

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1404
 Wednesday, April 28, 1982, 1:30 p.m.
 Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Hennage, 2nd Vice-Chairman	Freeman	Chisum	Linker, Legal Department
Higgins	Gardner	Compton	
Hinkle	Inhofe	Gardner	
Kempe, 1st Vice-Chairman		Wilmoth	
Parmeale, Chairman			
Petty, Secretary			
Rice			
Young			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, April 27, 1982, at 10:40 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmeale called the meeting to order at 1:40 p.m.

MINUTES:

The Chair, without objection, tabled this item.

SUBDIVISIONS:

For Final Approval and Release:

Birmingham Circle (2093) 40th Street and South Birmingham Avenue (RS-2)

The Staff advised the Commission that all three plats were complete, release letters had been received, and further recommended final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmeale, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Young, Inhofe, "absent") to approve the final plat of Birmingham Circle and release same as having met all conditions of approval.

Yorktown 71 (683) 71st Street and South Yorktown Avenue (OM)

The Chair, without objection, tabled this item.

Atria One (3094) SE corner of 41st Street and South 109th East Ave. (CO)

The Staff advised the Commission that the plat was complete, release letters have been received, and further recommended final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmeale, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Young, Inhofe, "absent") to approve

Atria One (continued)

the final plat of Atria One, and release same as having met all conditions of approval.

Farmington Addition (3693) NE corner of 61st Street and South 89th East Avenue (RM-T)

The Chair, without objection, tabled this item.

Lewis Center West (1783) 8900 Block on the West side of South Lewis Ave. (CS)

The Staff advised the Commission that all three plats were complete, release letters had been received, and further recommended final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Young, Inhofe, "absent") to approve the final plat of Lewis Center West, and release same as having met all conditions of approval.

Z-5030 Floyd Construction Company (2603) North side of Virgin Street and East of Sheridan Road (IL)

Mr. Wilmoth advised he has received a plat but it has not been processed. The preliminary plat will go to the Technical Advisory Committee on the 13th of May and will come before this Commission on May 19 for possible final and release.

Jake Floyd, 1340 East 6th Street, understands he cannot get a temporary waiver. It is his contention that, since the owner is willing to submit a plat, construction could begin and the risk would be solely on the owner.

Russell Linker asked Murrel Wilmoth if letters had been received from the various City Departments and he stated they have not been received. Mr. Linker advised that last week the applicant was told to obtain the letters from the Departments in order for this Commission to consider approval. Mr. Wilmoth remarked there is still a 15-day notice requirement.

No action was taken on this item.

BOA Case No. 11843 Life Christian Center 101st Street and East of Yale Ave.

Mr. Wilmoth has talked to the applicant on this matter and thinks they have come to an agreement. He does have a sketch plat and is working on the hydrology. He can obtain an earth change permit without the plat. Therefore, work can be started on the earth work during the platting process.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5684

Applicant: Springer (Eimer)

Location: NW corner of Victor Avenue and Queen Street

Present Zoning: RS-3

Proposed Zoning: IL

Date of Application: February 24, 1982

Date of Hearing: April 28, 1982

Size of Tract: .46 acre, more or less

Presentation to TMAPC by: Roy Springer

Address: 1719 East Queen Street - 74110

Phone: 592-5004

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, Special District 2, and potential Corridor.

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

Staff Recommendation:

The subject tract is located on the northwest corner of Queen Street and Victor Avenue and contains a single-family residence. It is approximately 1/2 acre in size, zoned RS-3 and the applicant is requesting IL zoning.

Victor Avenue is unimproved and, therefore, access to the subject tract most likely must come from Queen Street and Utica Avenue. The tract is abutted on the north by a single-family dwelling zoned IL, on the west by three single-family dwellings zoned RS-3, on the south by vacant land zoned RS-3, and on the east by several single-family residences zoned RS-3. The houses to the east front Wheeling Avenue making Victor Avenue the most appropriate place to draw the zoning line between residential and industrial.

Based on the Comprehensive Plan, zoning patterns and existing land uses, the Staff recommends APPROVAL of IL zoning as requested.

Applicant's Comments:

Mr. Roy Springer advised he has been at this location for three years and would like to continue operating here.

Mr. Donald Edwards, attorney, represented the applicant. He is not familiar with the area, although he has seen it and has talked to the applicant with reference to the area immediately surrounding this tract. There is quite heavy industrial development along the west side of Utica and light industrial to the north. Immediately north of this property there is a nursery which has recently come into use. Victor Street is apparently closed and he is not aware of any plan to reopen the street. He suggested this be a boundary, in line with the Staff's Recommendation. The owner of the property is in accordance with the applicant for this change to IL. The applicant previously had a business to the north for several years and would have continued in that location except one of the protestants here today bought the property and intends to acquire the subject property also. This area is bound to go industrial, and therefore, he requests that the Commission consider this application in line with the nature of the surrounding area.

Z-5684 (continued)

Protestants: Greg Dixon
Margaret Cox
J. J. Palovik
T. W. & Maryann Surber

Addresses: 1619 North Utica Ave. -74110
1623 North Utica Avenue
Rt. 1, Box 138 - Park Hill, Ok.
724 South Norfolk Ave. - 74120

Protestant's Comments:

Mr. Greg Dixon owns a landscaping company and is presently in business on the lot to the north of the subject property. He submitted a letter of protest (Exhibit "A-1"). He has tried several ways to get the tires piled on the subject tract out of the area because they are a health hazard. They are uncovered and collect water which breeds mosquitoes most of the year. The applicant keeps numerous dogs on the property and scatters food around the ground. This feeds the rats that are growing bigger and more abundant. He is fearful for the children in the area because of the dogs running loose and the rats.

Mr. Dixon purchased the lot that Mr. Springer formerly used for his business in order to remove the tires. This was his last option in order to get rid of the health hazards. He has even offered to buy this subject tract in order to clean it up. The residents have called the Police Department, Dog Pound, Health Department and finally the Inspections Department for zoning violation. There are several elderly people living in the area who could not be present today, and they have voiced their objection to the conditions existing on this tract. Roughly 80% of the area east of Utica is residential. He represents the owners of Lots 19, 2-8, 16, 12 and 13. He understands this will eventually be zoned industrial, but the residents do not want to fight the nuisances and health hazards just to promote the eventual rezoning of the property. From speaking to Mr. Springer, he has no intention of covering the tires. There is no screening and three sides are adjacent to residential property. There is one small barn on the property, which is completely full of tires. Mr. Dixon has tried all possibilities available to alleviate this problem and would have no objection to the rezoning if the tires were stacked and covered and the property screened.

Commissioner Petty suggested that Mr. Dixon talk to the City-County Health Department and he replied complaints have been lodged. The Health Department has been out to spray twice in the last 2 years, which does little good since the tires are continually filled with water.

Mr. Gardner advised there is a difference between storage and salvage. If tires are thrown on the ground and piled all over the place without being on racks or in a building, this is salvage, which is not IL zoning. He can sympathize with the protestants and realize there is a problem. He personally does not feel the IL zoning permits what the applicant is doing.

Commissioner Young commented that the Ordinance allowing this Commission to recommend rezoning also charges this Commission to consider safety and health to the public. He felt there is a health problem on this application and thought it should be denied until the area was cleaned. However, since this Commission cannot make the rezoning conditional, he thought the application could be continued until an inspection has been made and a report received from Protective Inspections. Mr. Gardner advised that Protective Inspections has issued a Stop Order, which caused the applicant to file a zoning change. If Inspections agrees this is an IL operation, he can leave the business as is if this application is approved. Mr. Gardner thought the question was more complicated. He suggested that the Building

Z-5684 (continued)

Inspector make an interpretation and present it in writing to this Board. Commissioner Young did not want to get involved in policing the whole City, but if the protestants have tried to get relief through other Departments, he feels this Commission should consider continuing this item to see if there is some help available.

MOTION was made by YOUNG, SECOND by KEMPE, to continue this matter for two weeks and to request from the Building Inspections Department an interpretation whether or not this use would fit in an IL category.

Chairman Parmele did not want to be in the position of zoning by use. Commissioner Young agreed the motion might be too early and withdrew the motion.

Commissioner Petty was curious as to the response from the Health Department and was told they have not inspected for the problems presented by the rats, but have sprayed for mosquitoes twice, ineffectively.

Applicant's Comments:

The applicant had no objection to the continuance.

Instruments Submitted: Letter of Protest from The Landscape Company (Greg Dixon)
(Exhibit "A-1")
Letter of Protest from Margaret Cox (Exhibit "A-2")

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 4-2-0 (Hennage, Kempe, Petty, Young, "aye"; Higgins, Parmele, "nay"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to continue consideration of this application to May 12, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center, and to request an interpretation from the City Inspections Department if this use would fit in an IL category.

Z-5684 (continued)

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ZONING PUBLIC HEARING:

Application No. Z-5680 Present Zoning: RS-2
Applicant: Birmingham (Paris, Herndon, Mann, Sieg) Proposed Zoning: RM-1
Location: NW corner of 53rd Street and South Urbana Avenue

Date of Application: February 11, 1982
Date of Hearing: April 28, 1982
Size of Tract: 1.5 acre, more or less

Presentation to TMAPC by: Tom Birmingham
Address: 2727 East 21st Street - 74105 Phone: 745-0101

Application PUD No. 284 Present Zoning: (RS-1,
RM-1 and RM-2)
Applicant: Tom Birmingham (Paris, Herndon, Mann, Sieg)
Location: NW corner of 53rd Street and Vandalia Avenue

Date of Application: March 11, 1982
Date of Hearing: April 28, 1982
Size of Tract: 5.366 acres

Presentation to TMAPC by: Tom Birmingham
Address: 2727 East 21st Street - 74105 Phone: 745-0101

Z-5680 - Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RM-1 District may be found in accordance with the Plan Map.

Staff Recommendation: Z-5680

The subject tract is located at the northwest corner of East 53rd Street South and Urbana Avenue. It is vacant, 1.5 acres in size, zoned RS-2, and the applicant is requesting RM-1. It is abutted on the north by mini-storage buildings and an office structure zoned CH, on the east by a nursing home zoned RM-2, on the south by a developed apartment complex zoned RM-1 and on the west by a single-family neighborhood zoned RS-2.

Based upon the surrounding land uses and zoning patterns the requested RM-1 zoning can be supported. However, the Staff has a concern about access to the subject tract and can only support RM-1 because of a companion PUD application tying the subject tract to the abutting nursing home and requiring site plan approval.

Therefore, the Staff recommends APPROVAL of the requested RM-1 zoning.

Staff Recommendation: PUD #284

Planned Unit Development No. 284 is 5.336 acres in size and is located at the northwest corner of Vandalia Avenue and East 53rd Street South. The west portion of the tract contains Urbana Avenue (which the applicant wishes to vacate), a single-family structure, and vacant land. The east portion contains a nursing center and a retirement center. The applicant is requesting to tie the existing nursing and retirement centers with a proposed self-care apartment center by using the Planned Unit Development supplemental zoning District.

Z-5680 & PUD #284 (continued)

There is a companion Zoning case on a portion of the subject tract, Z-5680. This request is for RM-1 on the eastern 1.5 acres. The Staff has recommended APPROVAL of the RM-1 application, and will review PUD #284 based on the overall site being zoned a combination of RM-1 and RM-2.

The subject tract contains approximately 8,180 square feet of land zoned RM-1, which will support 47.75 units and 152,460 square feet of RM-2 zoned land, which will support 127.05 units, totaling 174.80 units. The applicant is requesting a total of 168 units, which is consistent with the Zoning Code. The livability space required for this project would be a minimum of 50,000 square feet and the applicant's proposal shows in excess of 50,000 square feet in the existing court yard, proposed court yard, and proposed landscaped buffer area alone. This does not include several other walkways and small landscaped areas within the proposal which exceeds the Zoning Code requirements. Also the applicant is requesting a 3-story height restriction. Since the Zoning Code does not contain a definition for "story" the Staff feels that a height in feet should be used and feels that 30 feet (ground to top of top plate) is consistent with the Code and the proposal. Finally, the Code is silent on the parking requirements for this type of use and the Staff feels that multifamily dwelling requirements are too restrictive. Based on information submitted by the applicant, research of other communities' regulations, and analysis of the existing requirements for similar uses, the Staff feels the submitted 92 parking spaces shown on the proposed plan are adequate for this type of development.

After the above review of the applicant's Development Text and Plot Plan, the Staff finds PUD #284 to be consistent with the Comprehensive Plan and the standards of the PUD Chapter of the Tulsa Zoning Code. Therefore, the Staff recommends APPROVAL of PUD #284, subject to the following conditions:

- 1) That the applicant vacate Urbana Avenue.
- 2) That conversion to conventional RM-1 & RM-2 multifamily dwellings in the future be prohibited unless all zoning requirements can be met, including off-street parking.
- 3) That the Development Text and Plot Plan be made conditions of approval.
- 4) Development Standards:

A. Gross Area (RM-1):	81,180 square feet
(RM-2):	152,460 square feet
B. Permitted Uses:	Elderly intermediate and self-care dwelling units.
C. Maximum Number of Units:	168 units*
D. Maximum Floor Area:	Existing intermediate care center 28,600 square feet
	Existing self-care center 16,900 square feet.
	Proposed self-care center 60,033 square feet.

Z-5680 & PUD #284 (continued)

- E. Maximum Building Height: 30 feet
- F. Minimum Livability Area: 50,000 square feet
- G. Minimum Parking Spaces: 92 spaces
- H. Minimum Building setback (Existing) Same
(Proposed) West property line 75 feet,
North property line 75 feet,
53rd Street 110 feet
(from centerline).

*Includes: Existing nursing home (48 D.U's.)
Existing Retirement Center (29 DU's.)
Proposed Retirement Center (91 DU's.)

- 5) That a Detailed Site Plan meeting the graphical intent of the Plot Plan be approved prior to issuance of a building permit.
- 6) That a Detailed Landscape Plan be approved and in place prior to occupancy.
- 7) That no building permit shall be issued until the property has been included within a subdivision plat, submitted to and approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Tom Birmingham represented the applicant, Southern Hills Nursing Home. This request is for an expansion of the facility. He presented 9 photographs of the existing structures and the relationship to the surrounding areas (Exhibit "B-1").

The average age of the residents presently in the nursing home is 80-years, and there are no cars at the facility site owned by residents. He presented Mr. Walter Krome, the architect on the project, to discuss the site plan, plot plan and an elevation of the proposed structure.

Mr. Krome explained the present structure is an H-shaped building for immediate care and the self-care center is located at the rear of the site. The proposal is to add an additional self-care unit. They have tried to plan the unit to be as close as possible to the present structure and give a large area for development of gardens, walking paths and pools. This will serve as a good buffer zone between them and the area immediately to the west. There is presently heavy tree cover which will remain. Evergreens will be planted also so there will be privacy even in the winter months. The character of the building is to be as residential as possible. It will be three stories, but will be developed so the lower two stories are in stucco and wood with the upper under a Mansard roof, which tends to make the building appear to be closer to the ground. The parking area will be in the front, opening to East 53rd Street. The building will be broken up instead of a straight, symmetrical design.

Z-5680 & PUD #284 (continued)

Mr. Birmingham explained the access problems have been discussed with the neighbor to the north. There is a written dedication allowing the resident access to his property. The closing of Urbana has the approval of all the surrounding owners. He does not anticipate any problems with the street closing.

<u>Protestants:</u> Steve Pauliny	Addresses: 5225 South Toledo Avenue
Edna Smithline	5219 South Toledo Avenue
Doyle Boyd	5116 South Toledo Avenue

Protestant's Comments:

Mr. Steve Pauliny stated there were several residents present but they have not had any meetings to discuss this case. He realizes the owners of this tract have to put it to use; however, he was concerned that the building would be three stories high. Also, the traffic will be increased. There will be quite a loss of privacy and will open up 53rd Street, which is very narrow at this time.

Mrs. Edna Smithline was concerned about her privacy in the backyard. The 200' turn-around will take away their privacy and will be tempting to burglary. This will be behind her house and will extend into the next two yards. She questioned the type of fence that will be installed and where the trash disposals would be. Also, she asked if the 200' turn-around would be beyond the 75' easement.

Mr. Gardner explained the screening fence could be made a requirement to the PUD. Obviously, there is no parking or usage on that side, other than open space, with the exception of the turn-around area. The radius for the turn-around is stated as a 100' radius, but felt it is actually 100' diameter. The trash receptacle is in the jog in the property on the north boundary, next to the commercial.

Mr. Doyle Boyd lives across the street from the proposed development and would like to support the objections voiced by the other protestants, especially the 3-story concept.

Mr. Gardner advised the existing zoning would provide for 26' building height for residential structures. In addition, the pitch of the roof can vary and with the proposed Mansard roof, the height will be less than many single-family dwellings.

Applicant's Comments:

Mr. Birmingham explained the access to the property will be from the east on Vandalia Avenue and 53rd Street. The character of the project is in keeping with the neighborhood. This use would not generate traffic or contain activities usually associated with multifamily development. The existing facility is of good quality and the owners are spending a great deal of money on this expansion. He feels this proposal will be an asset to the community. There are multi-story office buildings, visible to this neighborhood, to the east. There are existing fences along the back of the property and they are planning to plant evergreens and shrubs.

Instruments Submitted: 9 Photographs of Surrounding Areas (Exhibit "B-1")

Interested Party: Isreal Goldberg Address: 230 South Bemiston, St. Louis, Missouri, 63105

Z-5680 & PUD #284 (continued)

Interested Party's Comments:

Mr. Isreal Goldberg is president of Southern Hills and explained that St. Louis, which is extremely strict concerning zoning and building codes, no longer require screening fence. Instead, natural vegetation is required. Fences are in constant need of repair and he feels the greenery would be more presentable.

Mr. Gardner explained a detailed landscape plan will be needed prior to final release, as well as a detailed site plan. At that time, the Staff will be looking at the transition to single-family.

Mr. Birmingham noted the turn-around is 50' radius instead of 100' radius. The zoning application includes a 15' strip of RS along the western edge of the property as a buffer.

Commissioner Petty asked about the need for on-site detention because of Joe Creek. Mr. Gardner advised they will need a subdivision plat and will need to satisfy the City Hydrologist concerning drainage.

Mr. Gardner stated the application has calculated the density to allow 15' on the west side to remain RS-2.

Z-5680 - TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1:

The West One Hundred Forty (140) Feet of the North Two Hundred Thirty-three and five tenths (233.5) Feet of the South Two Hundred Fifty-eight and five tenths (258.5) Feet of the East-Half of the West-Half of the West Half of the Northeast Quarter of the Northeast Quarter (E/2 W/2 W/2 NE/4 NE/4) of Section Thirty-three (33), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof; and

The West One Hundred Forty (140) Feet of the North Two Hundred Thirty-three and one-half (233 1/2) Feet of the South Four Hundred Ninety-two (492) Feet of the East-Half of the West-Half of the West-Half of the Northeast Quarter of the Northeast Quarter (E/2 W/2 W/2 NE/4 NE/4) of Section Thirty-three (33), Township Thirteen (13), East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

PUD #284 - TMAPC Action: 6 members present.

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

PUD #284 Legal Description (continued)

The West One Hundred Forty (140) Feet of the North Two Hundred Thirty-three and five tenths (233.5) Feet of the South Two Hundred Fifty-eight and five tenths (258.5) Feet of the East-Half of the West-Half of the West-Half of the Northeast Quarter of the Northeast Quarter (E/2 W/2 W/2 NE/4 NE/4) of Section Thirty-three (33), Township Nineteen (19) North, Range Thirteen (13), East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and the West One Hundred Forty (140) Feet of the North Two Hundred Thirty-three and one-half (233 1/2) Feet of the South Four Hundred Ninety-two (492) Feet of the East-Half of the West-Half of the West-Half of the Northeast Quarter of the Northeast Quarter (E/2 W/2 W/2 NE/4 NE/4) of Section Thirty-three (33), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof;

and

Lot 1, Block 1, Urbana Heights to the City of Tulsa, Tulsa County, Oklahoma;

and

The South 132 Feet of the NE/4 of the SW/4 of the NE/4 of the NE/4 of Section 33, Township 19 North, Range 13 East, Tulsa County, Oklahoma.

Application No. CZ-48 Present Zoning: RS
Applicant: Tom Archer Proposed Zoning: CS
Location: South of the Southwest corner of 21st Street and 49th West Ave.

Date of Application: March 9, 1982
Date of Hearing: April 28, 1982
Size of Tract: 1.9 acres, more or less

Presentation to TMAPC by: Tom Archer
Address: 5304 West 29th Street Phone: 582-1306

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District I -- No Specific Land Use, Transitional Area.

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

Staff Recommendation:

The subject tract is 1.9 acres in size and located approximately 200 feet south of the southwest corner of 21st Street South and 49th West Avenue. It contains several scattered dwellings and accessory buildings, is zoned RS, and the applicant is requesting CS zoning. It is abutted on the north by mixed residential and commercial uses zoned CS and RS, on the west and south by single-family residences zoned RS, and on the east by a metal building currently under construction zoned a combination of IM and IL.

The subject tract is over 600 feet in depth leaving the interior portion of the tract with very poor access from either street. In addition, the tract is off of 21st Street and beyond the arterial intersection node placing it in a subdistrict. However, based on the Comprehensive Plan, surrounding zoning patterns, and existing land uses, the Staff can support CS zoning on that portion of the tract that has good access from 49th West Avenue and causes minimal disturbance to the remaining single-family dwellings.

Therefore, the Staff recommends APPROVAL of CS zoning on the east 290 feet of the subject tract and DENIAL on the remainder.

Applicant's Comments:

Mr. Tom Archer advised this application concerns the rebuilding and manufacturing of appliances. This will be conducive to the neighborhood. The location is close to 21st Street and away from any single-family dwellings. The property to the east is rapidly developing to industrial across 49th West Avenue. The southwest corner of the intersection is already zoned CS.

Mr. Gardner questioned the dimensions and asked the applicant to check the map. Mr. Archer stated the map is incorrect and the application is for half of the property outlined on the map. He owns the lot facing 49th, which is 290 feet.

Protestant: Earl Stites Address: 2138 South 49th West Avenue

Application No. Z-5693 Present Zoning: RS-1
Applicant: Egelston, Spencer Proposed Zoning: OL
Location: SE corner of 4th Place and Memorial Drive

Date of Application: March 11, 1982
Date of Hearing: April 28, 1982
Size of Tract: 2.5 acres

Presentation to TMAPC by: John Egelston
Address: 429 South Memorial Drive Phone: 835-4838

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

Staff Recommendation:

The subject tract is located at the southeast corner of East 4th Place and South Memorial Drive. It is 2.5 acres in size, contains two single-family residences, is zoned RS-1 and the applicant is requesting OL zoning. It is abutted on the north by a church zoned RS-2, on the east by several large lot single-family residences zoned RS-1, on the south by an office use zoned OL, and on the west by a U-TOTE-M convenience store zoned CS.

Based on the Comprehensive Plan designation, existing land uses, and surrounding zoning patterns, the Staff recommends APPROVAL of the requested OL zoning.

Applicant's Comments:

Mr. John Egelston and Mrs. Spencer are the only residents in the Section from Admiral to 11th Street on Memorial, which is now a 4-lane street. The noise is offensive and is not as good a place to live.

Protestants: None.

TMAPC Action: 6 members present.

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

Lot 4, Block 8, Clarland Acres, City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat thereof.

CZ-48 (continued)

Protestant's Comments:

Mr. Earl Stites owns one acre next to the subject property and was opposed to the junk laying on the property. He has had to spend money to divert the drainage from the creek because of dumping. The property has had several houses and trailers on it and he protested this use.

Applicant's Comments:

Mr. Archer explained the acre at the back has been nonconforming for a number of years and contains several rental homes. However, that property is not under application. Mr. Stites' property has been built-up with dirt, which causes runoff on Mr. Archer's property. Mr. Archer has been in the appliance business for a number of years and this is the only storage he had. The building will house the parts and the property will be cleaned up. There is a temporary mobile home on the property that will require a permit from the Board of Adjustment.

Mr. Gardner stated a screening fence would be required and all appliances will have to be stored inside.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Gardner, Rice, Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CS, per revised Legal Description:

The East 330' of the North 132.0' of the South 396.0' of the NE/4 of the NE/4 of the NE/4 of Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Application No. Z-5694
Applicant: Malcolm (Scaggs)
Location: SW corner of Mingo and I-244

Present Zoning: CH, RS-3
Proposed Zoning: CH

Date of Application: March 15, 1982
Date of Hearing: April 28, 1982
Size of Tract: irregular

Presentation to TMAPC by: Donrey Outdoor Advertising Company
Address: 7777 East 38th Street - 74145 Phone: 665-1755

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located at the SW corner of the Crosstown Expressway and Mingo Road. It contains on the front portion two single-family residences and accessory buildings, is zoned a combination of CH and RS-3, and the applicant is requesting CH zoning for the whole tract. It is abutted on the west and north by the Crosstown Expressway, on the east by a storage yard for machine shop tools zoned CS, on the south by a vacant car lot and single-family residential zoned CS and RS-3.

Based on the Comprehensive Plan and the surrounding land uses and zoning patterns, the Staff cannot support CH zoning, however, a less intense commercial district would be appropriate. The CS District is consistent with both the Plan designations of Corridor or Medium Intensity. The CG District is a "may be found" in a Corridor District. Given the mixed zoning patterns of IL and CS and the potential for the subject area to become a Corridor, the Staff can support CG zoning.

Therefore the Staff recommends DENIAL of CH and APPROVAL of CG on that portion of the tract presently zoned RS-3.

Applicant's Comments:

The applicant had no comment.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Hinkle, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Rice, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be denied CH zoning and approved CG zoning on that portion of the tract presently zoned RS-3, per Staff Recommendation:

Beginning 40 feet West of the Southeast corner of the Southeast Quarter (SE/4); thence West 1,280 feet; thence North 257.28 feet; thence Northeasterly 588.02 feet; thence Southeasterly 708.36 feet; thence South 330 feet; AND beginning at the Southwest corner of the SE/4 of the SE/4; thence North 257.47 feet; thence Southwesterly 343.22

Z-5694 (continued)

feet; thence South 166.38 feet; thence East 330 feet to a point,
both in Section 36, Township 20 North, Range 13 East, Tulsa
County, Oklahoma, LESS AND EXCEPT the East 660 feet thereof.

Application No. Z-5695 Present Zoning: CS
Applicant: Johnsen (Shipman Investment) Proposed Zoning: OMH
Location: North side of Skelly Bypass, East of Harvard Avenue

Date of Application: March 17, 1982
Date of Hearing: April 28, 1982
Size of Tract: .51 acre, more or less

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

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 -- Commercial.

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

Staff Recommendation:

The subject tract is 1/2 acre in size, located 660 feet east of South Harvard Avenue and fronts onto the Skelly Drive service road. It contains a vacant gas station, is zoned CS and the applicant is requesting OMH zoning. It is abutted on the north by an entry into an office building and an apartment complex zoned RM-2, on the east by an office building zoned CS, on the south by the Skelly Bypass, and on the west by a motel zoned CS.

Given the surrounding land uses and existing zoning patterns the Comprehensive Plan designation of "may be found" OMH zoning can be supported. Therefore, the Staff recommends APPROVAL of the requested OMH zoning.

Applicant's Comments:

Mr. Roy Johnsen represented the applicant and advised this property is presently zoned CS. The Comprehensive Plan would indicate medium intensity designation. The site is presently being used for a service station that is vacant. This is a key site because it has access from the expressway. The owner of the property wishes to construct a motel, which is a permitted use within a CS District, but CS would limit the floor area to a ratio of .5. The proposed motel use would exceed this and the next available zoning would be OMH. A recent amendment to the Zoning Code provided for a special exception through Board of Adjustment. The OMH zoning would give the applicant the needed floor area and an application could then be filed with the Board of Adjustment for motel use. The uses permitted in CS would exceed the intensity derived from the use of a motel, from the standpoint of traffic. This matter was reviewed by the planning team for the district and a letter has been received by the Staff from Bob Paddock, Chairman for District 6 (Exhibit "C-1"). The letter stated the District 6 Steering Committee voted 10-4-0 to recommend approval of this application. Mr. Johnsen stated the requested use would be superior to the present use and to the potential use under the existing zoning.

Protestants: Richard D. Tubener, Rich & Cartmill Address: 3365 E. Skelly Dr.
Jack Mandeville, Rich & Cartmill 3365 E. Skelly Dr.

Protestant's Comments:

Mr. Richard Tubener is part-owner of the property occupied by Rich and Cartmill Insurance Agency. They are appearing out of concern because of the size of the project, not with the nature of the project. This is basically due to the parking situation. The lot is 150' x 150' and the other projects in the area are on larger properties. He understands the motel will be 5 stories, which he feels is excessive and cannot accommodate the required 40 parking spaces. He presented two aerial photos (Exhibits "C-2 and C-3") of the area and compared the marked parking spaces in the photos to what would be needed for this use. He was afraid the excess parking would be in their parking lot.

Mr. Jack Mandeville pointed out the median on the off-ramp of the expressway would make it necessary to maneuver a U-turn to gain access to this tract. He also feels 40 parking spaces is too few for a project of this size and questioned where the employees would park, as well as vehicles owned by the motel. The present structure is most unattractive and he feels the tract should be developed. However, he feels this proposal is too large for the tract and can find no precedent for such a large project on so small a tract.

Commissioner Petty asked Mr. Mandeville how they get to their building and he replied the route is by backroads because the service road is one-way. The Tradewinds Motel, the Howard Johnson's Restaurant and the Texaco Service Station can be reached through a backroad, but it stops at their property where a retaining wall is in place. This is not a dedicated road.

Applicant's Comments:

Mr. Johnsen did not feel the protestants stated the situation correctly. He presented two pictures of the off-ramp from the expressway, showing the easy accessibility to the subject property (Exhibit "C-4"). It is not a U-turn and is fairly convenient. In the past, this site was used for a service station and this was one of the principal means to reach the station. In order to get to Rich and Cartmill's parking lot, a potential customer of the motel would have to go the wrong way on the service road; therefore, the parking would not overflow into their parking lot. There is a 4-foot screening fence between the subject property and the entrance to the insurance office. There is access to this site from Harvard Avenue; however, it is not a legal access.

A more important issue is the appropriateness of the zoning pattern which the Staff has advised is consistent with the Plan, recognizing that the present use is CS and OMH is an office classification. More importantly, it is necessary to make application to the Board of Adjustment for motel use and they will determine the adequacy of the parking. He feels the protestants should appear at that meeting. Even if the Board of Adjustment did not deal with the parking question, any use will have to meet the Code. The required parking will be provided.

He asked the Commission to review the application on its merits, given the physical facts and existing zoning. Based on that review, the conclusion would be that the OMH zoning is supportable.

Commissioner Petty noted that customers to the motel could drive the backroads the way employees at Rich and Cartmill take, enter their parking lot and park there. Mr. Johnsen agreed if they were familiar with the area and had visited the area previously, they could take this route.

Z-5695 (continued)

Commissioner Petty recognized Mr. Mandeville who emphasized that 40 parking spaces for 40 units is not adequate. When his building was constructed about 15 years ago, there was a fire lane going to the apartment complex. The apartment owners had to construct a gate for access to the apartments. He wondered if the Staff was aware of the fire lane. This is why the road is not paved up to the Tradewinds' property.

Mr. Gardner noted any zoning change requires a subdivision plat, replat, or waiver by this Board. The question of fire access will be dealt with at that time. In order to obtain a permit to build a motel, a special exception from the Board of Adjustment is needed and they will study a detailed plan at that hearing. Under Office Zoning, they have to meet the off-street parking requirement. Structured parking would be needed if an office is planned under OMH.

Commissioner Young commented he would abstain since he was not present for the entire discussion.

Instruments Submitted: Letter from District 6 Chairman, Bob Paddock
(Exhibit "C-1")
*2 Aerial Photo's. of the area (Exhibits "C-2 & C-3")
2 Photo's. showing access from expressway
(Exhibit "C-4")

TMAPC Action: 7 members present.

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

Part of the W/2 of the SE/4 of the SW/4 of the SW/4 of Section 28, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows:

Beginning 66.77' South of the Northwest corner of the W/2 of the SE/4 of the SW/4 of the SW/4 of Section 28, Township 19 North, Range 13 East; thence South 150' to a point on the North right-of-way line of Skelly Drive (U.S. Highway #66) Bypass; thence South 89°-55'-18" East along the said North right-of-way line a distance of 150'; thence North 150'; thence West 150' to the point of beginning.

*Mr. Gardner advised these photo's. would be made available to the Board of Adjustment when that application is heard.

Application No. CZ-49 Present Zoning: AG
Applicant: C. W. Wilkinson (Cherokee Development Co.) Proposed Zoning: RMH
Location: South of the SE corner of 131st Street and 129th East Avenue

Date of Application: March 18, 1982
Date of Hearing: April 28, 1982
Size of Tract: 70 acres

Presentation to TMAPC by: C. W. Wilkinson
Address: 3500 West El Paso - Broken Arrow, Okla. - 74012 Phone: 252-9385

Relationship to the Comprehensive Plan:

The Comprehensive Plan for the Broken Arrow planning area, designates the subject property Low Density, Residential and the RMH District is not in accordance with their Comprehensive Plan.

Staff Recommendation:

The subject tract is 70 acres in size and located approximately 1/2 mile south of the southeast corner of 131st Street South and 129th East Avenue. It is vacant, zoned AG, and the applicant is requesting RMH mobile home park zoning. It is abutted on the north by a developing single-family subdivision zoned RS-2 and several large acreage residences zoned AG, on the east by vacant land zoned RS-2, on the south by vacant land zoned AG, and on the west by a developed single-family subdivision zoned RS.

The Staff reviewed the application and field checked the tract. In the area surrounding the tract the smallest single-family lots identified were approximately 1/2 acre in size, with the average lot size being about 1-acre. In addition, the majority of the surrounding lots meet most of the Bulk and Area Requirements for the Residential Estate (RE) District even though they are zoned RS. The applicant is proposing a zoning district that would allow 8 dwelling units per 1-acre of land. The Staff feels that a density of 8 units per acre abutting a density of 1 or 2 units per acre in a suburban and rural location is not appropriate without having the means to insure proper buffering and adequate site design, and therefore, we cannot support RMH zoning.

We could support an RS District which would be consistent with the surrounding area and at the same time could permit manufactured housing by exception if appropriate. This would enable the applicant to go to the Board of Adjustment for a Special Exception or to the TMAPC for a Planned Unit Development either of which would require site plan approval. The site plan would be reviewed for density and proper buffering to insure compatibility with the surrounding area. Building permits would not be issued until all the conditions of the site plan had been met.

Therefore, the Staff recommends DENIAL of RMH and APPROVAL of RS zoning.

Applicant's Comments:

Mr. C. W. Wilkinson was present and had his architect present to discuss this application. He wanted to point out first that this project is not the normal mobile home development.

Don Graham, 1103 South 79th East Avenue, represented the owner who is aware of the need for pre-manufactured residential houses. The development as proposed for this site will offer many opportunities; as location, purchase instead of rented, and attractive subdivision restrictions. He showed the

CZ-49 (continued)

Commission a preliminary plan of the project. The development of the community has been conceived around a California base concept or the development of individual lots that would allow each resident to own a lot. They have tried to orient the lots in an attractive pattern to give diversity of size and shape for the variety of pre-manufactured homes made. The access would be controlled and will not over-burden any residential streets. Egress will be on the west side (129th East Avenue) which is a major arterial. There will be a 50' dedicated area for a greenbelt, as well as owner-developed fence and attractive entranceways on the west side of the development. Approximately 10% of the gross area will be free, common ground for storage of recreational vehicles, etc. This will be 7 acres along the south border and would include in the southeast corner a community-controlled clubhouse and recreational facilities.

He feels this concept offers a much better alternative to the typical pre-manufactured living style. There is a bill before the State Legislature that would prohibit the limiting of use of pre-manufactured homes in any residential district with restrictions. The covenants proposed in this project would provide for skirting or permanent foundation, the utilization of controls for fencing and screening and individual separation of the lots. This will be in accordance with acceptable standards of most residential restrictions. It is their feeling the market should not be shut out for those who choose to live in pre-manufactured homes during the present strict, economic situation.

Commissioner Young recognized the need for pre-manufactured homes, but requested Mr. Graham speak to the question of density. Mr. Graham noted that density is a product of the overall feasibility in this project. There is allowance under the Zoning Code for pre-manufactured homes on this site, but the density determines if they will be able to provide this type of alternative for a particular owner.

Commissioner Higgins has checked into mobile home parks in other states, such as California, that were built on foundations and looked like regular homes. She wondered if this is what the project represents and Mr. Graham noted the concept does not rule out any type of pre-manufactured homes. There are some companies throughout the U. S. that manufacture pre-assembled housing which could be considered mobile homes. More conventional mobile homes could be used.

Commissioner Petty stated that Mr. Graham made the comment, "...with no action from this Board, mobile homes could be placed on this property..." He advised there is considerable difference in density between the present zoning and the requested zoning. The present zoning would permit 1 trailer to every 2 acres. Mr. Gardner advised the proposed density would be approximately 5 units per acre. There is no sewer at the site and the closest hookup would be with Broken Arrow, one-quarter of a mile away. Broken Arrow has denied this application. If sewer is not obtainable, then a minimum for septic tank is 1/2 acre. There are a lot of unanswered questions when considering density.

The applicant advised the preliminary proposal is for 342 units. This is all subject to technical development, along with engineering data for water, sewer, etc. Chairman Parmele asked the Staff what RS zoning would provide for single-family and Mr. Gardner advised each lot would require a minimum

CZ-49 (continued)

of 6,900 square feet with a sewer, under County Code. Without sewer, the minimum would be 22,000 square feet. RS would provide 4 units per acre after dedication of streets.

Mr. Wilkinson concluded there would be 4.88 dwelling units per acre the way the proposal is now. They feel this is enough for manufactured housing. These lots are approximately 50' in width, which is not much different than a single-family lot.

Protestants: Duane Riffe, Attorney
Farhad Daroga

Addresses: 1100 S. 28th, Broken Arrow
City Hall, 115 E. Commercial, Broken Arrow

Protestant's Comments:

Mr. Duane Riffe represented the protestants and presented a petition of protest which was later confirmed to contain 514 signatures (Exhibit "D-1"). All surrounding landowners have signed the petition, as well as other homeowners in the immediate areas. This petition represents approximately 90% of the residents living within 3/4ths of a mile. Mr. Riffe was also concerned about the question of density. As stated by the Broken Arrow Planning Commission, the RMH zoning does not comply with the Comprehensive Plan for this area. The area surrounding the majority of the property is at least R-2, some of the land is R-1. Actual use is closer to an estate-type subdivision. The houses range from \$60,000 to \$150,000 in the immediate area. The density of such a project would cause significant traffic and utility problems that could not be solved in the immediate future. The only access to this property is 129th East Avenue, which is a two-lane road and not close to an expressway. The closest intersecting road is 131st Street, which is also a two-lane road. He feels this would be a premature development which would cause overcrowding in the area to the extent that proper facilities could not be installed to handle utilities, traffic and school increases. The applicant has pointed out that the preliminary plan is approximately 5 units per acre. However, RMH zoning would permit up to 8 units per acre and there would be no control over the final density. Statistics show there are approximately 5 persons living in a mobile home. With the 342 spaces as proposed, this would cause a great deal of increase in the area population.

Anytime a mobile home park is developed, an artificial buffer is needed. The property located adjacent to the proposed entrance is at a higher elevation where a screening fence or wall would not offer a significant buffer. Willow Springs is also at a higher elevation. All of the residents in the area are on septic tank and this project would not qualify for septic tanks because of the density. The closest available sewer is along 131st Street and is not available until this land is annexed to Broken Arrow, according to their Ordinances. The landowners between the subject property and 131st Street have signed the protest petition and there are no easements or requests for easements, as far as Mr. Riffe knows, for sewer or water.

The protestants are not contesting the fact there is a need for pre-manufactured homes, but feel this project would not be proper or the best use of this land. He feels there is plenty of vacant land not abutting present residential areas that could be utilized.

CZ-49 (continued)

Mr. Farhad Daroga, Planner for the City of Broken Arrow, represented the City officially and informed the Commission that the City of Broken Arrow recommended denial as stated in his letter of April 9, 1982 (Exhibit "D-2"). It is the policy of the City of Broken Arrow not to allow any subdivision to tie into their sewer lines if the property is not within the Broken Arrow City Limits. Broken Arrow is the only supplier of water in the area, not counting wells on individual property. This area is adjacent to the City Limits and Broken Arrow would willingly annex this parcel, but several years ago the City annexed a large portion of land west of Broken Arrow and the property owners in this general area protested that annexation. Therefore, the area was disannexed. It is now the policy of Broken Arrow to only annex areas where the property owners have requested it, within reason. It is his personal opinion that this project will never be developed due to technical considerations. He is recommending denial of this application. This is speculative zoning and land in this area is expensive. He thought Mr. Riffe was understating the appraisals of the existing homes and he has seen appraisals beyond \$200,000.

Applicant's Comments:

Mr. Wilkinson advised he has worked with the Broken Arrow utility departments and felt these problems can be solved. There have been water pressure problems in the past, but there was a large line installed into Broken Arrow and this problem will be alleviated.

Instruments Submitted: Protest Petition, containing 514 signatures (Exhibit "D-1")
Letter from Broken Arrow Planning Commission
recommending denial of the application (Exhibit "D-2")

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be DENIED RMH and APPROVAL of RS rezoning, based on the Staff Recommendation.

The S/2 of the NW/4, LESS and EXCEPT the following: Beginning at the Northwest corner of the S/2 of the NW/4; thence East 955'; thence South 456'; thence West 955'; thence North 456'; Section 9, Township 17 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-50

Present Zoning: AG

Applicant: McGivern (Amis Construction Company)

Proposed Zoning: IL

Location: NE corner of 66th Street North and U. S. Highway #169

Date of Application: March 18, 1982

Date of Hearing: April 28, 1982

Size of Tract: 40 acres

Presentation to TMAPC by: Mike McGivern

Address: 1515 South Boulder Avenue - 74119

Phone: 584-3391

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property High Intensity Commercial, Potential Corridor, and Recreational Open Space -- Development Sensitive. The IL District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is 40 acres in size and is located at the NE corner of 66th Street North and the Mingo Valley Expressway. It is zoned AG, contains one single-family structure and a barn, and the applicant is requesting IL Light Industrial zoning. It is abutted on the north by a railroad and several large lot single-family residential lots zoned RE, on the east by mostly vacant land with one single-family dwelling zoned AG, on the south by a mobile home park zoned RMH, and on the west by the Mingo Valley Expressway. It should be noted that the southern and eastern portions of this tract can be identified as being a flood prone area.

Based on the above factors, the Staff recommends APPROVAL of the requested IL zoning, except that portion of the tract determined to be floodplain. The applicant or his engineer, in conjunction with the County Engineer, is required to identify that portion not subject to periodic flooding.

Letter was presented from the Owasso Planning Commission (Exhibit "E-1")

Applicant's Comments:

Mr. Mike McGivern represented Curran-Houston, Inc., who is proposing to buy the land from Amis Construction Company to relocate from Houston. This contract is contingent on the rezoning. The Owasso Planning Commission did recommend approval of this application for the land under contract and an option is pending for the remainder of land owned by Amis Construction Company. Curran-Houston plans to use all of the property, since they are a growing company, and sees a need for the entire property in the near future. He realizes a portion of the property is in the floodplain and is willing to fulfill all requirements under the County Zoning Code and the Owasso Planning Commission to alleviate this problem. He asked for approval on the whole acreage and not only for the acreage the Owasso Commission approved.

Chairman Parmele advised that the Staff has recommended approval of all the acreage except the portion in the floodplain. Mr. Gardner suggested the applicant and his engineer talk to the County Engineer before this application is heard by the County Commission to determine where the floodway is located. If a portion is subject to periodic flooding and cannot be filled, obviously the land could not be used.

Protestants: None.

Instruments Submitted: Letter from Owasso Planning Commission recommending approval (Exhibit "E-1")

4.28.82:1404(24)

CZ-50 (continued)

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned IL, EXCEPT that portion of the tract determined to be floodplain, per Staff Recommendation:

The SW/4 of the SW/4 of Section Thirty-Two (32), Township 21 North, Range 14 East of the Indian Base and Meridian in Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Application Numbers Z-5696 & PUD 285

Present Zoning: (RS-3)

Applicant: Johnsen (Berry)

Proposed Zoning: (OL)

Location: North side of 68th Street and Canton Avenue

Date of Application: March 18, 1982

Date of Hearing: April 28, 1982

Size of Tract: 9 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Relationship to the Comprehensive Plan: (Z-5696)

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

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

Staff Recommendation: (Z-5696)

The subject tract is located 1,000 feet east of Yale Avenue on the north side of East 68th Street South. It is 9 acres in size, vacant, zoned RS-3 and the applicant is requesting OL zoning. It is abutted on the north by vacant land zoned OL, on the east by vacant land zoned RS-3, on the south by small offices zoned OL and OM, and on the west by two large office buildings zoned OM.

Based on the existing land uses, surrounding zoning patterns, and the Comprehensive Plan designation, the Staff can support the requested OL Zoning District.

Therefore, the Staff recommends APPROVAL of the OL zoning.

Staff Recommendation: (PUD #285)

Planned Unit Development No. 285 is 9 acres in size, vacant, and located 1,000 feet east of Yale Avenue on the north side of East 68th Street South. This application is accompanied by a companion OL zoning application, Z-5696. The Staff is recommending approval of the zoning and will review the PUD application based on the subject tract being zoned OL.

After reviewing the above cited zoning case and the applicant's Development Text and Plan, the Staff finds PUD #285 to be consistent with the Comprehensive Plan and the standards of the PUD Chapter of the Tulsa Zoning Code. Therefore, the Staff recommends APPROVAL of PUD #285, subject to the following conditions:

1. That Development Text and Plan be made conditions of approval including the platting of individual lots, each containing one office structure.

2. Development Standards:

- | | |
|-----------------------|-------------------------------------|
| A. Gross Area | 9.0 acres |
| Net Area | 8.6 acres |
| B. Permitted Uses | As permitted within an OL District. |
| C. Maximum Floor Area | 145,000 square feet |

4.28.82:1404(26)

PUD #285: Staff Recommendations (continued)

- | | | |
|----|----------------------------------|--|
| D. | Maximum Building Height | 2 stories |
| E. | Minimum Landscaped Open Spaces | 30% of net area |
| F. | Minimum Building Setbacks: | |
| | From 68th Street | 30 feet or 50 feet from the centerline. |
| | From West Boundary | 20 feet |
| | From North Boundary | 20 feet |
| | From East Boundary | 50 feet |
| G. | Parking Ratio | 1 space per 300 sq. ft. of floor area. |
| H. | Minimum Lot Frontage: | |
| | If abutting public street | 50 feet |
| | If not abutting public street | 20 feet of frontage on an interior private drive providing the lot access is to a public street. |
| I. | Other Bulk and Area Requirements | As required within an OL District. |

3. Sign Standards:

Signs accessory to the office uses shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

A. Ground Signs:

Ground signs shall be limited to one monument sign identifying the project located at each of the 68th Street entrances to the project not exceeding 6 feet in height and not exceeding a display surface area of 120 square feet, and one monument sign per building located within the interior of the project not exceeding 4 feet in height and not exceeding a display surface area of 32 square feet.

B. Wall or Canopy Signs:

Wall or canopy signs shall be limited to one sign for each principal building and shall not exceed a display surface area of 64 square feet.

4. That a Detailed Site Plan meeting the graphical intent of the Development Plan be approved prior to issuance of a building permit.
5. That a Detailed Landscape Plan be approved and in place prior to occupancy of any building.
6. That an owner's association be created to maintain all common areas including private drives if units are sold now or in the future.

PUD #285: Staff Recommendation (continued)

7. No building permit shall be issued until the property has been included within a subdivision plat, submitted to and approved by the TMAPC and filed or record in the County Clerk's Office, incorporating within the restrictive covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

Applicant's Comments:

Mr. Roy Johnsen agreed with the Staff Recommendation concerning these applications, but had two comments. He had inadvertently asked for a building height of 2 stories; however, because of the topography there would be some instances where there would be a level of hills that would have parking with two levels above it. Commissioner Young asked for a footage requirement and Mr. Johnsen stated 35' would cover the height and suggested the condition require that there not be more than 2 office floor areas plus a parking level. This will not be a three story building because it will be built on a hill. The Staff agreed with the 35' building height.

Mr. Johnsen explained this tract will be lotted. It is intended to be an ownership office park. A central, private drive is to be provided and all but one lot will have frontage to the drive. The lot in the extreme north-west corner of the project might need a supplemental access easement. Mr. Gardner had no objection to this condition. An easement will have to be provided during the platting process and it will look like a parking lot with driveways going to the office buildings.

Protestants: None.

TMAPC Action: 6 members present. (Z-5696)

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

Lot 2, Block 1, Burning Hills, an Addition to the City of Tulsa,
State of Oklahoma.

TMAPC Action: 6 members present. (PUD #285)

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions of the Staff Recommendation plus the following two amendments to the Staff Recommendation:

2. Development Standards:

D. Maximum Building Height 35 feet

H. That lotting be as submitted on the Plot Plan and access easements be provided as determined necessary during the platting process.

Lot 2, Block 1, Burning Hills, an Addition to the City of Tulsa,
State of Oklahoma.

Application No. PUD 259-A Present Zoning: (RS-2)
Applicant: Johnsen (Birmingham Properties)
Location: North of the NE corner of 41st Street and Birmingham Place

Date of Application: March 18, 1982
Date of Hearing: April 28, 1982
Size of Tract: 2.8 acres, more or less

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

Staff Recommendation:

Planned Unit Development No. 259-A is located 300 feet north of the north-east corner of 41st Street South and Birmingham Place. It is 2.8 acres in size, vacant, and surrounded by large lot single-family residences zoned RS-2.

PUD #259-A is requesting the abandonment of PUD #259 which had previously been approved for 9 residential units on the subject tract.

The Staff has reviewed the case and field checked the tract and find that no portions of PUD #259 has been developed, that abandonment is in order and is consistent with the filed preliminary plat containing 6 individual lots. Therefore, the Staff recommends APPROVAL of PUD #259-A, which abandons the Development Text, Site Plan, and approved conditions for PUD #259.

A Letter was presented from District 6 Chairman Bob Paddock recommending approval of the abandonment (Exhibit "F-1").

Applicant's Comments:

Mr. Roy Johnsen was present, but had no comments.

Instruments Submitted: Letter from District 6 Chairman Bob Paddock (Exhibit "F-1")

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners APPROVAL of PUD #259-A, which abandons the Development Text, Site Plan and approved conditions for PUD #259 on the following described property:

The North 373.62' of the South 672.75' of the E/2 of the W/2 of the SE/4 of the SW/4 of Section 20, Township 19 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, Oklahoma.

The applicant was not present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to continue consideration of Z-5697 until May 5, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD #202-B Jim Witte - Shadow Mountain II, Lot 1, Block 3

Site Plan Review - Staff Recommendation:

The applicant has submitted a Detailed Site Plan for the development within Block 3, Lot 1, of Shadow Mountain II Addition, which was approved by the TMAPC January 6, 1982. Since that time, minor changes have become necessary and the applicant is now submitting a revised Detail Site Plan for review. The Staff finds the proposal in keeping with both the approved standards and the previously approved Detail Site Plan.

Accordingly, the Staff recommends APPROVAL of the Detail Site Plan as submitted.

Development Standards:

<u>Description</u>	<u>Approved Standards</u>	<u>Previous Site Plan</u>	<u>Proposal</u>
Land Use	Office	Office	Office
Building Height	2 stories	2 stories	2 stories
Floor Area (Max.)	45,000 sq. ft.	44,955 sq. ft.	44,912 sq. ft.
Parking (Min.)	113 spaces	114 spaces	128 cars
Landscape Area	30%	45%	45%
Screening Fence (West side)	Required	*	*

*Applicant not required to screen (double screen) any portion already screened by adjacent properties, unless for any reason such screening were removed, in which case it would be the requirement of the applicant to complete and maintain the screen fence.

TMAPC Action: 6 members present.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to approve the Detailed Site Plan as submitted for PUD #202.

PUD #183 Brandy Chase - 68th Street and South Peoria Avenue

Staff Recommendation:

Planned Unit Development No. 183 is located at the NE corner of South Peoria Avenue and East 68th Street South.

The applicant is requesting a minor amendment to the Site Plan to build covers over some of their parking spaces. The Staff feels that covered parking would improve the desirability of the project and at the same time not have a major impact.

Therefore, the Staff considers this to be a minor amendment and recommends APPROVAL.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Rice, Inhofe, "absent") to approve this minor amendment to PUD #183.

There being no further business, the Chair adjourned the meeting at 4:10 p.m.

Date Approved May 19, 1982

Cheryl A. Kempe
1st Vice Chairman

ATTEST:

Marion E. Hennage
for Secretary

