

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1388
 Wednesday, December 23, 1981, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Holliday	Chisum	Jackere, Legal Dept.
Freeman	Petty	Compton	
Gardner	C. Young	Gardner	
Higgins	Inhofe	Lasker	
Kempe, 2nd Vice-Chairman			
Parmeale, 1st Vice-Chairman			
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, December 22, 1981, at 10:20 a.m., as well as in the Reception Area of the INCOG Offices.

First Vice-Chairman Robert Parmele called the meeting to order at 1:40 p.m. and declared a quorum present.

MINUTES:

On MOTION of ELLER, the Planning Commission voted 6-0-1 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young, "aye"; no "nays"; Parmele "abstaining"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the minutes of December 2, 1981 (Meeting No. 1385).

T. Young advised that he had voted "nay" on the motion concerning application Z-5649 in the meeting of December 9, 1981. The original copy of the minutes has been changed to reflect the vote.

On MOTION of ELLER, the Planning Commission voted 6-0-1 (Eller, Freeman, Gardner, Higgins, Kempe, T. Young, "aye"; no "nays"; Parmele "abstaining"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the minutes of December 2, 1981 (Meeting No. 1386) as corrected.

REPORTS:

Director's Report:

Jerry Lasker advised the Board that a long-term employee of the TMAPC/ INCOG Staff is leaving and introduced Steve Carr who expressed his deep appreciation to the Commissioners for the opportunity of working with them and thanked them for their continued support.

SUBDIVISIONS:

South Utica Place (683) 6900 Block of South Utica Avenue

(OM)

The Staff presented the plat with the applicant not represented.

NOTE: This plat has a Sketch Plat approval, subject to conditions. The Staff advised that Board of Adjustment approval would be required for the 10-foot building line prior to release of final plat.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of South Utica Place, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the Preliminary Plat of South Utica Place Addition, subject to the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. (Ref. Drainage Easement)
2. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Show restricted water line easement at end of cul-de-sac.) (O.K.)
3. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
5. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, (if required).
6. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. Include applicable language in covenants for drainageway on Joe Creek.
7. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
8. All Subdivision Regulations shall be met prior to release of the final plat.

*Page 11,
Note: See minutes of Feb. 3, 1982, concerning
Preliminary Plat for Observation Point Addition.*

12.23.81:1388(2)

Mill Creek Pond, Resub. of Block 8 (PUD #207) (2283) SW corner of 96th Street
and South Sheridan Rd. (RS-2)

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

NOTE: Not a condition for approval, but developer should use care in locating houses on each lot because of the number and location of many easements. Also, a minor amendment to the PUD may be necessary in order to approve the change in conditions on this part of the project. Water and Sewer Department may need additional easement to total 17½' where necessary.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Mill Creek Pond, Resub., Block 8, subject to the conditions.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the Preliminary Plat of Mill Creek Pond, Resub., subject to the following conditions:

1. All conditions of PUD #207 shall be met prior to release of the final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
3. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat, (if required).
4. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer, (if required).
5. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
6. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
7. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
8. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)

Mill Creek Pond, Resub. of Block 8 (PUD #207) (continued)

9. All Subdivision Regulations shall be met prior to release of the final plat.

Southbridge East Office Park (283) SW corner of 61st Street and Memorial Drive
(CS, OM)

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

NOTE: This tract was once part of a PUD, but it has now been excluded from Planned Unit Development and is only subject to the underlying CS and OM zoning.

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Southbridge East Office Park, subject to the conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the Preliminary Plat for Southbridge East Office Park Addition, subject to the following conditions:

1. Board of Adjustment approval will be required for the individual lots, since they do not front on a dedicated street and thus, under the Zoning Code do not have frontage. Final plat shall not be released until the Board of Adjustment approval is obtained.
2. Not a condition for approval of plat, but applicant is advised that since part of the tract is CS and part is OM that his private deed restrictions may be more restrictive than the zoning.
3. In covenants, the language applicable to P.S.O. and for Water and Sewer services should be revised to meet the requirements of those Departments.
4. Some of the easements on the plat need to be tied down or dimensioned so they can be more accurately located.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines.
6. Water plans shall be approved by the Water and Sewer Department prior to release of the final plat.
7. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit

Southbridge East Office Park (continued)

where applicable), subject to criteria approved by the City Commission.

10. Access points shall be approved by the City and/or Traffic Engineer. Include access relinquishment in covenants.
11. It is recommended that the developer coordinate with Traffic Engineering Department during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of the plat.)
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. The key or location map shall be complete. (Birch Creek Plaza is still "unplatted".)
14. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
15. All Subdivision Regulations shall be met prior to release of the final plat.

Rock Creek Acres (3590) West 61st Street and South 204th West Avenue (AG, AG-R)

The Chair, without objection, tabled this item.

Burning Tree Plaza Amended (PUD #112) (183) 63rd Street and South 86th East Ave. (RS-3)

The Staff presented the plat with the applicant not represented.

NOTE: This plat has a Sketch Plat approval, subject to conditions. The Planning Commission has approved a minor amendment to the PUD to permit the zero lot line concept. (December 9, 1981)

The Technical Advisory Committee and Staff recommended APPROVAL of the Preliminary Plat of Burning Tree Plaza Amended, subject to the conditions.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve the Preliminary Plat for Burning Tree Plaza Amended (PUD #112) Addition, subject to the following conditions:

1. Show number of lots and acreage on the face of the plat. Show "Caven-Wood on location map.
2. All conditions of PUD #112 shall be met prior to release of final plat, including any applicable provisions in the covenants, or on the face of the plat. Include PUD approval date and references to Sections 1100-1170 of the Zoning Code, in the covenants.

Burning Tree Plaza Amended (PUD #112) (continued)

3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. (O.N.G.: Show 10' front easements.) Show 17½' and 11' easements where applicable.
4. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
5. Include Water and Sewer Department language in restrictive covenants if required.
6. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of the final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
7. All Subdivision Regulations shall be met prior to release of the final plat.

FOR FINAL APPROVAL AND RELEASE:

Grossich Addition (3094) East side of South Mingo Road 525' North of 51st St.
(IL)

Mr. Wilmoth advised that all necessary information has been received.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to release the final plat of Grossich Addition as having complied with all conditions of approval.

FOR EXTENSION OF APPROVAL:

The Tulsa Mountains (3002) West 29th Street North and North 68th West Avenue (AG)

Mr. Wilmoth advised that this plat will expire this month and the applicant is requesting a 1-year extension.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve a 1-year extension for the Tulsa Mountains Addition.

CHANGE OF ACCESS:

21 Garnett Place (894) NW corner of 21st Street and South 116th East Ave. (CS)

The Chair, without objection, tabled this item.

FOR WAIVER OF PLAT:

CZ-41 Kelly Cox (1474) Near center of Section, North of 151st, between South 161st East Avenue and South 177th E. Avenue (IH)

The Chair, without objection, tabled this matter, since the rezoning hearing is scheduled for later in this meeting.

LOT-SPLITS:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") that the following approved Lot-Splits be ratified.

L-15361	Harold E. Billings (3684)	L-15366	David M. Harl (1893)
15362	Turner Dev., Inc. (2183)	15367	Duke Wier (183)
15363	Payless Cashways, Inc. (3293)	15368	Charles L. McMahon, Jr. (2393)
15365	Robert & Mary Black (3294)		

LOT-SPLITS FOR WAIVER:

L-15347 David L. Weaver (1392) NE corner of Riverside Drive and 25th Street
(RS-3)

The applicant was present and aware of the conditions.

This is a request to split a lot to allow separate ownership of a proposed duplex, which use was previously granted by the Board of Adjustment on June 1, 1973. The new owner, the applicant, is asking for a waiver of the bulk and area requirements to allow the split, and is aware of the Water and Sewer Department's requirement of separate water and sewer lines to both units. (Note, for the record: Although this property is already platted it was rezoned from RS-2 to RS-3 by Zoning Application Z-4400. The plat has not officially been waived on that application so this would also be a request to clear that requirement.)

The Technical Advisory Committee and Staff recommended APPROVAL of the Waiver of Plat on Z-4400 and Lot-Split #15347, subject to the conditions: 10, 11, 12 and 13.

On MOTION of GARDNER, the Planning Commission voted 6-0-1 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, "aye"; no "nays"; T. Young, "abstaining"; Holliday, Petty, C. Young, Inhofe, "absent") to approve Waiver of Plat for Z-4400 and Lot-Split #15347, subject to the following condition:

(a) Board of Adjustment approval.

L-15349 and L-15350 Lee Hunnicutt (283) South 67th East Avenue, between East
69th Street and South 69th East Avenue (RS-3)

These applications cover two lots containing existing duplexes. Request is to split the duplexes along the common party walls to create separate ownership of each half. Because of the location of the existing structures and the size of the original lots, a waiver of the bulk and area requirements is requested by the applicant. The Staff emphasizes the need for separate water and sewer hook-ups for each of the units, and/or a document which would insure adequate maintenance of the joint utility lines. (This procedure has been done on recent lot-splits by the applicant's attorney), subject to the approval of the Water and Sewer Department and the Board of Adjustment.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15349 and L-15350, subject to the conditions.

L-15349 & L-15350 (continued)

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve L-15349 and L-15350, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) provisions for maintenance of common utility lines, and
- (c) 10' easement across the south side of Lot 7.

L-15351 E. Lee Hunnicutt (3593) SW corner of 51st Street and South 67th East Place (RS-3)

This is a request to split an existing duplex along the common party wall to create separate ownership of each half. A waiver of bulk and area requirements are asked by the applicant. The Staff emphasizes the need for separate water and sewer hook-ups, or legal documentation of mutual maintenance agreement (which has been done by the applicant's attorney on recent lot-splits). Application is subject to the approval of the Water and Sewer Department and the Board of Adjustment.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15351, subject to the conditions.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve L-15351, subject to the following conditions:

- (a) Board of Adjustment approval, and
- (b) provisions for maintenance of commonly owned utility lines.

L-15352 E. Lee Hunnicutt (883) West of the NW corner of 74th Court and Birmingham Avenue (RS-3)

This is a request to split an existing duplex along the common party wall to create separate ownership of each half. A waiver of bulk and area requirements are asked by the applicant. The Staff emphasizes the need for separate water and sewer hook-ups, or legal documentation of mutual maintenance agreement (which has been done by the applicant's attorney on recent lot-splits). The application is subject to the APPROVAL of the Water and Sewer Department and the Board of Adjustment.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15352, subject to the following conditions.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve L-15352, subject to the following conditions:

- (a) Board of Adjustment approval, and
- (b) provision for maintenance of commonly owned utilities.

L-15355 Roland Cody, et al (683) 6432 South Lewis Avenue (CS)

This is a request to split Lot 16 of Pecan Acres in order to provide a 40-

L-15355 (continued)

foot access "handle" to the rear of the property. The Steak House will be on the remaining lot in front, which will meet the zoning requirements of 150-foot frontage. (It exceeds it by 10'). Right-of-way on South Lewis Avenue is 50 feet from the centerline, which meets the Major Street Plan. Other similar splits have been approved in this area with the "handle" concept. Approval will be subject to the Board of Adjustment and any other requirements for utility extensions and/or drainage plans, as required by the applicable departments.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15355, subject to the conditions.

On MOTION of HIFFINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve L-15355, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) one common access point with Steak House on Lewis Avenue, and
- (c) show Joe Creek drainageway on building plans in the permit process.

L-15357 Ed Schermerhorn (1793) North side of East 28th Street, East of South
Columbia Place (RS-1)

This is a request to waive the frontage requirements on two lots and approve the "handle" concept for access. Tract B on the split does not contain 13,500 square feet, but the size of that particular parcel was already approved on a previous split. All the other tracts will meet the minimum size. Access will be by a mutual access easement granted over the ownership handles from Tracts D & C. This is a concept that is frequently used and the Staff has no objections. Approval will be subject to granting any necessary utility easements, utility extensions, and any drainage plans required through the permit process. It will also be subject to the Board of Adjustment's approval of the frontages on the handles.

Ted Sack and Ed Schermerhorn provided the Technical Advisory Committee with a revised plan which was a much better layout based on the original "handle" concept.

The Technical Advisory Committee and Staff recommended APPROVAL of L-15357, subject to the following conditions.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve L-15357, subject to the following conditions:

- (a) Board of Adjustment approval,
- (b) sewer main extension, and
- (c) easements as required by utilities.

Application No. Z-5647

Present Zoning: RS-3

Applicant: Carolyn Johnson (McQueen)

Location: South and East of 56th Street and 107th E. Avenue

Date of Application: October 28, 1981

Date of Hearing: December 23, 1981

Size of Tract: 2½ acres, more or less

Presentation to TMAPC by: Gene McQueen

Address: 10111 E. 46th Pl.

Phone: 627-2860

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

The subject tract is located north of the intersection of 107th East Avenue and 61st Street South. It fronts onto the east side of 107th East Avenue. The tract contains a mobile home and some accessory buildings. It is abutted to the north, south and west by single-family residences and to the east by vacant land. The tract and the land to the north, northwest and west are zoned RS-3. The properties to the northeast, east, south and southwest are zoned IL. The applicant is requesting IL zoning for the subject tract.

The Plan designates the subject area as Special District I for future industrial redevelopment. The requested IL zoning District may be found in accordance with the Plan if the characteristics of the surrounding area can support this classification. Given the abutting IL zoned tracts, the Plan designation of industrial redevelopment, the precedent for IL approval, and the lack of previous neighborhood support for maintaining single-family residential, the Staff recommends APPROVAL of IL zoning.

Applicant's Comments:

The applicant was not present for this case. Bob Gardner advised that the Staff is recommending approval and suggested this be considered since it has been continued.

TMAPC Action: 6 members present.

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

Lot 5, Block 1, Golden Valley Addition, Tulsa County, Oklahoma

Application No. Z-5648
Applicant: Moore Funeral Home
Location: 1404 S. Quaker

Present Zoning: RM-2
Proposed Zoning: OL

Date of Application: November 5, 1981
Date of Hearing: December 23, 1981
Size of Tract: 75' x 133'

Presentation to TMAPC by: Joanne Freeman
Address: 1403 S. Peoria, 74120

Phone: 583-6148

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 -- No Specific Land Use.

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

Staff Recommendation:

The subject tract is located on the southwest corner of Quaker Avenue and 14th Street. It abuts the Broken Arrow Expressway to the north, the Moore Funeral Home to the west and single-family and apartment development to the east and south. The funeral home on the west is zoned CH, while the site and remainder of the surrounding area is zoned RM-2. The applicant is requesting OL zoning for an office use.

The Comprehensive Plan Map would not require amendment if the OL zoning were approved; however, if OL zoning is permitted on the subject tract, the Staff feels that the door would be open for continued office zoning east on 14th Street and the Broken Arrow Expressway to Utica Avenue. On the surface, the zoning change appears rather insignificant; however, the spreading of non-residential uses along the Expressway and the business signs that would follow may hinder this area from redeveloping as a close-in residential area.

Because the OL District is in accordance with the Plan Map, but the physical facts of the subject area do not warrant the "typical" OL District, the Staff feels that it could support a Board of Adjustment exception on the tract. This would allow the applicant his office use and at the same time there would be a method for controlling the spreading of office development along the Expressway and preserve the area for future residential redevelopment.

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

Applicant's Comments:

Joanne Freeman, who owns Moore Funeral Home next to the subject property, advised the Commission that they have bought this property because the house on the property is in a bad state of repair and they did not want it to be a detriment to their business. She proposes to repair the house and rent space for offices so their business could have control over the tract. The space would be rented to a business that would require very little parking. This would not be an extension of the funeral home.

T. Young noted that the proposed use could be a Board of Adjustment exception. However, the Funeral Home could not use this to expand if it is an exception.

Bob Gardner noted that under the circumstances the proposal is appropriate at that location and can be done with Board of Adjustment exception. He does not want blanket approval with zoning, since this area has not been recognized by the District Plan as a commercial or non-residential area. The Board of Adjustment would be able to control the use of the property. He suggested Mrs. Freeman withdraw the application and the fees would be transferred to the Board of Adjustment for application.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe "absent") that this application be withdrawn and all fees applied to an application to the Board of Adjustment and that any amount over the Board of Adjustment fee be refunded.

CZ-40 Boomershine (Rutledge) NE/c of 211st Street S. & 33rd W. Avenue AG to CS

Request was presented from the City of Glenpool (Exhibit "A-1") advising that this case will be heard by the Glenpool Planning Commission on January 7, 1982. Staff recommends the hearing be continued to January 13, 1982.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe "absent") to continued consideration of CZ-40 to January 13, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa, Oklahoma.

Application No. Z-5651
Applicant: Wilbanks (Witt)
Location: 2810 E. Skelly Drive

Present Zoning: CH, RS-2
Proposed Zoning: CH, RM-3, RM-T

Date of Application: November 10, 1981
Date of Hearing: December 23, 1981
Size of Tract: 9.318 acres

Presentation to TMAPC by: William Jones
Address: 201 W. 5th

Phone: 581-8200

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 for Industrial Redevelopment.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CH, RM-3 and RM-T Districts may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is approximately 9 acres in size and is located south of the southwest intersection of 41st Street and the Skelly Bypass. The tract is vacant and is abutted by a restaurant and hotel to the north, by an industrial research facility to the east, by a developed single-family subdivision to the south and by several office buildings and the Skelly Bypass to the west and northwest. The tract is zoned a combination of CH and RS-2 and the applicant is requesting CH, RM-T and RM-3 for proposed condominiums and office uses.

The Comprehensive Plan has designated the subject area Special District I and the CH, RM-T, and RM-3 Districts may be found in accordance with the Plan Map if they can be supported by the existing zoning patterns and established land uses in the area. After reviewing the applicant's Plot Plan, the Staff can support the requested CH on the front portion of the tract because it is bounded on two sides by existing CH Districts of comparable size and on a third by the Skelly Bypass. The Staff can also support the RM-T District in the northeast corner of the tract because it serves as a good transition between the existing CH and IL Districts on the north and east side of the tract and the remaining southern portion of the tract. The requested RM-T zoning can also be supported because of the odd shape tract of that portion. The Staff cannot support RM-3 on the southern portion of the tract that abuts an existing single-family subdivision. After starting a downward transition with the RM-T, the applicant is requesting a more intense use where a less intense use is appropriate. The Staff could support RD on this portion.

Therefore, the Staff recommends DENIAL of RM-3 and APPROVAL of CH, RM-T and RD, per the applicant's dimensional areas on the submitted Plot Plan.

For the record, the Staff's support of the above zoning pattern, per the Plot Plan submitted, should not be interpreted as support of the conceptual design or layout shown on the Plot Plan. As illustrated, the Plan shows nonresidential access through a residential district which the Staff reserves the right to evaluate during the platting process.

Applicant's Comments:

Bill Jones, attorney for the applicant, advised that he had no problems with the Staff Recommendation. He stated that the application has been amended so the RM-3 would be RD. A site plan (Exhibit "B-1") was presented.

There is an easement through the east side of the property to 43rd Street. The northwest quarter of Tract I is already zoned CH and the plan is to build 2, 18-story condominium office towers which would require CH on the entire first tract. To the east of this RM-T Townhouses is planned. The southern portion originally was requested for RM-3, but Mr. Jones advised his applicant that RD is all that is necessary for duplexes. This southern portion will be platted into 13 lots and condominium duplexes will be built and sold individually.

A problem developed on the north side because of access. The solution was to build a private street through the property and security gates will be placed at entrances and exist. Security is the only way to protect this subdivision from traffic off the Skelly Bypass. The area will be fenced all the way around. The condominium duplexes will be approximately 3,600 to 4,000 square feet with approximately 1,800 to 2,000 feet of sodded yard.

Immediately to the east of the duplexes is the Seismograph Buildings, which creates a problem. The duplexes will have to be shielded from the loading docks by landscaping.

The platting process, following the Staff's recommendation in putting limits to access particularly at the stub-in street, will be used to keep any traffic from direct inflow into the private property to the south. There will be underground parking for the office towers.

Mr. Jones has discussed this project with Curtis Parks who represents the Robert Lewis Stephenson Homeowners Association. Mr. Parks advised Mr. Jones that the Association supports this plan but if there were any changes in the proposed use of the RD property, they did not want to be prejudiced by their lack of appearance at this hearing.

Commissioner T. Young asked if the security points could be a requirement in the subdivision plat and Bob Gardner advised that the Commission would have to decide if these will be private or public streets. If the developer wants private streets, they would have to assure that the problem does not exist. Mr. Jones explained that the streets are not going to be dedicated and the Fire Marshall will have to approve the layout.

Interested Party: Lloyd Cox

Address: 5803 E. 43rd Street

Interested Party's Comments:

Lloyd Cox was interested in the water shed. At the present time, the water off the parking lot of the high-rise almost comes into his home. Parmele advised that the City Engineering Department has determined that an Earth Change Permit will be required, as well as a Drainage Plan and on-site detention of water, prior to development. Mr. Cox noted that the existing building was supposed to meet these requirements. Bob Gardner was under the impression that this building was zoned years ago, and was not sure there was a subdivision plat involved. Mr. Cox was present when the existing building was granted zoning approximately 10 years ago. Mr. Gardner explained that in the last three years all property rezoned requires a subdivision plat which requires all drainage plans to be approved by the City Hydrologist and they make a determination at that time.

Instruments Submitted: Site Plan for Z-5651 Exhibit "B-1"

TMAPC Action: 7 members present.

On MOTION of FREEMAN, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CH, RM-T and RD as per amended application and plot plan and per Staff recommendation:

A tract of land in the E/2 of the NW/4 of the NE/2 of Section 27, T-19N, R-13-# of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows to-wit: BEGINNING at a point on the West line of the E/2 of the NW/4 of the NE/2 of Section 27, said point being 692.40 feet South of the North line of Section 27 and on the Southerly right-of-way line of U.S. (I-44) Highway, said point also being the Northeast corner of Lot 2, Block 1, Fairfield Center, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence N 49°02'00" E along the Southerly line of I-44 right-of-way a distance of 244.64 feet; thence South 40°58'00" East a distance of 225.00 feet; thence South 49°02'00" West a distance of 15.00 feet; thence South 40°58'00" East a distance of 155.00 feet; thence Due East a distance of 99.14 feet; thence North 49°02'00" East a distance of 181.25 feet; thence South 0°11'00" East a distance of 585.26 feet; thence South 89°58'34" West a distance of 0.00 feet; thence along a curve to the left, having a central angle of 27°49'17" and a radius of 215.99 feet a distance of 104.88 feet; thence South 89°59'45" West a distance of 557.69 feet; thence North 0°10'30" West a distance of 627.87 feet to the POINT OF BEGINNING, and containing 405,888.390 square feet, or 9.318 acres, more or less.

Application No. Z-5652

Present Zoning: OL, RS-3

Applicant: Reed (Jonsson)

Proposed Zoning: OM

Location: I-44 Skelly Bypass and 92nd East Avenue

Date of Application: November 18, 1981

Date of Hearing: December 23, 1981

Size of Tract: 2.2 acres, more or less

Presentation to TMAPC by: David Reed

Address: 3330 Republic Bank Tower, Dallas, Texas 75201 Phone: 214 - 748-9983

Relationship to the Comprehensive Plan:

The District 5 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 subject tract is located at the southeast corner of 22nd Place South and 91st East Avenue. The tract fronts the Skelly Bypass to the south and east and to the north is a church and a few residences and to the west is vacant land (Indian Acres South). The tract is vacant and is zoned OL and RS-2. The land around the tract is zoned RS-2 and RS-3.

The eastern portion of the subject tract was involved in both rezoning and a Board of Adjustment hearing. The zoning case was a request for OM zoning, but OL zoning was approved instead. The Board granted an exception to permit an increase in the floor area, a variance to permit a two-story building, an exception to erect a radio tower, a variance of the sign size, and an exception to relax the screening fence requirements.

Since these cases were heard, the City has decided to address, in total, the Indian Acres Subdivision as a potential redevelopment project. The Staff expects this project will lead to higher intensity residential uses in the area than were anticipated when the District 5 Plan was developed. When the District Plan was being developed this area was considered as a possible Corridor District. But, even though it qualified by definition it was decided and specifically pointed out in the Plan that this area should not be a Corridor District because vehicle circulation out of the area was poor due to the lack of an interchange at 21st Street and I-44.

As was pointed out, it is expected that residential uses will intensify with the redevelopment of the area. At the same time, there will be pressures to expand commercial and business uses. If, in addition to expanding residential densities in the area, business and commercial uses are also permitted to intensify, the traffic circulation will become unsatisfactory. The Staff cannot support OM zoning without a change in the Comprehensive Plan and a planned solution for the traffic carrying capacities in the general area.

Therefore, the Staff recommends DENIAL of OM and APPROVAL of OL on that portion not already zoned OL.

Z-5652 (continued)

Applicant's Comments:

David Reed was present for this application, representing Phillip Jonsson, President of Signal Media Corporation and KELI Radio Station. Also present was Pat Holden, the architect. The zoning change is requested to build a new permanent facility for KELI Radio Station. The Station and its facilities have been located at the Tulsa State Fairgrounds for a number of years, they are now in need of larger space and the lease expires at the Fairgrounds on May 31, 1982. The Fairgrounds Authority is discouraging extensions of long-term leases. The necessary utility and tower approvals have been obtained and in order to accommodate the building plan, they have purchased Lots 5 and 6 on the west side of the tract and are now applying for OM zoning for the entire 4 lots.

Pat Holden, the architect, presented three photographs of the site (Exhibit "C-1"). The building will be situated behind the 50-foot setback of I-44 and a deed restriction of 30' setback off of East 22nd Street. Because of the nature of the site and the layout of the necessary parking, which is in excess of the required amount, the building was moved to the west, requiring the additional two lots to be purchased. The building is a partial 2-story structure, with the one-story section being the main broadcast facility and two-story section being the business office.

Commissioner T. Young asked about the consequences if all the access is off of the Service Road. Mr. Holden replied this would make it more difficult to handle the staff cars. Commissioner T. Young asked the Staff if an RS strip along 22nd and 91st was left and made all access to the Service Road, would that change the Staff's feelings of OM. Mr. Gardner replied that the precedent would be set for OM. There is a plan for potential reworking of the street patterns in this area. If this plan were accomplished, then the Staff could support OM. He is not concerned with the access points on the north and west.

Commissioner Freeman asked about the power output of the system and Mr. Holden replied that this tower is a microwave tower for transmitting their signal to the transmitter site. This should not interfere with the surrounding uses.

Mr. Gardner continued by stating this area is planned for low-intensity use and allows access to those streets. Redevelopment on this property has not been successful in the past because the properties are owned by people all over the United States. This proposal is the first plan that has potential because TURA has the power to bring all the land together. Commissioner T. Young felt the OM would not be out of line to what is anticipated in that area.

Protestants: None.

TMAPC Action: 7 members present.

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

Z-5652 (continued)

Lots 3-6, Block 3, Memorial Acres Addition, Tulsa County, Okla.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young, "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe, "absent") to approve early transmittal to the Board of City Commissioners for this application.

Application No. Z-5653 Present Zoning: RS-3
Applicant: Stewart Harding Proposed Zoning: IL
Location: North of the Northwest corner of 61st and 107th East Avenue S.

Date of Application: November 18, 1981
Date of Hearing: December 23, 1981
Size of Tract: .3 acres, more or less

Presentation to TMAPC by: Stewart Harding
Address: 6713 E. 54th Street - 74145 Phone: 663-3110

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 subject tract is zoned RS-3 and is located north of the NE corner of 61st Street and 107th East Avenue. The tract is abutted to the west and north by single-family residential use and is vacant as is the land to the east and west. The surrounding area has had several IL zoning requests approved recently.

The Comprehensive Plan designate the tract Special District I for future industrial redevelopment and the requested IL zoning may be found in accordance if the existing physical factors support a change. In this case, the physical factors do not support a change. The Staff and T.A.C. have identified that the tract, as submitted, is too small for a septic system and would require a long extension from the sewer main. Also, without a Board of Adjustment approval on setbacks, the tract is unbuildable. The T.A.C. recommended DENIAL of the Request to Waive the Plat and suggested that the applicant request IL zoning on the total lot that contains the subject tract. In addition to this recommendation, the Staff finds this application to be inconsistent with both the Comprehensive Plan and Zoning Code in that it does not "promote the development of efficient industrial areas."

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

Applicant's Comments:

Mr. Stewart Harding was present and explained that the lot is split and he owns the portion under consideration. He was aware of the sewer and septic tank problem. The plans do not need a sewer and septic tank at this time because he plans to put a storage facility for antique cars. The surrounding property owners who were consulted agreed to this change.

Mr. Gardner advised that if a building is built, the code might require some type of bathroom facility. However, if this is open air storage, a 300' limitation would be required to any residential property. A building would require 75' setbacks and the property could not be used without a waiver of the Board.

Mr. Harding had expected to apply for a waiver. The 5-acre property to the south of this lot is vacant and the owner does not intend to request rezoning. However, he is in complete agreement with the proposed use. The property to the north is being appraised and will be applying for rezoning. He was not aware of the requirement for 75' setbacks until last week. There is no other use that can be made of this lot. Mr. Gardner noted that the Technical Advisory Committee recommended denial of waiver of a plat. If the property is platted, a sewer main extension is needed and that will have to be put through someone else's property. When the requirement for a plat is waived, there is no control over what is built.

Commissioner T. Young asked if the Board of Adjustment could grant a variance in an RS-3 District and Mr. Gardner replied that he would have to show a hardship that is unique to this tract and Alan Jackere stated that anyone could split a lot, so size would not be a hardship. Commissioner T. Young stated that the area is apparently designated for industrial but this tract could not be used for industrial purposes without special consideration. He felt the applicant has a problem with the land but cannot ignore the fact that there is industrial zoning in the area.

TMAPC Action: 6 members present.

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

South 80 feet of the West 180 feet of Lot 9, Block 1, Golden Valley Addition, Tulsa County, Oklahoma

Application No. PUD 275
Applicant: Jones (HBP, Inc.)
Location: Southwest corner of 91st and Yale

Present Zoning: (CS, RM-0
RM-2, RS-3)

Date of Application: November 20, 1981
Date of Hearing: December 23, 1981
Size of Tract: 60.0 acres

Presentation to TMAPC by: William Jones
Address: 201 W. 5th Street

Phone: 581-8200

Staff Recommendation:

Planned Unit Development #275 is located at the SW corner of 91st Street South and Yale Avenue. To the north the land is zoned RS-3 and CS, to the east it is zoned RS-1, OL and CS, and to the south and west it is zoned AG. The tract is zoned a combination of CS, RM-2, RM-C and RS-3 and the applicant is requesting a PUD for a proposed commercial and residential community.

The Staff reviewed the applicant's Development Plan and Text and find the proposal in keeping with the purposes and standards of the PUD Ordinance. Therefore, the Staff recommends APPROVAL, subject to the following conditions:

(1) Development Standards

Area A

Gross Area	657,546.91 square feet	15.09 Acres
Net Area	561,546.91 square feet	12.89 Acres
Permitted Uses:	Those uses permitted as a matter of right in the CS zoning District according to the Tulsa Zoning Code in force and effect on November 1, 1981.	
	The south 300 feet adjacent to Yale Avenue shall be limited to uses permitted as a matter of right or exception in the OM zoning District according to the Tulsa Zoning Code in force and effect on November 1, 1981.	
	Residential dwelling units will be permitted as attached or included within or a part of a nonresidential building.	
Maximum Floor Area	135,180 square feet	
Maximum No. of Dwelling Units	2	
Maximum Building Height	2 stories	
Minimum Off-Street Parking Spaces	5 per 1,000 square feet of retail floor area; 3 per 1,000 square feet of office floor area.	
Minimum Landscaped Open Area	30,679 square feet	

Minimum Building Setback:

From centerline of 91st Street	100 feet
From centerline of Yale Avenue	110 feet
From west and South boundary	30 feet

Area B

Gross Area	1,960,621.1 square feet	45.01 Acres
Net Area	1,874,663.5 square feet	43.04 Acres
Permitted Uses:	Residential condominium dwelling units and accessory uses such as clubhouses, swimming pools, tennis courts, jogging path, accessory storage buildings and car washing facilities for the residents.	
Maximum No. of Dwelling Units	511	
Maximum Building Height	26 feet/2-story	
Minimum Lavability Area	23.94 Acres	
Minimum Off-Street Parking Ratio	1.5 for each efficiency or 1 bedroom units and 2.0 for each 2 and 3 bedroom units.	

Minimum Building Setbacks:

From centerline of 91st Street	85 feet*
From centerline of Yale Avenue	95 feet
From interior streets	20 feet
From west boundary	30 feet
From south boundary	20 feet
From other build- ings	15 feet

*This figure has been increased through the open space standards listed under Item #4.

- (2) That the Development Plan and Text be made conditions of approval.
- (3) That a Detailed Site Plan meeting the graphical intent of the Development Plan be approved prior to issuance of a building permit.
- (4) That a Detailed Landscape Plan, meeting the graphical intent of the Development Plan be approved, and in place prior to occupancy.

In addition, the following open space and landscaping requests shall apply:

Development Area "A"

1. An area on the west 100 feet adjacent to the 91st Street right-of-way ranging in depth from 25 feet to 50 feet. This area will be maintained in order to preserve some of the existing trees and natural terrain to provide a landscape buffer to the north. This area will connect to open space in the adjacent residential development area.
2. An area within the south 300 feet adjacent to the Yale Avenue right-of-way with 25 feet of depth and 260 feet of frontage. This area will be maintained as open area and landscaped to provide a buffer to the properties to the east.
3. A minimum area of 5 feet on the remaining areas adjacent to the street right-of-way, except for driveways providing access to the property, will be maintained as open areas and landscaped with appropriate planting materials.
4. A minimum area of 10 feet on the entire perimeter area abutting Development Area "B" will be maintained as open area and landscaped with appropriate planting materials.
5. Interior landscaped areas will also be provided such as landscaped plazas and parking islands. These areas will be determined in the detailed landscape plan submitted for approval with the detailed site plan.

Development Area "B"

1. A minimum landscaped open area ranging from 20 feet to 50 feet will be maintained around the entire perimeter of the residential development area, except for driveways providing access to the property from 91st Street and Yale Avenue.
2. An open area with a minimum width of 100 feet shall be maintained along the drainageway located in the north of the development area. The actual width of the area to be maintained will vary from 100 feet to 200 feet in depth.
3. A minimum area of 2 acres will be maintained in the southwest corner of the development area as open area for recreational uses and other accessory uses to the residential area.
4. Interior landscaped areas will be provided throughout the residential area and will be specifically identified as part of the detailed site plan that will be submitted for approval.

Screening will be provided by a 6-foot solid surface fence between Development Area "A" and Development Area "B", except where pedestrian access points are to be provided.

- (5) That a subdivision plat be approved by the TMAPC, incorporating within the restrictive covenants the PUD conditions of approval, and the City of Tulsa be made beneficiary to such covenants and filed of record in the County Clerk's Office prior to issuance of a building permit.

Applicant's Comments:

At the first of the meeting, Ms. Ann Donovan requested this application be continued and submitted a letter (Exhibit "D-1") from herself and Mr. and Mrs. Gerald Westby. She stated that Mr. and Mrs. Westby have been out of town and have not been able to meet with the developers. It was pointed out that the protestants would be able to speak before the City Commission and that a detailed site plan is required for approval. The Board felt that 30 days was ample time for the protestants to have met with Mr. Jones and felt the case should be heard due to the applicant's contractual obligations.

Bill Jones represented the applicant and presented a PUD Test (Exhibit "D-2"). He advised that there are two development areas, Area "A" being commercial and office and Area "B" being residential with a proposal for 511 condominiums with amenities. This is a joint application with Frontier Financial Services, Never Fail Builders and Lincoln Properties. The proposed Mingo Valley Expressway is to the south, as well as a big Public Service Company building and to the west is a cemetery and the County's borrow pit. The intersection is zoned on all corners for commercial use and does comply with the Comprehensive Plan. The proposed shopping center is oriented to Yale, which is the primary arterial, minimizing exposure to 91st Street. The commercial and office floor area is proposed to be limited to 135,180 square feet. The dwelling units in Area "B" will be limited to 511 and the livability space will total approximately 24 acres.

The shopping center and office density would be less than 20% of the total 15.09 gross acres. The residential density along 91st Street, Phase I, will be approximately 11 units per acre. Most of the vegetation in that area will be preserved by using a setback that will provide a 50 to 100 foot buffer of trees. The commercial will also have a screening fence and 30 feet of separation between it and the nearest condominiums. The office area will be buffered from the condominiums by 25 feet of landscaping and screening. The offices will also be set back from the center of the street approximately 85 to 95 feet. This is a very low intensity development. He will be back with a detailed site plan, a detailed landscaping plan and a detailed subdivision plat showing ingress and egress limited to two into the residential area. He agrees with the Staff recommendation.

<u>Protestants:</u>	Ann Donovan	4625 E. 91st St. - 74136
	Gerald & Jody Westby	4511 #. 91st St. - 74136

Protestant's Comments:

Ann Donovan stated there are only three families that the plan would affect. This is a different plan than what was presented earlier. She was surprised to learn that there would be 511 condominiums instead of single-family dwellings and relatively small number of condominiums. The Westbys objected to the access in front of their home, but that has been moved. They suggested it be closer to the shopping center. This would put the access closer to Ms. Donovan, but she has an access to the rear of her property so that would not be such a problem. Her question was if this development would be consistent with the Thousand Oaks Development. The price range of \$40,000 to \$50,000 that was quoted to her does not sound like the luxury condominiums they were expecting.

Another major concern is the traffic. Jenks school is on Harvard and 91st Street and 91st Street is a major thoroughfare from Okmulgee Beeline to Bixby. Driveways are being used when cars run out of gas.

Her final considerations were that this will make her property hard to sell as a single-family residence, hard to rezone and she was concerned about the loss of trees. Mr. Jones explained what natural landscaping would be left and that the project will be a good city block away from the houses. Mr. Jones explained the condominiums would be considered medium-priced housing for young couples. Ms. Donovan was not of this understanding. She thought the residents would have some input in the PUD. Mr. Jones stated that he has tried to contact the residents for a month.

Bob Gardner explained that this project is compatible with the surrounding development.

Instruments Submitted: Letter from Gerald & Jody Westby and Ann
Donovan requesting continuance (Exhibit "D-1")
Plan Text for PUD #275 (Exhibit "D-2")

TMAPC Action: 6 members present.

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

NE/4 NE/4 and N/2 SE/4 NE/4 of Section 21, Township 18 North,
Range 13 East, of the Indian Base and Meridian, Tulsa County,
State of Oklahoma, according to the U.S. Government Survey thereof.

Application No. PUD 276

Present Zoning: (CS & OM)

Applicant: Norman (Mid-America)

Location: North and East of E. 41st Street and South Hudson Ave.

Date of Application: November 20, 1981

Date of Hearing: December 23, 1981

Size of Tract: 10 acres, more or less

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building

Phone: 583-7571

Staff Recommendation:

Planned Unit Development #276 is approximately 10 acres in size and is located at the NW corner of 41st Street South and the Skelly Bypass. The tract contains a multi-story office buildings and parking lot. It is abutted to the north by Bishop Kelly High School, to the south and east by the Skelly Bypass and several commercial establishments and to the west by Southroads Mall. It is zoned a combination of CS and OM and the applicant is requesting a PUD for a proposed office park.

The Staff reviewed the applicant's PUD Text and Site Plan and find the proposed development consistent with the stated purposes and provisions of the PUD Ordinance and, therefore, recommends APPROVAL, subject to the following conditions:

DEVELOPMENT STANDARDS

Development Area "A"

AREA (Gross):	227,546 square feet
(Net):	190,203 square feet

EXISTING ZONING:

OM - Office Medium

PERMITTED USES:

Principal and accessory uses permitted as a matter of right in the OM District, restaurants and private clubs enclosed in the principal building, and barber and beauty shops.

MAXIMUM FLOOR AREA: 120,000 square feet

MAXIMUM BUILDING HEIGHT: 10 stories

MINIMUM BUILDING SETBACKS:

From the South property line:	110 feet
From the North property line:	400 feet
From the West property line:	110 feet
From the East property line:	80 feet

PARKING RATIO PER 1,000 FEET OF FLOOR AREA:

As required in the OM District.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE (Gross): 26.1% 59,500 square feet*

SIGNS:

As permitted in the OM District

*Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas but does not include any parking, building or driveway areas.

Development Area "B"
(Existing Office Development)

AREA (Gross): 197,021 square feet
(Net): 172,121 square feet

EXISTING ZONING:

OM - Office Medium

PERMITTED USES:

Principal and accessory uses permitted as a matter of right in the OM District, restaurants and private clubs enclosed in the principal building, and barber and beauty shops.

No development in addition to the existing building shall be permitted within Development Area "B".

MAXIMUM FLOOR AREA (Existing Buildings): 106,656 square feet

MAXIMUM BUILDING HEIGHT: 10 stories

MINIMUM BUILDING SETBACKS (Existing Building):

From the South property line: 145 feet
From the North property line: 180 feet
From the West property line: 200 feet
From the East property line: 120 feet

PARKING RATIO PER 1,000 FEET OF FLOOR AREA:

As required in the OM District.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE (Gross): 28.3% 55,930 square feet*

SIGNS:

As permitted in the OM District.

*Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas but does not include any parking, building or driveway areas.

Development Area "C"

AREA (Gross): 73,311 square feet
(Net): 73,311 square feet

EXISTING ZONING:

OM - Office Medium

PERMITTED USES:

Principal and accessory uses permitted as a matter of right in the OM District, restaurants and private clubs enclosed in the principal building and barber and beauty shops.

MAXIMUM FLOOR AREA: 20,000 square feet

MINIMUM BUILDING SETBACKS:

From the Southeasterly property line: 50 feet
From the West property line: 80 feet
From the North property line: 60 feet

PARKING RATIO PER 1,000 FEET OF FLOOR AREA:

As required in the OM District.

MINIMUM INTERNAL LANDSCAPED OPEN SPACE (Gross): 36.3% 26,680 square feet*

SIGNS:

As permitted in the OM District.

*Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas but does not include any parking, building or driveway areas.

- (2) That the applicant's Text and Site Plan be incorporated as conditions of approval.
- (3) That a Detailed Site Plan consistent with the graphical intent of the conceptual plan, be submitted and approved prior to the request for any building permit.
- (4) That a Detailed Landscape Plan, consistent with the graphical intent of the conceptual plan, be submitted and approved prior to the occupancy of any new structures.
- (5) That access be limited to one point on East 41st Street, one on South Hudson Avenue and one on the west-bound service road of the Skelly Bypass per plot plan.
- (6) That a subdivision plat, incorporating the PUD conditions of approval within the restrictive covenants, be approved by the TMAPC and filed of record in the County Clerk's Office making the City of Tulsa beneficiary to said covenants, prior to the request for a building permit.

Applicant's Comments:

Charles Norman was present for Mid-America and requests approval of the Staff Recommendation. He wished to point out that there is an acre parcel at the corner of 41st and Hudson which is zoned commercial; however, under the PUD there would be no retail commercial activities permitted except that a restaurant could be located in the interior of the office building. Another advantage of the PUD in this instance is the elimination of a potential point of vehicular conflict at the corner. There will be one access point that presently exists on 41st Street which will serve the three office tract areas in addition to the existing access to the Skelly Drive Service Road and the existing access to Hudson. Substantial lane improvements were made on 41st and Hudson when the first building was constructed which improved the traffic circulation. The ownership is in one name at this time; however, there may be separated entities for financing purposes. The Covenants will be established pursuant to the PUD. There is currently a plat covering, essentially, Areas "A" and "B". Since then, Mid-America has acquired other abutting parcels. There will be an amended plat to include all properties.

The building in Development Area "C", adjacent to Skelly Drive, will have an extraordinary setback and it would be limited to 2 stories. The other new building located in Development Area "A" would be limited to 10 stories, which is the height of the existing structure.

TMAPC Action: 6 member present.

On MOTION of FREEMAN, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved for PUD, subject to the conditions set out in the Staff Recommendation:

Lots One (1), Two (2) and Three (3), Block One (1), MID-AMERICA OFFICE PARK, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof:

and

All that part of the SW/4 SE/4 of Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the official U.S. Government Survey thereof, more particularly described as follows, to-wit:

Commencing at a point in the South boundary of said SW/4 SE/4 785.00 feet from the Southwest corner thereof; thence N 0°32'11" West a distance of 24.75 feet to the point of beginning; thence North 0°32'11" West along the easterly boundary of Lot 3, Block 1, Mid-America Office Park, an addition in Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat, a distance of 325.00 feet to a point 125.00 feet from the Northeast corner of Lot 3, Block 1, Mid-America Office Park; thence North 89°27'49" East a distance of 352.24 feet; thence South 40°52'11" East a distance of 99.17 feet to a point in the Northwesterly right-of-way line of the service road (Interstate 44, Skelly Drive); thence along the Northwesterly right-of-way line of the service road (Interstate 44, Skelly Drive) as follows: South 48°34'30" West a distance of 108.53 feet; thence North 41°25'30" West a distance of 75.00 feet; thence South 48°34'30" West a distance of 358.70 feet; thence South 0°33'00" East a distance of 0.25 feet to a point 24.75 feet from the South boundary of said SW/4 SE/4; thence South 89°27'00"

parallel to the South boundary of said SW/4 SE/4 a distance 14.11 feet to the point of beginning; containing 73,311 square feet or 1.68299 Acres,

and

All that part of the SW/4 SE/4, Section 22, Township 19 North Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma, according to the official U.S. Government Survey thereof; more particularly described as follows, to-wit:

Commencing at the Southwest corner of said SW/4 SE/4; thence N 0°32'11" West along the Westerly boundary of said SW/4 SE/4 a distance of 624.75 feet; thence North 89°27'00" East parallel to the Southerly boundary of said SW/4 SE/4 a distance of 30.00 feet to the point of beginning; (which point is the Northwesternly corner of Lot 2, Block 1, Mid-America Office Park, an Addition in the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat thereof); thence North 0°32'11" West parallel to the Westerly boundary of said SW/4 SE/4 a distance of 50.00 feet; thence North 89°27'00" East parallel to the Southerly boundary of said SW/4 SE/4 a distance of 360.00 feet; thence S 0°32'11" East parallel to the Westerly boundary of said SW/4 SE/4 a distance of 200.00 feet to a point in the Northerly line of Lot 3, Block 1, Mid-America Office Park, 340.00 feet from the Northeasterly corner thereof; thence S 89°27'00" West along the Northerly line of Lot 3, Block 1, Mid-America Office Park, a distance of 60.00 feet to a point 15.00 feet from the Northwesternly corner of Lot 3, Block 1, Mid-America Office Park; thence North 0°32'11" West along the Easterly line of Lot 2, Block 1, Mid-America Office Park a distance of 150.00 feet to the Northeasterly corner thereof; thence South 89°27'00" West along the Northerly line of Lot 2, Block 1, Mid-America Office Park, a distance of 300.00 feet to the point of beginning, containing 27,000 square feet or 0.61983 Acres.

Application No. PUD 225-A

Present Zoning: (OM)

Applicant: Norman (St. John Medical Center)

Location: North and East of East 19th and South Victor Avenue

Date of Application:

Date of Hearing: December 23, 1981

Size of Tract: 2.89 acres, more or less

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Staff Recommendation:

Planned Unit Development #225-A is a request to amend PUD #225, which is located at the northwest corner of East 19th Street and South Victor Avenue.

PUD #225 was submitted as an expansion project for the St. John's Medical Center. It included three Development Areas: "A, B & C". Development Area "A" controls the existing St. John's Doctor's Building and structured parking, Development Area "B" controlled the proposed St. John's Medical Center Physicians Building and Development Area "C" controlled the development of a proposed structural parking facility and landscaped open areas.

A Detailed Site Plan for both the Physicians Building and the parking facility was approved by the TMAPC on August 19, 1981, and construction of both facilities is expected to commence in the near future.

The amendment requested in PUD #225-A is for permitting, within Development Area "C", the addition of two additional parking levels to the parking facility previously approved as a part of PUD #225. The two additional parking levels would increase the number of off-street parking spaces by a minimum of 280 and would increase the height of the parking facility by a maximum of 24 feet. The proposed amendment does not include any deletion or modification of the landscaped areas or standards.

The initial restriction placed on the height of the parking facility was a voluntary decision based upon the needs as calculated by the applicant. The underlying OM zoning does not have a height requirement, so the requested amendment is not inconsistent with the Zoning Code. The Staff feels that the impact of 24 feet in additional height to the present structure would be minimal.

Therefore, the Staff recommends APPROVAL of the requested amendment, PUD #225-A.

Applicant's Comments:

Charles Norman advised that the reason for this application is to request permission to add two parking levels to the structure under construction. The Medical Center owns all the land across the street to the east with the exception of three houses and the owners of these houses do not object to the increase in height. The landscape strip area will remain the same and is 20 feet in width. He wanted to clarify that the recommendation made by the Planning Commission Staff did not require any further detail site plan approval. The detailed site plan for the lower level has been approved and this is simply to add two identical levels to it for parking. Access would not be changed and would help the parking situation in the area.

Instruments Submitted: Landscape Standards

(Exhibit "E-1")

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be approved as amendment "A" to PUD 225:

Lot One (1) through Fifteen (15) inclusive, and Lot Seventeen (17), Block Four (4), Edgewood Place Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No. CZ-41
Applicant: Kelly Cox
Location: North of E. 151st Street South, between 161st and 177th E. Ave.

Present Zoning: AG
Proposed Zoning: IH

Date of Application: November 23, 1981
Date of Hearing: December 23, 1981
Size of Tract: 5 acres

Presentation to TMAPC by: Kelly Cox
Address: P.O. Box 97; Leonard, OK - 74043

Phone: 366-3237

Relationship to the Comprehensive Plan:

The Comprehensive Plan Map for the Tulsa Metropolitan Area, does not specifically cover the area of the subject property; however, the "Development Guidelines", a part of the Comprehensive Plan do provide guidance for growth and development in this area.

According to the "Development Guidelines", the subject tract is located within a subdistrict and the IH District is not in accordance with the adopted development Goals and Objectives for this area.

Staff Recommendation:

The subject tract is five (5) acres in size and is located northwest of the northwest corner of 151st Street South and 171st Street East. The tract presently contains several wrecked cars, a single-family residence and a salvage yard office. It is abutted in all directions by mostly vacant land and a few single-family residences. It is also abutted to the south by oil storage tanks. The land in all directions from the tract is zoned AG as is the subject tract, and the applicant is requesting IH zoning for a proposed salvage yard use. The general area is not now an industrial area, nor is it planned for industrial development.

The "Development Guidelines" has identified that a residential development goal should be to "provide safe, quiet, healthy and economically viable neighborhoods throughout the Metropolitan Area." It has also identified that an industrial development goal should be to "group together industrial activities." The Staff considers the requested zoning to be inconsistent with these Guidelines and spot zoning.

Therefore the Staff recommends DENIAL of the requested IM zoning.

Applicant's Comments:

Kelly Cox explained that he wishes to start a business repairing cars on this land that his mother owns, along with a salvage yard. He already has some cars on the property.

Protestant: James R. Young Rt.1, Bixby

Protestant's Comments:

James R. Young's property adjoins the subject tract. He objects to the application and would like for the tract to be pinpointed because of the lack of access to the majority of the property. The driveway the Cox family uses is on property belonging to Mr. Young's father. Mrs. Cox was allowed to use the driveway when she bought the 120 acres in 1957. This was never intended for industrial use and would be an unfair burden on his father to maintain the driveway. People are already using the driveway and turning around on his family's land.

CZ-41 (continued)

Mr. Young does not feel this is a good location for industrial use and would injury his property. If Mr. Cox would put this shop on the west end, there would be direct access to 161st Street. There is not 300' between the storage area and Mr. Young's brother's residence. If the storage is continued there, he requests a fence be installed.

Applicant's Comments:

Mr. Cox agreed that his business could be put on the back side of his property instead of using the existing driveway.

Special Discussion for the Record:

Commissioner Higgins asked if zoning for a repair work operation could be approved without the salvage yard. Mr. Gardner replied that this would not fit a home occupation.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to DENY IH zoning for the following described property:

The South half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter ($S\frac{1}{2}$, $SW\frac{1}{4}$, $NW\frac{1}{4}$, $SE\frac{1}{4}$) of Section 14, T-17-N, R-14-E, Tulsa County, Oklahoma, containing 5 acres more or less.

Application No. Z-5654
Applicant: Opal M. Dunham (Boyd)
Location: 4720 N. Peoria

Present Zoning: CS, RS-3
Proposed Zoning: IH

Date of Application: November 10, 1981
Date of Hearing: December 23, 1981
Size of Tract: 10 acres, more or less

Presentation to TMAPC by: Opal M. Dunham
Address: P.O. Box 484, Glenpool - 74033

Phone: 299-1205

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I, Medium Intensity -- No Specific Land Use.

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

Staff Recommendation:

The subject tract is located north of the northwest corner of 46th Street North and Peoria Avenue. The tract contains a single-family residence, an accessory building, a mobile home and a vacant restaurant. It is abutted by single-family residences to the north and south on the back portion and by commercial uses on the front portion. To the east across Peoria is also commercial and to the west is a railroad right-of-way and residential. The tract is zoned CS and RS-3 as is the surrounding area and the applicant is requesting IH for a proposed Heavy Industrial use.

The Comprehensive Plan has designated a portion of the tract to be within the medium intensity node of 46th Street and Peoria Avenue. The remainder of the tract is located within a Special Development Incentive Area. The Plan calls for this area to be a "well-planned and well-designed growth district, utilizing frontage roads, internal circulation and other means to minimize adverse impacts, including buffering to protect adjacent residential development and that it be developed as a PUD."

The requested IH zoning is not in accordance with either the Medium Intensity node or the Special Development Incentive Area designation. The existing zoning pattern and the surrounding land uses do support IH zoning, and there are no natural physical features that would suggest that a change in the Plan is necessary.

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

Applicant's Comments:

Opal Dunham requested the application be amended to delete the area that is now zoned CS from consideration. She explained that when this was listed for sale, it was thought that this area was proposed for a park. The homes are mostly rental and the owners have tried to sell it for residential but because of the railroad tracks and surrounding commercial, they have not been able to sell. She feels it would be hard to get financing on this for residential use. In order to sell the land, it would not seem unreasonable to request heavy industry. However, there is no buyer at this time; and, since the reason for rezoning is to attract a buyer, she is sure the owners would not object to light industry if that is a good concession.

Bob Gardner noted that IL would not require a change in the Comprehensive Plan.

Interested Party: Michael Goldstein (OTASCO) P.O. Box 885 - 74102

Interested Party's Comments:

Michael Goldstein with OTASCO was present and stated that an OTASCO store is adjacent to the property. These stores have been placed in areas where a high-sales volume could be expected. The area as it is zoned now for commercial and residential fits into the established pattern for their home-oriented sales. The commercial shopping in the area allows for cross shopping from present merchants and future shops.

Commissioner T. Young asked Mr. Goldstein if he opposed the application as amended with the CS zoning left. Mr. Goldstein replied that his store would draw prospective customers from the whole area and expect customers from the other businesses and residential. Any change might decrease sales expectations.

Applicant's Comments:

Mrs. Dunham explained that since this property is bordered by the railroad tracks and fronted by commercial, she doubted it would be developed as residential and it would not help OTASCO's business for this land to remain vacant. The only use for this land is industrial.

Motion was made by Commissioner Gardner, seconded by Commissioner T. Young, to deny this application per Staff recommendation. Vice-Chairman Parmele felt the Commission should consider an IL zoning because the land to the south along 46th Street North could justify future commercial or industrial on the frontage. This might open up an area for light industrial but he is not in favor of the heavy industrial classification.

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 3-3-0 (Gardner, Kempe, T. Young "aye"; Freeman, Higgins, Parmele "nay"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to DENY this application for IH.

Special Discussion for the Record:

Motion was made by Commissioner Higgins, seconded by Commissioner Freeman, to approve an IL classification. Commissioner T. Young did not think that "may be found in accord" for IL was enough justification because of the existing development. He recognizes the difficulty of residential development at this time, but future consideration could be multi-family. This would be a greater intensity and there seems to be a greater thrust to this type of development. He thought industrial would be a mistake. Vice-Chairman Parmele did not feel it would develop residential because of the railroad tracks and the commercial on Peoria. Commissioner T. Young thought some extension of the commercial could be considered in the future but thought industrial has some potential uses that would not be consistent. Vice-Chairman Parmele noted that industrial could generate future job opportunities. Commissioner Gardner agreed that this is not an easy area to develop but since the abutting properties are residential and are occupied, he did not feel they should be next to an industrial zoning. Vice-Chairman Parmele mentioned the absence of protestants to the rezoning.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 3-3-0 (Freeman, Higgins, Parmele "aye"; Gardner, Kempe, T. Young "nay"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") that the following described property be rezoned IL. (This application will be forwarded to the City Commission without recommendation.)

Part of the Southeast Quarter of the southeast quarter of Section 12 Township 20 North Range 12 East of the I B & M, County of Tulsa, State of Oklahoma, according to the U.S. Survey thereof, more particularly described as follows: Beginning at a point 480 feet North of the Southeast corner of Section 12 Township 20 North Range 12 East thence North along the East line of said Section a distance of 370 feet thence west and parallel to the south line of said section a distance of 1201 feet to the Midland Valley railroad right-of-way thence south and east along the east side of said right-of-way a distance of 418 feet to a point thence east and parallel to the south line of said Section a distance of 1021 feet to the point of beginning, containing 10 acres more or less.

Application No. Z-5655 Present Zoning: RS-3
Applicant: James Norman Proposed Zoning: CS
Location: South of the Southwest corner of 36th and Harvard

Date of Application: November 24, 1981
Date of Hearing: December 23, 1981
Size of Tract: 1.25 acres

Presentation to TMAPC by: James Norman
Address: 2622 N. Wheeling Phone: 425-1529

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 and Potential Corridor District.

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

Staff Recommendation:

The subject tract is 1.25 acres in size located south of the southwest corner of 36th Street North and Harvard Avenue. The tract is vacant and is abutted to the north by a Public Service substation and to the east, south and west by several single-family residences zoned RS-3. The applicant is requesting CS zoning for a proposed convenience store.

Within the subject area there are some CS zoned properties; however, the uses on these properties were in existence prior to the Comprehensive Plan for the area. They are nonconforming uses and are not in accordance with the Comprehensive Plan. A new single-family home has been constructed southeast of the subject property. The NE corner of the intersection has been zoned commercial for years and has never developed.

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

Applicant's Comments:

Mr. James Norman explained that the property is 165' of frontage and is 300' deep. He would like to rezone this lot for commercial to build a convenience store. At this time, the residents in the area have to go approximately 1½ miles to get to a store and he felt this would be an asset to the community to put in a convenience store. He is interested in the welfare of North Tulsa.

Protestants: John Hardman 3236 E. 34th St. North
Joanne Newton 557 E. 39th St. North
Isaac Thompson 3333 N. Harvard
Ailene Potter 3421 N. Harvard

Protestants' Comments:

John Hardman advised that Mr. Norman had contacted him regarding this matter. The other property owners in the neighborhood had not been contacted by Mr. Norman and Mr. Hardman asked how they felt about the proposal. There are a number of elderly people in the neighborhood and a convenience store would generate too much traffic and an increase in crime. He does not feel this would be justified since a lot of these residents cannot get out of their homes without assistance. This request has come up before when people have tried to put in commercial uses such as garages and property owners were opposed to these applications.

Mrs. Joanne Newton is building a home across the street from the subject property. She opposes this use because she has small children and is concerned about the increase in traffic as well as the number of people using the parking lot for a meeting place.

Isaac Thompson was concerned that this property would not be used for a convenience store once the zoning is granted. This has happened in this neighborhood before and did not feel a convenience store was the answer to the problem. There is already too much noise in the community.

Ailene Potter was also concerned about the traffic and her home is too expensive to be across from a convenience store.

Applicant's Comments:

Mr. Norman does not think a convenience store would attract the wrong elements. He thought a store is needed on the north side of Tulsa. This would not be a "dump", but a nice store. It would help people who cannot get around. Whether a convenience store is put on the land or not, commercial zoning would be an improvement.

TMAPC Action: 6 members present.

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

North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$, Section 20, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Application No. Z-5656
Applicant: Roy Johnsen (Timbercrest Co.)
Location: North of 71st Street, West of Lewis

Present Zoning: RS-3
Proposed Zoning: OM

Date of Application: November 24, 1981
Date of Hearing: December 23, 1981
Size of Tract: 13 acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall

Phone: 585-5641

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tracts are vacant and are abutted by Joe Creek to the north and west, by vacant land to the south and by apartments and a private club to the east. The tracts are zoned RS-3 and the applicant is requesting OM zoning.

The Comprehensive Plan supports the OM zoning. The zoning patterns in the area also support the zoning request and accordingly, the Staff recommends APPROVAL of OM zoning.

Applicant's Comments:

Roy Johnsen was present and commented that there is a platted street extending from 71st to the South boundary of the ownership that includes these two parcels so there is access to a public street.

TMAPC Action: 6 members present.

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

All that part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 18 North, Range 13 East, more particularly described as follows, to wit:

Commencing at the Southwest Corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence South $89^{\circ}59'05''$ East along the South boundary of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ a distance of 286.99 feet to a point in the Easterly right-of-way of Joe Creek Channel; THE POINT OF BEGINNING; thence North $56^{\circ}12'49''$ East along the right-of-way a distance of 207.62 feet; thence South $21^{\circ}16'53''$ East a distance of 36.90 feet; thence South $24^{\circ}15'06''$ East a distance of 88.99 feet to a point in the South boundary of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North $89^{\circ}59'05''$ West along said South boundary a distance of 222.50 feet to THE POINT OF BEGINNING containing 12,765 square feet or 0.29303 acres.

CZ-42 George T. Gould West 159th Street South and Beeline AG to IM

Request was presented from the City of Glenpool (Exhibit "A-1") advising that this case will not be heard by the Glenpool Planning Commission until January 7, 1982. Staff recommends the hearing be continued to January 13, 1982.

Mr. Gould was present and requested that the case be heard, since IL zoning had been recommended for approval by the Glenpool Planning Commission and he was satisfied with that recommendation.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Petty, C. Young, Inhofe "absent") to continue consideration of CZ-42 to January 13, 1982 at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa, Oklahoma.

Application No. 5657
Applicant: Hinkle (Corrigan, Penuel)
Location: North side of 71st Street between Harvard and Yale

Present Zoning: RS-1
Proposed Zoning: OL

Date of Application: November 25, 1981
Date of Hearing: December 23, 1981
Size of Tract: 4.98 acres

Presentation to TMAPC by: Roy Hinkle
Address: 7030 S. Yale Phone 494-2650

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 OL District is not in accordance with the Plan Map.

Staff Recommendation:

The subject tract is approximately 5 acres in size and is located on the north side of 71st Street South, halfway between Harvard and Yale Avenues. The tract is completely surrounded by single-family residences, which are zoned RS-1 to the south and RS-2 to the east, west and north. The tract is vacant and is zoned both RS-1 and RS-2. The applicant is requesting OL zoning for a proposed office park.

There is a 5-to 6-foot deep drainage ditch that traverses the tract diagonally from the northeast corner to approximately the southwest corner. This ditch will require design treatment; however, it is located such that it will not impede access to either portion of the tract. The land lost to this ditch would be lost no matter what the use proposed for the tract and if properly designed could be used to satisfy livability requirements. There are also some areas that have moderate slopes, but these slopes are not considered severe and should not economically impact development. It is the Staff's opinion that the physical conditions of the tract should not be considered as hardships, but rather assets that good design and proper use could enhance.

The Staff cannot support the premise that the physical conditions of the tract warrants a deviation from the Comprehensive Plan and the Plan calls for the area to be low-intensity, residential. The tract is surrounded by low-intensity single-family residential; and, therefore, the maximum development that could be supported given the existing physical facts is low density townhouses or patio homes under the existing RS-2 or RS-3 zoning with a PUD.

Office zoning, if approved, would look directly into high-quality, single-family homes to the south. The proposed OL zoning is a classic case of "spot zoning", and accordingly, the Staff recommends DENIAL of the requested zoning change.

Application No. PUD 277

Present Zoning: (RS-1)

Applicant: Clyde Johnson (Corrigan, Penuel)

Location: North side of 71st Street between Harvard and Yale

Date of Application: November 25, 1981

Date of Hearing: December 23, 1981

Size of Tract: 4.98 acres

Presentation to TMAPC by: Clyde L. Johnson

Address: 7030 S. Yale, Suite 100 - 74177

Phone: 494-2690

Staff Recommendation:

The Staff recommends DENIAL of PUD #277 since it is not consistent with the Comprehensive Plan for District 18.

Applicant's Comments:

Roy Hinkle represented the applicant for the zoning request. Mr. Hinkle felt this is a unique property. Contrary to the Staff Recommendation, there is a slope on this property. He has worked with the homeowner's associations on this project and informed them at that time what would happen. The associations were assured that if they would join with the developers in working on this project, the developers would be willing to spend the money necessary to do the engineering, draftsmanship, etc., to present a PUD. They have been working with both the Vienna Woods Cricket Club and the Windsor Park Homeowners' Association which surround the property. An extensive set of private deed restrictions has been compiled and the restrictive covenant agreement has been signed by both associations and the developers to guarantee that the land will be developed as proposed. After numerous meetings, there was only one item the owners could not meet. This was the request from the associations that the service pedestals be located a good distance away from the existing property lines. That cannot be done because of the utility requirements. Other than that, all the utilities will be underground. The large trees will be untouched and additional trees will be planted every 15-20 feet where needed and a screening wall will be erected to the homeowners' specifications. Most of the people living around the perimeter of this property whose homes would back up to this proposed office complex are in support of this project. Some belong to the association and their names are on the covenants.

The design would consist of seven buildings which would contain a total of approximately 50,000 square feet. The people surrounding the property felt the office use would be better than townhouses because the traffic would be concentrated during office hours only. The lighting would all be foot lighting throughout the parking areas and around the buildings with no spot lights. The trash receptacles will be hidden from view. Mr. Hinkle showed pictures of what the area looks like now and explained there are rodents and garbage all over the property. The creek will take extensive work and he has talked to the City Hydrologist who said the creek should be widened and the bottom concreted. The cost of all this makes it impractical for single-family development. The improvements to the creek should help the residences down stream.

Something will be done with the property due to the age of the owners and the fact that some of the owners live out of town. The City has been called numerous times to eliminate the problems with the trash and weeds. He realizes this could be classified as spot zoning; however, there are provisions in the law when there is something unique about a piece of property. The only objections anyone could have to what is being built is the fact that it might open up the surrounding areas to other zonings. The properties across the street are in Town and Country Estates, which has tough, restrictive

covenants. Even if the City wanted to rezone property in this Addition, the covenants would have to be broken with the majority of the homeowners having to agree to the change. Therefore, he does not feel there will be spot zoning up and down this neighborhood. This property under consideration is not good for single-family residences because of the development costs. Townhouses could be built, but the residents do not want the noise involved with townhouses.

Clyde Johnson showed pictures of what is proposed. Mr. Johnson lives fairly close to this property and explained that the area has been cleaned up many times but cannot be kept that way. He does not feel single-family residential is the answer since 1.7 of the 5 acres is taken up because of the floodplain. Therefore, only 65% of the property is workable and the utilities still have to be installed. Also, the creek has to be considered and this is an expensive proposition. The area will never be cleaned until the issue of cleaning the creek is addressed. The owners do not have the money and the City will not participate in the project. Several subdivisions of patio homes in the area were not successful. He realizes this is spot zoning and is against the master plan and thinks that the master plan is outdated. This design is compatible with the neighborhood and Mr. Johnson feels this would blend in.

Mr. Hinkle explained that the design has been submitted to the Technical Committee. There is one access off of 71st Street which is east of the Vienna Woods entrance. There is no access into the residential area. The building will be a combination of rock, brick and wood with the roof looking like wood shingles. The rear of the buildings will be as attractive as the front. The buildings will be two stories high and the plate lines will only be 20 feet high. These buildings will cost over \$100 per square foot for just the shell because of the land costs and the needed improvements to the creek. The buyers will have to finish the inside, which is the way buildings are being built elsewhere in the United States.

Dr. Phillips is a homeowner abutting the subject property and felt the residents have reason for concern. When he heard this was proposed for commercial, he tried to find out what was proposed. When he looked at the plans, he was pleased with the development. This area now is an eyesore. He agrees this is not a good place for single-family dwellings.

<u>Protestants:</u>	Raleigh D. Hatchett	6910 S. New Haven
	James Summers	6984 S. Oswego
	Don Wiechmann	3619 E. 70th Place
	Marietta Allen	4323 E. 72nd Street
	Jerry Delashaw	3758 E. 71st Street
	Richard Slemaker	3606 E. 70th Place

Protestants' Comments:

Raleigh Hatchett explained that the basic reason there is not more organization among the protestants is because Windsor Park Homeowner's Association never contacted the homeowners. The president of the association may make decisions and work with the developers, but the homeowners have the most to lose. He presented a petition with 55 signatures (Exhibit "F-1") and stated that this was compiled hurriedly because they were not aware of this hearing.

Mr. Hatchett has been unable to reach the president of the homeowner's association. He does not want an office building of any kind this close to his residence. The people who signed the protest petition all live within a block of the subject property. The Vienna Woods Addition represents approximately 1/4 of the surrounding homeowners. The developers have given few assurances concerning flood protection and he concluded that the majority of homeowners do not want this to be zoned OL.

James Summers could not believe that the property described by the developers is the same property that is adjacent to his back yard. He opposes this for the same reasons stated in the petition and mentioned that he is a member of the Windsor Park Homeowners' Association but was never contacted regarding this matter. Also, the developers have never spoken to him and could not see how all this had happened without his knowledge.

Don Wiechmann stated that when this matter came to his attention from the developers, he went door at the abutting properties to the north of the subject tract as a representative of the Vienna Woods Cricket Club. These residents were opposed to the rezoning. His opposition is that this is spot zoning and the floodplain consideration.

Marietta Allen does not live next to the property but does live in the area. She agrees that this is a beautiful design but it is in the wrong place. She urged the Commission to go along with the Staff Recommendation, since this would be setting a precedent. Mrs. Allen brought up the fact that 71st Street is to be widened and all the landscaping in the front of this proposed office building will be gone.

Jerry Delashaw commented that this office building would be in his front yard instead of in the back. He thought the pictures displayed were a very good description of what is on the property now and had some difficulty in deciding if he is opposed to this plan. However, there is one major consideration, which is the water problem in the area. This ditch becomes a river or lake when it rains. The culvert under 71st Street will not handle the water, so it backs up across his property. He would like some assurance that there could be improvement in the drainage even without construction. In terms of all the other proposed alternatives, he thinks this construction is very attractive and is positive about the aspect of improvement for the drainage.

Richard Slemaker is a member of the Vienna Woods Cricket Club. He did not attend the meeting when this project was discussed but has talked to the president of the club who assured him that the project would be built. He did not realize he lived near such a cesspool. He agrees this is a case of spot zoning. Not all the additions in this area are failures and the ones that have failed are due to economics, not physical features of the land. He is also concerned about the flooding.

Applicant's Comments:

Roy Hinkle advised that he and the developers did not know the residents before the plan was developed. Several residents were opposed to this until they saw the plans and have since given their approval. He is sorry that he did not get to meet with all the residents and apologized. Mr. Hinkle did not think this property could remain residential because the homes on it now are in a bad state of repair, they are small and the residents of one home are going to have to move because of their health and age. He does not feel the protestants have spoken to the issue of whether or not it could be a townhouse project or an office park. He does not feel this design will hurt the neighborhood. When 71st Street is widened, it will

Z-5657 and PUD 277 (continued)

not solve the creek problem. There is a 50' easement on the front of the building so the widening will not affect this design. He has a signed agreement with the homeowners' association and does not think this would be bad zoning. Therefore, he suggests the Commission approve the application as requested.

Special Discussion for the Record:

Vice-Chairman Parmele noted that a letter was submitted by the District Chairman Bob Selman stating that this request is in conflict with the District Plan (Exhibit "F-2"). Mr. Selman also asked that the Planning Commission and the City Commission request the Staff to conduct a comprehensive study for all of 71st Street from Peoria to Mingo. Jerry Lasker pointed out that one of the things the Staff is studying in their work program is the impact of widening 71st Street.

Commissioner T. Young objected to the implication that the Comprehensive Plan was out of date. He agrees that this concept is a good one but that it is in the wrong place.

Vice-Chairman Parmele commented that it was difficult to make a decision after the presentation. He felt the cooperation between the developer and the homeowners was good and believed this plan could be compatible with the residential area. The plan is a good one and the majority of the homeowners immediately abutting the property seem to be in favor of the change.

Commissioner Gardner was impressed by the presentation made by Mr. Hinkle and Mr. Johnson but after listening to the residents, he believes the application should be denied.

TMAPC Action: 6 members present.

Z-5657

On MOTION of T. YOUNG, the Planning Commission voted 5-1-0 (Freeman, Gardner, Higgins, Kempe, T. Young "aye"; Parmele "nay"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to DENY this application for rezoning on the property described below.

PUD No. 277

On MOTION of T. YOUNG, the Planning Commission voted 5-1-0 (Freeman, Gardner, Higgins, Kempe, T. Young "aye"; Parmele "nay"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to DENY this application for PUD on the following described property:

The Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and 198 feet of the Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ of Section 4, Township 18 North, Range 13 East, Tulsa County, Oklahoma

and

The Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, less the East 198 feet thereof, in Section 4, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

Other Business

PUD #179 El Paseo Block 2, Lots 3B, 4 & 5

Staff Recommendation:

The subject property is located west of the Southwest corner of 73rd Street South and Memorial Drive. It is a portion of PUD #179 and the applicant is requesting Site Plan approval for a proposed office park.

The Staff has reviewed the Site Plan for the subject property and the Development Text and Site Plan of the original PUD #179. We find the Site Plan, as submitted, consistent with the development intent of both the overall PUD #179 and Development Area "A", where the subject property is located.

The applicant is also requesting a minor adjustment on the width of the green/open area along the south side of the property from 50' to an average of 21.4 feet. The Staff feels that the property as designed and in recognition of the amendments which have been approved along the 50-foot buffer area, as well as changes in permitted abutting uses, the proposal meets the intent of the original standards.

Therefore, the Staff recommends APPROVAL of the Detailed Site Plan and minor amendment, subject to the following conditions:

- | | |
|---|-----------------------------------|
| (1) Land Area Maximum | 168,487 square feet |
| (2) Floor Area Maximum | 49,500 square feet |
| (3) Landscaped Area Minimum | 42,206 square feet |
| (4) Parking Spaces Minimum | 209 |
| (5) Floor Area Ratio | .294 |
| (6) Landscaped Area Ratio | .251 |
| (7) Parking Ratio | 1 per 237 square feet |
| (8) Green/Open Area long south property line | 21 feet (average) |
| (9) Permitted Uses: | Offices |
| (10) Building Height (Max.) | 2 stories (portion per Plot Plan) |
| (11) Final landscaping meet the graphical intent shown on the Detailed Site Plan. | |

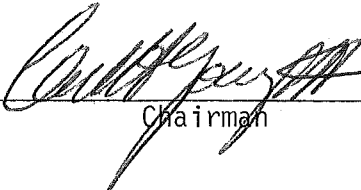
Mr. Gardner explained that the Staff supports the site plan and the only deviation from the original restrictions has to do with the amount of green space to the south. However, several changes have been made to that green strip and there have been some changes in the land use to the south which is now townhouses.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Freeman, Gardner, Higgins, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Eller, Holliday, Petty, C. Young, Inhofe "absent") to approve this minor amendment per Staff recommendations and conditions.

There being no further business, the Chair adjourned the meeting at 5:20 p.m.

Date Approved January 20, 1982


Chairman

ATTEST:


Secretary