. The Staff feels that OL zoning is both consistent with the Comprehensive Plan and recent zoning decisions. Therefore, the Staff recommends APPROVAL of the requested OL zoning.

Protestants: None

TMAPC Action: 6 members present.

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

Lot 4, Smittle Addition, Tulsa County, Oklahoma.

Application No. CZ-24 Present Zoning: AG
Applicant: Temple J. Moore Proposed Zoning: RMH
Location: East of 33rd West Avenue, North of 121st Street

Date of Application: March 30, 1981
Date of Hearing: June 10, 1981
Size of Tract: 34 acres

Presentation to TMAPC by: Temple J. Moore
Address: 7401 South 234th East Avenue Phone: 258-7854
Broken Arrow, Oklahoma

Relationship to the Comprehensive Plan:

The subject property falls within the unincorporated area of Tulsa County and has no adopted Comprehensive Plan. The subject property under the Development Guidelines is classified as a subdistrict. The requested RMH zoning is a zoning category which may be found appropriate within a sub-district.

Staff Recommendation:

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

The subject tract is located on the east side of 33rd West Avenue, approximately 1/2 mile north of 121st Street South. The property is zoned AG Agriculture, and the applicant is requesting RMH zoning.

The subject property is located on the boundary road separating Creek County from Tulsa County. The Tulsa County Commission has no zoning control on those properties located on the west side of 33rd West Avenue in Creek County. The uses that have developed on the east side of 33rd West Avenue are predominantly residential, while the uses on the west side in Creek County are predominantly industrial, at least for 1/2 mile north of 121st. Several mobile home residences are located to the north and south of the subject request, on both sides of 33rd West Avenue. The Tulsa County Zoning Code permits mobile home as a use by right in an AG District, however, the minimum lot size is 2 acres. The requested zoning would permit mobile home development at approximately 8 mobile homes per acre. The Staff can see no conflict with the proposed land use and the existing development in the area. The only question to be answered is the appropriate density. The Staff recognizes that a large portion of the subject tract is developable, while a portion on the west is within a floodplain and would require bridging the Creek in order to develop. The Staff feels that RMH zoning is appropriate based upon the surrounding land use; however, the appropriate development density will depend upon the owner's ability to obtain sanitary service to accommodate his development.

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

Applicant's Comments:

Temple J. Moore advised that he and Mr. Lewis have formed a partnership to develop and operate a mobile home park on the subject tract. He stated that they will comply with all of the regulations and will provide amenities for the development.

CZ-24 (continued)

<u>Protestants:</u> Carrie Lee Maines	Addresses: 11108 South 33rd West Avenue
Charles Maines	P. O. Box 910, Jenks, Okla.
Becky Kirk	R. R. #3, Box 343, Sapulpa, Ok. 1412 North 2nd Street, Jenks, Ok.

Protestant's Comments:

Carrie Lee Maines advised that she had not been notified of the proposed mobile home development. Mrs. Maines lives just across the Creek County line and she pointed out that it has never been decided who owns the road in the area, Tulsa or Creek County. It took almost two years to replace a bridge which washed out, two small wooden bridges are still in use and the pipe yard had to make an opening onto the highway because no one could get through the roads.

The people who live in the area have placed mobile homes on their property until such time as they are financially able to build permanent residences; however, they are opposed to living near a mobile home park. The water in the area is hardly fit to drink because of the old pipe lines - most of the residents buy water for drinking purposes. There is also a problem with sewers in the area - they do not drain properly, especially during the rainy season.

Charles Maines advised that he has lived in the area the past 11 years and has traveled on a dirt road until the past year when the road was oiled. The road is not a two-lane road all the way through; part of it has been washed away. There is an old wooden bridge which is in such a condition that the school bus fell through, another bridge in the area has washed completely out at times.

The area along the highway has been developed industrial; the other property in the area has been purchased in acreages and people are placing mobile homes on the land until they can afford to build. There are several new, expensive homes being constructed in the area at this time.

The rural water in the area has such an odor at times that it is necessary to purchase bottled water for drinking purposes.

Mr. Maines advised that in other areas where housing has been developing the County has improved the roads because of the taxpayers; mobile homes will generate more traffic, but will not provide taxes for the roads. He also expressed concern that residents in the mobile homes would not have any interest in the community or upkeep of the area.

Becky Kirk advised that there is no sewer system in the area. She stated the applicant has not made application for water for the proposed project and there is a question if they would be able to obtain water in the event that the rezoning is approved. Many of the people in the area use well water and the protestant was concerned that septic tanks would affect the well water. Trash will be a problem since there is no service in the area. Mrs. Kirk noted that she was opposed to both the density and the proposed mobile home addition in the area.

A protest petition (Exhibit "E-1") bearing 42 signatures of the area residents was presented. The protestants recommended the application be denied for real and personal reasons.

CZ-24 (continued)

A letter (Exhibit "E-2") was exhibited from Richard Hall, Jenks Planner. The letter informed the Commission that the Jenks Planning Commission voted 5-0 to recommend approval of RMH zoning on the subject tract, but requested to examine the subdivision plat of the development as a referral.

Interested Party: Clifford Lewis Address: Box 341, Sapulpa, Oklahoma

Instruments Submitted: Protest Petition, 42 signatures (Exhibit "E-1")
Letter from Jenks Planning Commission (Exhibit "E-2")

Special Discussion for the Record:

Chairman C. Young asked protestant, Mrs. Maines, if she would be opposed to the development if it was going to be a subdivision. She stated that she would be opposed to the density of the development because of the water problems in the area.

Clifford Lewis, a partner of Mr. Moore, advised that the subject tract has been in his family since before statehood. He pointed out that there are no water wells in the community because of the oil wells which have turned the water under the ground to salt. In front of the house, across the subject tract, there is a 10" water line from Sapulpa which provides ample water; a multiple meter can be purchased for the development. Two systems of sanitary sewers would be available; a lagoon system, or a system of septic tanks.

Mr. Lewis pointed out that no one within 100 yards of the subject tract has protested the application. The residents which the applicant spoke to were hopeful that better roads and service would result if the area was built up. The applicant stated there is no problem with the roads other than one small bridge, approximately 3/4 mile north, which washed out one time.

Commissioner T. Young stated that he continues to be dismayed that people come to the TMAPC prepared to admonish the Commission for what they think they are going to do. In regard to the application, Commissioner T. Young advised that he was familiar with the section of road between 111th and 121st and it is not ready to accept additional development at this time. He pointed out that it is a road that has been in question and he did not know for several years what the responsibility of county government was for a county-line road. It is clear now that the responsibility is to be shared equally by both Counties; however, because of Creek County's financial situation, Tulsa County is beginning to assume more responsibility for all of 33rd West Avenue and will do so in this area. At the request of the Jenks School system, bridges on 33rd West Avenue are being surveyed because the school hopes to begin using the road again and Tulsa County has pledged to assist in replacing the bridges if possible. The Commissioner stated he was totally opposed to lagoons and development will have to occur at the time that a standard sewage system can be put in place. He advised that he could not favor the application for that reason and other objections that have been presented.

Commissioner Parmele was of the opinion that the subject property would not be developed until adequate services could be provided. He stated that it has been his policy not to go against the local community. The local community, Jenks, has recommended unanimous approval of this application. therefore. he would be in favor of the requested RMH zoning.

CZ-24 (continued)

Commissioner T. Young made a motion for denial of the application. Commissioner Parmele then offered a substitute motion for approval of the RMH zoning. The substitute motion did not receive a second.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 4-2-0 (Holliday, Kempe, C. Young, T. Young "aye"; Freeman, Parmele "nay"; no "abstentions"; Eller, Gardner, Higgins, Inhofe, Petty, "absent") to recommend to the Board of County Commissioners that the following described property be denied:

The S/2 of the NW/4 of the NW/4 of the SW/4 and the N/2 of the SW/4 of the NW/4 of the SW/4 of Section 34, Township 18 North, Range 12 East, containing 10 acres, more or less, AND the NW/4 of the SW/4, LESS and EXCEPT the S/2 of the SW/4 of the NW/4 of the SW/4 and the West 208.71' of the North 208.71' thereof, Section 34, Township 18 North, Range 12 East of the Indian Base and Meridian, and LESS the S/2 of the NW/4 of the NW/4 of the SW/4 and the N/2 of the SW/4 of the NW/4 of the SW/4 of Section 34, Township 18 North, Range 12 East, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, containing 24 acres more or less, both in Tulsa County, State of Oklahoma.

Application No. Z-5564 Present Zoning: RS-3
Applicant: Ragsdale-Christensen Proposed Zoning: OM
Location: SW corner of Intersection of East 22nd Place and South 92nd E. Ave.

Date of Application: April 30, 1981
Date of Hearing: June 10, 1981
Size of Tract: 1-acre, more or less

Presentation to TMAPC by: Leon Ragsdale
Address: 3025 South Skelly Drive, Suite 400 Phone: 749-8378

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 -- 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 OL and DENIAL of OM zoning, for the following reasons:

The subject property is located on the north side of Skelly Drive frontage road, between 91st and 92nd East Avenues. The property is zoned RS-3 single family, is vacant and the applicant is requesting OM office medium intensity zoning to accommodate a radio station.

The subject property is located within an area of the District 5 Plan that was recognized for low-intensity uses. Either OL or RM-1 zoning classifications have been considered consistent with the Comprehensive Plan for this area. The requested OM zoning, is medium intensity, and is not considered appropriate at the subject location.

The Staff therefore, recommends DENIAL of the requested OM and APPROVAL of the OL zoning.

Applicant's Comments:

Leon Ragsdale advised that he has owned the subject property for the past 11 years. The application for OM zoning was made in behalf of the Signal Media Corporation, the owners of KELI radio station. KELI has been in Tulsa since 1961, and prior to that time operated as KTUL radio since 1934. The radio station has reviewed many building sites in the City of Tulsa looking for one which will give them identification, exposure and access in order to be able to provide a high quality facility which will enhance their image.

The subject tract is located on the Skelly Drive frontage road in a heavily traveled area. Mini-warehouses and a church are located in the immediate area. Mr. Ragsdale stated he had talked with the members of Heritage Baptist Church, located across the street from the subject tract, and they were in agreement with the proposed radio station.

The applicant is proposing a one-story office building with space in the center section to allow construction of a lounge area sometime in the future. The total height of the building, including the lounge space,

Z-5564 (continued)

would be slightly less than a two-story structure.

The proposed height of the radio tower would be 160-190 feet. The tower would be similar to a booster tower and will not interfere with other signals. Regulation of the radio tower is covered under another section of the Zoning Code and will be considered by the Board of Adjustment.

A letter (Exhibit "F-1") was received from R. W. Steele, President, Indian Acres Development, Inc. Mr. Steele represents a group that owns approximately 40% of the lots in the Indian Acres to the west of the subject tract. The letter noted that the proposed zoning is not out of line with other uses on the frontages along I-44. The group was in support of the rezoning application.

Protestants: None.

Instruments Submitted: Letter in Support (Exhibit "F-1")

TMAPC Action: 6 members present.

On MOTION of PARMELE, the Planning Commission voted 2-4-0 (Parmele, Freeman, "aye"; Holliday, Kempe, C. Young, T. Young "nay"; Eller, Gardner, Higgins, Inhofe, Petty "absent") to approve OM zoning on Z-5564. The Motion failed.

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

Lots 3 and 4, Block 3, Memorial Acres Addition, E/4, W/2, NE/4 of Section 13, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

PUD #166 SE corner of 91st Street and Sheridan Road

Consider approving Minor Amendment to permit free-standing sign, 20 feet in height and a detailed sign plan.

A written request (Exhibit "G-1") to permit a sign, 20 feet in height in lieu of 16 feet as required, was exhibited.

The Staff recommended APPROVAL of the requested Minor Amendment for the following reasons:

The applicant is requesting to build a free-standing sign 20 feet in height along 91st Street. The PUD restricts the height of the sign to 16 feet, a condition submitted by the applicant. The PUD Ordinance restricts signs to 25 feet in height. The requested 4-foot is minor and within the maximum permitted by the Code; therefore, the Staff recommends APPROVAL, subject to the sign plan and plot plan (location) submitted.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Freeman, Holliday, Kempe, Parmele, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe, Petty, "absent") to approve a minor amendment to permit a free-standing sign, 20 feet in height and the detailed sign plan on PUD #166.

PUD #207 Jim Williamson West of Sheridan Avenue on 98th Place South

Consider approving Minor Amendment to permit 1-foot encroachment of the rear yard.

The Staff recommended APPROVAL of the minor amendment to permit a 1-foot encroachment of the rear yard on PUD #207.

On MOTION of FREEMAN, the Planning Commission voted 6-0-0 (Freeman, Holliday, Kempe, Parmele, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Eller, Gardner, Higgins, Inhofe, Petty "absent") to approve a minor amendment to permit a 1-foot encroachment of the rear yard, Lot 11, Block 4, Mill Creek Pond, PUD #207.

There being no further business, the Chair adjourned the meeting at 5:10 p.m.

Date Approved _____

June 24, 1981

Walter J. Smith

Chairman

ATTEST:

Marion E. Holliday

Secretary

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