

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1410
 Wednesday, June 9, 1982, 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, June 8, 1982, at 9:30 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmeale called the meeting to order at 1:55 p.m.

MINUTES:

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmeale, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to approve the minutes of May 19, 1982 (No. 1407).

REPORTS:

Director's Report:

Mr. Lasker reminded the Board that the Staff was requested to research whether or not the Director could sign plats after Planning Commission approval. The Legal Department has determined that the Director or Assistant Director could endorse plats after Planning Commission approval. This matter would be considered by the Rules and Regulations Committee and then presented to the Planning Commission with a Resolution amending the Subdivision Regulations. Mr. Wilmoth presented the proposed language change, Page 8, Section 2, Sub-section 2.5 (4), in the Subdivision Regulations (Exhibit "A-1").

SUBDIVISIONS:

Business Commons at Metro Park (3294) 55th Place and South 127th East Ave. (IL)

The Staff advised the Commission that all letters of approval are in the file and final approval and release is recommended.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmeale, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to approve the final plat of Business Commons at Metro Park, and release same as having met all conditions of approval.

Request to Waive Platting Requirement:

The Annex (PUD #273) (1392) 116 East 21st Street

(RM-2 & RS-2)

The applicant's attorney has requested that the plat requirement be waived on this tract. The Staff recommended DENIAL of this request for the following reasons:

- (1) The PUD Zoning Ordinance requires a plat on a PUD so that all the conditions may be graphically shown, as well as restrictive language in the covenants.
- (2) The only time the T.A.C., Staff and Planning Commission has recommended waiver of platting requirement on a PUD is where the property is ALREADY PLATTED. In effect, the platting requirement was not "waived", since the more accurate terminology would be that the "requirement of a plat or replat was waived, since the property was already platted." The land under this request is NOT PLATTED.
- (3) Better control of the PUD clarity for issuance of building permits, etc., will be provided on a plat. All information required would be on one document.
- (4) It appears that there may be some access problems and numerous building setbacks required under the PUD. Again, more control and clarification will be afforded by a plat as required in the PUD Ordinance.

In the Technical Advisory Committee there was a difference of opinion as to whether the plat should be waived, so after additional discussion the T.A.C. took an individual poll, the results being as follows:

Traffic Engineering	- "abstaining"	- (will require some access control whether property is platted or not.)
Cable TV	-----	"abstaining"
P.S.O.	-----	"abstaining"
O.N.G.	-----	"abstaining"
Water & Sewer Dept.	-	"denial of waiver" - Plat recommended
City Engineering Dept.		"denial of waiver" - Plat recommended
Staff	-----	"denial of waiver" - Plat recommended

The T.A.C. forwarded the request to the Planning Commission, with no further comment.

Mr. Bill Jones, attorney for the applicant, was present as well as Ted Sack, engineer for the applicant. Mr. Jones explained this tract was approved for PUD and is situated on East 21st Street next to the old Midland Valley Railway. This is a rehabilitation project and the structures in front are existing, which is the reason for the request to waive the platting requirement. The utilities are existing and the land on either side is fully developed. The PUD conditions will have to be met in any case. The owner is ready for a building permit now.

Mr. Ted Sack remarked that the properties on either side of the subject tract have been platted since the 1920's and a plat on this tract would serve little purpose because the utilities are existing. Additional

The Annex (PUD #273) Continued

needs for traffic can be filed under separate instrument. A plat would not do anything to define or enhance the property. The City is a 3rd party with PUD covenants and the Building Inspector looks over the PUD minutes.

Mr. Jones did not see any reason to put the owner through the expense of having a plat prepared when it is not really needed.

Mr. Linker stated that the applicant was advised of the need for a plat when he filed for a PUD. The platting requirement has been waived when a plat is already in existence on property approved for PUD. The only time the platting requirement is waived would be for a resubdivision.

Mr. Jones explained there are staggered setbacks on this property which will make a plat difficult.

Mr. Linker agreed that filing separate instrument would accomplish the same purpose as a plat, but the Ordinances do not have this leeway because it would be conditional zoning. The Legal Department has advised the Commission not to give temporary waiver of plats, either.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to DENY this request for waiver of plat on The Annex Addition.

CONTINUED ZONING PUBLIC HEARINGS:

Application No. CZ-52
Applicant: Laramie Development Corp.
Location: North side of Wekiwa Road, between 193rd Street & 209th West Ave.

Present Zoning: AG
Proposed Zoning: RMH

Date of Application: April 1, 1982
Date of Hearing: June 9, 1982
Size of Tract: 65.6 acres

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

Phone: 585-5641

Relationship to the Comprehensive Plan:

The Comprehensive Plan for the Sand Springs Area, designates the subject property Corridor -- Development Sensitive.

Staff Recommendation:

The subject tract is 65.6 acres in size and located 1/4 mile east of the northeast corner of 209th Street West and Wekiwa Road. It is vacant, subject to flooding, zoned AG and the applicant is requesting RMH zoning. The tract is abutted on the north by the Keystone Expressway and on the remaining sides by mostly vacant land zoned AG.

Based upon the Corridor designation and the surrounding land uses, the Staff can support RMH zoning. However, flood maps indicate that a large portion of the tract is subject to seasonal flooding and would not be acceptable for the uses permitted under the requested zoning. Some or all of this flooding could be mitigated through proper engineering, but it is the applicant's responsibility to satisfy the County Engineering Department by showing which area will not be subject to flooding and the safeguards insuring this does not occur.

Therefore, the Staff recommends APPROVAL of RMH on that portion of the tract that the applicant or his engineer, in conjunction with the County Engineer, determine not to be subject to seasonal flooding.

Applicant's Comments:

Mr. Roy Johnsen represented the applicant and owner, Laramie Development Corporation. This tract is approximately 13 miles from downtown Tulsa and has 1/2 mile of frontage on Wekiwa Road, which used to be Highway #64 and is now an arterial street. All of the area is within the Sand Springs Fence Line. The application was referred to the Sand Springs Planning Commission for review and they recommend approval. A copy of the letter from the Sand Springs Planning Commission was presented (Exhibit "B-1"). This area has been adopted into the Sand Springs Plan and meets the customary standards for Corridor District, being bounded on the north by the Keystone Expressway and by Wekiwa Road, an arterial street on the south.

Laramie Development Corp., owns over 700 acres in this area including the property immediately to the north, west and most to the south. Some additional areas to the south and east are not owned by the applicant. There are drainage problems on the subject tract and the southern portion is within floodplain designated areas. The area is flat and water would have to be drained to the Arkansas River through property owned by Laramie Development. Therefore, property owned by others would not be involved.

CZ-52 (continued)

The County Engineer will have to approve the drainage plans and platting will have to be approved by the County. The County Engineer is familiar with the site and has concluded that the drainage problems deal with "sheet flooding" on the southern portion as opposed to a floodway or major drainageway. He did not foresee a problem that ordinary drainage review through the platting process would not solve if the drainage is taken directly to the river through other properties owned by the applicant.

The subject tract is rather isolated except for Candlestick Subdivision, approximately 1/2 mile to the west. Tanglewood School, which is vacant, is also in close proximity to the tract. Other homes are well removed from Wekiwa Road. The railroad crossing the tract has been abandoned. Mr. Johnsen feels this site is well located with superior accessibility and meets all planning standards.

<u>Protestants:</u>		<u>Addresses:</u>
	Tom Tannehill, attorney for Protestants	1918 East 51st Street
	Theda Adams	1105 S. 217 W. Pl. - Sand Spgs.
	Ed Ferris	R.R. 1, Box 73 - Sand Springs
	Larry Abboud	R.R. 2, - Sand Springs 74063
	Jerry Abboud	R.R. 1, Box 48 - Sand Spgs. 74063

Protestant's Comments:

Mr. Tom Tannehill was present to represent the protestants and presented a petition containing 143 signatures (Exhibit "B-2"). This petition is signed by everyone who lives in the area and includes owners adjacent to the proposed tract.

Mr. Tannehill does not feel this application has merit because the property cannot be adequately developed as requested. The Sand Springs consideration did not include a careful review of the facts. No sign was posted; therefore, no area property owners were present to give factual information of the area. The District 23 Plan, which shows this tract to within a development-sensitive area was disregarded.

The application was submitted with a roughly drawn sketch plat, showing extremely large lots, planned but not detailed. No plat has ever been filed on this tract and the sketch plat showed a minimum of 300 mobile homes whereas the underlying zoning would permit almost 500 homes without restrictions. The tract is within designated floodway areas as considered by the Corps of Engineers. He showed the Commission copies of maps showing the Tulsa Metropolitan Area General Guide to Floodplain Areas and The U. S. Corps of Engineers Floodmap of 1981, showing that the majority of this tract lies within flood zoned.

Mr. Tannehill did not feel the County's drainage review is adequate. The County Engineer has never seen the property or the area during a flood. The Corps of Engineers has never determined where the final floodway is for Sand Creek. However, they have determined there is a floodway depth from one to three feet on the tract, but they cannot pinpoint the duration of those levels.

The density of 7 units per acre is contrary to existing factual circumstance in Candlestock I, II and III to the west and there would be no control or restrictions under the requested zoning because the plat will

CZ-52 (continued)

go to Sand Springs and to the County Commission. Other mobile home parks have been developed in flood-prone areas and have continually flooded. This use is prohibited by the County Zoning Code in a floodway district.

Mrs. Theda Adams lives in Candlestick II and feels the requested development would be a health hazard since an open lagoon is proposed. The homes in the Candlestick Addition are exclusive ones and a project of this type will devalue them. The area is not properly built up for access roads and the schools will not handle such an influx of students. Also, it would not be fair to allow children in school when the parents do not pay property taxes. She does not feel a trailer park would fit into the development of this area.

Mr. Ed Ferris stated that the open lagoon as proposed would be next to his property. Sand Springs will not allow such a sewer system and he wondered if they planned on dumping into the river.

Mr. Larry Abboud showed the Commission pictures of the area during the last few years illustrating the flooding problems. Flooding has caused a lot of damage to adjoining property and there was 3-foot deep water in fields that were already planted. Proper drainage would cost an exorbitant amount of money. The study done by Laramie Development had only slight mention of engineering requirements and did not know what kind of assurance the County Commission will have that proper engineering will be done. The ownership of a mobile home park does not stay with the ones who develop it and if it is not properly done in the first place, future problems could develop. He is not in favor of this being approved as it has been presented.

Mr. Jerry Abboud owns property on both sides of the highway and on either side of the subject tract. The lagoon, which is to be on the south side of the highway, is still in the floodplain area and runoff would be into this lagoon. The highway is a very scenic route and he feels a mobile home park would be a detriment to that route because of the close proximity. The school in the area is not in operation and would take a bit of repair work to open. The lagoon would also be close to the school.

Applicant's Comments:

Mr. Johnsen did not feel that the County Engineer is incompetent and the area will have to be platted no matter what the zoning would be. Before the plat can be completed, the County Engineer will have to review it and determine that all requirements have been met. The Sand Springs Planning Commission will review the plat and drainage will have to be reviewed by the County Engineer.

This area is not a floodway as stated by Mr. Tannehill, but has been determined to be a floodplain. This means shallow, sheet flow. The pictures that were shown to the Commission illustrate that there are areas of dry land which gives an indication of the depth. The whole site is not covered and corrective grading would allow construction. The drainage issue would be the same if the tract were to develop as single-family homes. The Sand Springs Plan shows high intensity and in his opinion, a mobile home park would be low to medium intensity. Any runoff will be diverted to the Arkansas River through land owned by Laramie Development and Mr. Johnsen feels this fact will be to the adjoining property owners benefit and will relieve, and possibly reduce future water damage to their property.

CZ-52 (continued)

The lagoon situation will also need to be reviewed and will have to meet the standards of the County Engineer, City-County Health Department and the State Health Standards. The question is one of proper land use, which would take into consideration accessibility, relationship to surrounding property and what is called for in the Plan. He has contacted school officials and they concluded there would be no problem serving this area.

Mr. Johnsen understands that people would object to a mobile home park, but he stressed the fact that this property is separated from property owned by residents in Candlestick Addition, by almost 1/2 mile away.

Special Discussion for the Record:

Commissioner Young feels that the proper safeguards for development have been taken; however, he requested that an extra condition be noted in the Staff Recommendation, stating that the applicant or his engineer, in conjunction with the County Engineer, determine that portion of the tract which cannot be mitigated from seasonal flooding.

Instruments Submitted: Letter from Sand Springs Planning Commission recommending approval (Exhibit "B-1")
Protest Petition containing 143 signatures, (Exhibit "B-2")

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 5-1-0 (Gardner, Hennage, Parmele, Petty, Young, "aye"; Hinkle, "nay"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RMH and that the Staff Recommendation be amended to read:

"Therefore, the Staff recommends APPROVAL of RMH on that portion of the tract that the applicant or his engineer, in conjunction with the County Engineer, determine cannot be mitigated from seasonal flooding.

The SE/4 of the SW/4 and the SW/4 of the SE/4 of Section 2, Township 19 North, Range 10 East, Tulsa County, LESS Highway #64 (Keystone Expressway), comprising of 65.66 acres, more or less.

ZONING PUBLIC HEARINGS:

Application No. Z-5709 Present Zoning: IL
Applicant: Carpenter (Bennett) Proposed Zoning: RMH
Location: SE corner of 65th West Avenue and 11th Street

Date of Application: April 26, 1982
Date of Hearing: June 9, 1982
Size of Tract: 18 acres, more or less

Presentation to TMAPC by: Harley Carpenter
Address: 4111 South Darlington Avenue - 74135 Phone: 664-2602

Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Residential.

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

Staff Recommendation:

The subject tract is located at the southeast corner of West 11th Street South and 65th West Avenue. It is 18 acres in size, vacant, zoned IL and the applicant is requesting RMH zoning. It is abutted on the north by a single-family neighborhood zoned RM-2, on the east by an apartment complex zoned RM-2, on the south by the Arkansas River, on the west by a trucking business zoned IM, and on the northwest by an existing mobile home park zoned IM.

Based on the Comprehensive Plan designation, existing zoning patterns, and surrounding land uses the RMH zoning can be supported, however, because of the tract's proximity to the Arkansas River, flooding may be a concern.

Therefore, the Staff recommends APPROVAL of RMH on that portion of the tract that the applicant or his engineer, in conjunction with the City Engineer, determine not to be subject to seasonal flooding.

Applicant's Comments:

Harley Carpenter, attorney for the applicant, had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 5-0-1 (Gardner, Hennage, Parmele, Petty, Young, "aye"; no "nays"; Hinkle, "abstaining"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RMH, subject to the conditions of the Staff Recommendation:

The West 647.8' of the SW/4 of the NW/4 of Section 8, Township 19 North, Range 12 East, Tulsa County, City of Tulsa, Oklahoma.

Application No. Z-5710

Present Zoning: RD

Applicant: McGhee (Engles)

Proposed Zoning: RM-2

Location: South of the SE corner of 15th Street and South 79th East Avenue

Date of Application: April 27, 1982

Date of Hearing: June 9, 1982

Size of Tract: 1-acre, more or less

Presentation to TMAPC by: Jack McGhee

Address: 19556 East 6th Street - 74108

Phone: 266-2923

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential on the west 100' and Medium Intensity -- Residential on the east 230'.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RM-2 District is not in accordance with the Plan Map, on the west 100' and is in accordance with the Plan Map on the east 230'.

Staff Recommendation:

The subject tract is located 400' south of the southeast corner of East 11th Street South and 79th East Avenue. It is 1-acre in size, vacant, zoned RD and the applicant is requesting RM-2 zoning. It is abutted on the north by a single-family dwelling zoned RD and RM-2, on the east by vacant land zoned CS, on the south by a single-family dwelling zoned RM-1 and RM-2 (RS-3 mapping error 1970), on the west by large lot single-family residences zoned RS-3 and on the northwest by a new duplex development zoned RS-3.

The subject tract and the abutting RD tract to the north came before the TMAPC (Z-5406) requesting an RM-2 zoning change on May 29, 1980. The TMAPC and City Commission denied RM-2 zoning and approved RD zoning on the entire tract. The physical facts have not changed in the area since that decision.

Density (No. of units) is still an important consideration since the interior portion of 79th East Avenue, with one exception, is limited to low density RS-3 and RD development. The property to the south contains a single-family residence which is improperly zoned RM-1, RM-2. The error was made in the 1970 remap and the appropriate zoning should be RS-3. The exception is the apartment project one lot to the south zoned a combination of RM-1 and RM-2. The existing apartment traffic is permitted access to 79th East Avenue on this tract, but not on any other tracts until you get to 21st Street. 79th East Avenue is an 18-foot asphalt street designed for single-family densities.

If the tract were developed totally as RM-2 it would support approximately 43 units and if zoned a combination of RD and RM-2, would support approximately 30 units. RD zoning on the entire tract would support approximately 13 units. The Staff believes the RD densities to be more appropriate, given the existing physical facts and conditions and, therefore, the Staff recommends DENIAL of the requested zoning change.

Z-5710 (continued)

Applicant's Comments:

Mr. Jack McGhee was present for the applicant and pointed out that there is a trailer park in the area south of the subject tract and is a non-conforming use. There is an access to Memorial just south of Woodbrook Apartments. The RD zoning would not support the cost of the property and the RM-2 zoning is a more dense zoning than is needed. The RM-1 and RM-2 zoning could be averaged out to work. Commissioner Young asked if RD on the front portion and RM-1 on the back portion would be appropriate and Mr. McGhee stated this would not help them. Chairman Parmele asked about RD on the front portion and RM-2 on the back and Mr. McGhee answered this might be a solution, making RD on the front 100' and RM-2 on the remaining 270'.

Protestant: Carl Olzawski

Address: 1530 South 79th East Avenue

Protestant's Comments:

Mr. Carl Olzawski presented a petition (Exhibit "C-1") protesting the rezoning because the number of dwelling units permitted under RM-2 would devalue adjoining property, as well as cause congestion in the neighborhood. There are already many apartment complexes on 79th East Avenue, between 15th and 21st Streets and traffic is heavy. A lesser classification of RM-T or RM-0 would be acceptable. The owner of the property to the south of the subject tract was trying to plan a large apartment complex in 1980 and was denied zoning. Now he has decided to keep his single-family home and opposes a change in zoning on the subject tract. The property to the north recently sold as a single-family residence and will remain as such. There is no access to Memorial, which he feels is a major point. This tract would have access to 79th Street only, causing traffic between 15th Street and the 17th Street exit. The streets are not frequently resurfaced and speeders are a problem since it is a direct link from 21st Street to 15th Street.

Mr. Olzawski remarked that they do not mind the duplex use because this area is going to develop, but were concerned about the access and congestion in the area. Chairman Parmele asked if the protestants would mind RD zoning on the front with RM-2 zoning on the back portion. Mr. Olzawski still felt that the access would be a problem with this compromise. His family owns the property across the street from the proposed site and would oppose apartment complexes.

The Staff answered Commissioner Young's question about density, stating that RD and RM-2 would allow 30 units while RD and RM-1 would allow about 25 units.

Applicant's Comments:

Mr. McGhee advised he would be satisfied with RD on the front and RM-2 on the back portion. This would be consistent with the rest of the neighborhood.

Instruments Submitted: Protest Petition containing 17 signatures (Exhibit "C-1")

Special Discussion for the Record:

Commissioner Young thought that 25 units for one acre would be sufficient and could support RD and RM-1. Chairman Parmele was more in favor of RD and RM-2 because of the zoning patterns to the north and south. The property to the north also does not have access to Memorial.

Z-5710 (continued)

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 5-1-0 (Gardner, Hennage, Hinkle, Parmele, Petty, "aye"; Young "nay"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to recommend to the Board of City Commissioners that the west 100' of the following described property remain RD and the remainder be rezoned RM-2:

RM-2:

The North 175.5' of the SW/4 of the NE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, also known as 1533 South 79th East Avenue; LESS and EXCEPT the West 100'.

RD:

The West 100' of the North 175.5' of the SW/4 of the NE/4 of the NE/4 of the SE/4 of Section 11, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and known as 1533 South 79th East Avenue.

Application No. Z-5711
Applicant: George Hanks

Present Zoning: RS-3
Proposed Zoning: RM-2

Location: NW corner of 33rd Place and Cincinnati Avenue

Date of Application: April 27, 1982
Date of Hearing: June 9, 1982
Size of Tract: 107' x 140'

Presentation to TMAPC by: George Hanks
Address: P. O. Box 7564 - 74105

Phone: 446-0594

A letter was presented requesting this case to be continued until June 23, 1982, from a protestant, Mr. David Briggs (Exhibit "D-1"). However, Mr. Jim Gotwals was present representing a number of protestants and requested this case be heard. Mr. Hanks, the applicant, also requested the case be heard.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to consider Z-5711 at this time.

Relationship to the Comprehensive Plan:

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the RM-2 District is in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located at the northwest corner of 33rd Street South and Cincinnati Avenue. It is 107' by 140' in size, contains a single-family residence, is zoned RS-3 and the applicant is requesting RM-2, medium density multifamily. It is abutted on the north by an existing apartment complex zoned RM-2, but on the east, south and west by single-family residences zoned RS-3.

The Staff feels that even though the subject tract is designated for medium intensity - residential as a future use, the fact that it is now surrounded on three sides by an established single-family neighborhood and is located interior to the section makes it inappropriate for apartment use at this time. The Staff feels that multifamily growth into this neighborhood should start from the area adjacent to Riverside Drive and move eastward in a logical extension, which would allow for the protection of the neighborhood. The subject application is spot zoning as applied for, and if approved, would adversely affect 6 adjacent homes and set a trend the Staff feels is inappropriate.

Therefore, the Staff recommends DENIAL of the requested RM-2 zoning.

For the record, the existing RS-3 zoning would accommodate a duplex with Board of Adjustment approval, which is the highest use that should be considered at this time.

Applicant's Comments:

Mr. George Hanks is a home builder in the Tulsa area and plans to build 6 townhouses, approximately 1,100 square feet each, on the subject tract.

Application No. Z-5712
Applicant: C.W. Wilkinson
Location: E of the NE/c of 21st & Memorial

Present Zoning: RS-2
Proposed Zoning: RM-1

Date of Application: April 29, 1982
Date of Hearing: June 9, 1982
Size of Tract: 1.94 acres

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

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 -- 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:

The subject tract is located east of the southeast corner of East 19th Street South and Memorial Drive. It is slightly less than 2 acres in size, vacant, zoned RS-2 and the applicant is requesting RM-1 zoning. It is abutted on the north by a day care center zoned RS-1 and a single-family development zoned RS-2, on the east by a single-family dwelling zoned RS-1, on the south by vacant land zoned OL, and on the west by a single-family dwelling zoned OL.

In order for the Commission to recommend approval of the requested zoning, it would have to be shown that the zoning district's "may be found" relationship to the Comprehensive Plan can be supported by the surrounding land uses, existing zoning patterns, and the physical features of the tract. The Staff does not feel that RM-1 zoning is warranted, but could support some RM-0 zoning on that portion next to OL on the west and south sides and RD as a buffer on the balance of the tract to align with the RS-2 to the north.

The Staff's major concern is the spreading of multifamily zoning and densities to the north and east if the subject tract is not restricted to a combination of RM-0 and RD, per Staff recommendations. The subject tract is within the 300' wraparound allocated by the Development Guidelines; and, therefore, we do not see this intensity spreading under the Staff recommendation. 19th Street and the other interior streets within this section cannot handle RM-1 densities.

Therefore, based on the Comprehensive Plan, Development Guidelines and existing zoning patterns, the Staff recommends APPROVAL of RM-0 on the west 185' and RD on the balance of the tract.

Applicant's Comments:

Mr. C.W. Wilkinson stated this property is next to a 10-acre, Skagg-Albertson store. His son owns a single-family home on the site and Mr. Wilkinson is proposing to build four-plexes. This seems to be a good use for the property. To the south is light office zoning and the property to the east will probably be requested for four-plex zoning. There have

been no single-family homes built in this tract since 1952 and most of the existing structures are being zoned light office and commercial. City sewer has recently been installed.

Mr. Compton advised the Staff recommendation would allow approximately 33 units with a PUD. Mr. Wilkinson could agree to the recommendation.

Protestant: Gilbert Feline

Address: 8416 E. 19th Street

Protestant's Comments:

Mr. Gilbert Feline is opposed to this rezoning because the existing uses have generated a great deal of traffic. This use would increase traffic and he did not think the property could stand the density.

Applicant's Comments:

Mr. Wilkinson had no comments.

TMAPC Action: 6 members present.

On MOTION of YOUNG, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmele, Petty, Young "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-0 on the West 185' and RD on the balance of the tract, per Staff Recommendation:

- RD: The North Half of the West 322.5 feet of the East Half of Block 9, O'Conner Park; an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS and EXCEPT the West 185' thereof.
- RM-0: The West 185' of the North Half of the West 322.5 feet of the East Half of Block 9, O'Conner Park; an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-5713
Applicant: Darven L. Brown (Lipe)
Location: 5106 S. Birmingham Place

Present Zoning: RS-2
Proposed Zoning: OL

Date of Application: April 28, 1982
Date of Hearing: June 9, 1982
Size of Tract: 135' x 99'

Presentation to TMAPC by: Darven L. Brown
Address: 401 Houston Center Building
717 S. Houston - 74127

Phone: 587-7234

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located at the southwest corner of East 51st Street South and Birmingham Avenue. It is 135' x 99' in size, contains an existing single-family residence, zoned RS-2, and the applicant is requesting OL zoning. It is abutted on the north by 51st Street and an apartment complex zoned RM-2 on the east and south by single-family residences, and on the west by an office structure.

The land uses to the south of the subject tract are quality single-family detached homes which have maintained their character over the years. The Staff feels that Birmingham Place and Columbia Avenue serve as the entries into the single-family neighborhood to the south and that the RM-2 adjacent to the north, buffers the neighborhood from Skelly Bypass. Unlike the other frontage properties, the four corner residences at Birmingham and Columbia front onto the minor residential streets, not 51st Street, and therefore, any nonresidential uses on those lots would be oriented to the side yards of existing single-family residences.

Because of the side yard orientation, front access not being on 51st, and the stability of the neighborhood, the Staff views this as an unnecessary intrusion of office use in a residential area. Therefore, the Staff recommends DENIAL of the requested OL zoning.

Note: The Staff would note that the existing OL zoning to the west had a different set of physical facts. First, it was developed in 1971 on a vacant lot, not on a lot having an existing residential structure. Second, the office is across from duplexes to the west, not single-family residences.

Applicant's Comments:

Mr. Darven Brown is the attorney for Dr. Herman Lipe, an optometrist and owner of the subject lot. This request is to permit Dr. Lipe to have his office located on the property. The existing house faces east and there is a house across the street, facing the subject property and owned by Mrs. Katherine Kelpner, which is no longer suitable for single-family

due to the proximity of 51st Street. There is a heavy traffic pattern on 51st Street and the Traffic Engineering Department has no plans to widen this street. There are no single-family residences along 51st Street from Peoria to past Yale except these five.

The property under consideration is virtually identical to the property already zoned OL. Dr. Lipe's use would be a 4½ day use, he has two assistants and has no associates or partners. There would be no activity in the evening, on weekends or on holidays. Plans are to turn the house around to face 51st Street, which would allow no access to Birmingham Place. The parking would be behind the house as it now stands and access would be off of 51st Street. It would be possible to make an attractive entryway in connection with the development of this property and Mrs. Kelpner's property.

<u>Protestants:</u>	Bob Nichols, Attorney	Address: 111 W. 5th Street
	Cecil H. Frey	5125 S. Birmingham Place
	Al Oyler	5111 S. Birmingham Place
	C.G. Smith	5126 S. Birmingham Place
	Milly Young	5112 S. Birmingham Place
	Red Young	5112 S. Birmingham Place

Protestants' Comments:

Mr. Bob Nichols represented several property owners who reside and own properties adjacent to and in the neighborhood of the application. There has been a petition circulated in the immediate neighborhood which has been signed by every property owner in Lee-Mack Subdivision.

Mr. Cecil Frey presented this petition containing 70 signatures of property owners in the area. Their objections were to the facts that the property faces a residential collector street which is inappropriate for business access; an additional access point would have to be cut into 51st Street, contributing to traffic congestion; close proximity to single-family residences; all properties in Lee-Mack Park Addition are subject to restrictive covenants filed of record on November 30, 1959, which are binding until November 1, 1984, and can be extended for successive, 10-year periods; and, would contribute to additional run-off from storm water problems already existing.

Mr. Al Oyler recently retired and does not want to see this residential area change. He requested the Commission deny this application. Mr. C.G. Smith felt traffic problems would be increased too much if this rezoning is approved. There are already 3 turn offs on 51st Street within 100 feet and this request would add another. There is already an existing flood drainage from Lewis to Birmingham Place.

Ms. Milly Young lives next to this property and if a cut is made into 51st Street, her backyard would flood because of the drainage situation. There is a 3-foot retaining wall that would have to be cut, also.

Mr. Red Young is not as much concerned with the traffic of 51st Street but is concerned with the traffic on Birmingham Place. He believes the restrictive covenants should be considered. One problem that has not been addressed is the fact there is a 30-or 40-inch conduit underground that would not hold up a parking lot.

Mr. Nichols felt most of the facts have already been discussed by the Staff and by the protestants. The drainage facility referred to by Mr. Young is an underground easement that runs from the subject property for about 3 or 4 lots and comes out on the street. It takes up about 25 feet of the rear property lines. He feels the Staff's comments are appropriate. The restrictive covenants stated that all the properties will be used as single-family lots until 1984. The character of the neighborhood has not changed since it was platted in 1959.

The property adjacent to the subject lot that is zoned OL differs from the subject tract because it faces the arterial street. This property was under application to the Board of Adjustment in 1979 to allow an in-home business use. That application was denied for the selling of musical instruments.

Commissioner Young questioned Mr. Nichols about the restrictive covenants and it is Mr. Nichols' opinion the private covenants are enforceable and the reason they were cited in the petition was to demonstrate some of the facts that affect this property. He does not feel they should be ignored and zoning regulations should work in harmony with other controls.

Applicant's Comments:

Mr. Brown explained that the Staff had no problem with the drainage, but before any change is made, the applicant will have to comply with the code. There is a storm sewer in place which brings water in from another area. He does not anticipate that this use will result in any increase of runoff.

The subject lot is identical to the adjacent, OL-zoned lot, except for the existing structures. Elevation is the same. The structure can be turned around to face 51st Street. He understands the problems the protestants have but does not agree with their protest. The activities that would occur are low-intensity office which would give fewer problems and bring fewer people into the neighborhood than single-family use. The Staff recommendation does state that OL may be found in accordance with the Comprehensive Plan.

Special Discussion for the Record:

MOTION was made by GARDNER, SECOND by PETTY, to deny the application.

Commissioner Young felt this will go to office in the future because of the uses already existing along 51st Street. Chairman Parmele agreed and felt the Commission is faced with this right now. He felt the best use for the 5 lots remaining residential is something other than residential.

Instruments Submitted:

Petition of Protest containing 70 signatures (Exhibit "E-1")

TMAPC Action: 6 members present.

On MOTION of GARDNER, the Planning Commission voted 4-2-0 (Gardner, Hennage, Hinkle, Petty "aye"; Parmele, Young "nay"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be DENIED rezoning:

Lot Seven, Block One LEE-MACK PARK ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof.

OTHER BUSINESS:

PUD #190-B Scott Sherrill 7400 Block S. Yale

Staff Recommendation - Site Plan Review

Planned Unit Development No. 190-B is a 10-acre part of PUD #190 and is located at the southeast corner of East 77th Street South and Yale Avenue. The applicant is requesting Detail Site Plan approval.

The Staff has reviewed the Site Plan and find the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Area (Gross):	11.450 acres	11.450 acres
(Net):	9.990 acres	9.990 acres
Permitted Use:	Multifamily	Multifamily
Number of Units:	120 Units	120 (48 one bedroom & 72 two-bedroom)
Building Height:	30 feet	30 feet
Livability Space:	2,000 sq. ft.	Approx. 2,133 sq. ft.
Parking Spaces:	1.5 spaces/efficiency, 1-bedroom & 2 spaces/2 or more bedrooms (216)	250 spaces

Building Setbacks:

From centerline of Yale Avenue	95 feet	95 feet
From Centerline of 77th Street	55 feet	60 feet
From East property line	60 feet	60 feet*
From South property line	35 feet	40 feet
From building to building	20 feet	20 feet

*Building in northeast corner is only 40 feet from east property line, however, sliding the structure 20 feet southwest does not seem to be a problem.

Therefore, the Staff recommends APPROVAL, subject to the following conditions:

- 1) That the development be restricted to 120 dwelling units, (48 one-bedroom and 72 two-bedrooms).
- 2) That the A-8 type unit in the northeast corner be moved to conform to a 60-foot setback from the east property line.

PUD #190-B (continued)

- 3) That if units are to be sold, that a homeowner's association be created for the maintenance of the detention area, parking lots, clubhouse, and other common areas.
- 4) That the clubhouse as shown on the Site Plan be accessory to the apartment project. The RS-3 zoning does not permit a business establishment. Private clubs, as defined by Title 21, Chapter 21, Section 401 are not permitted.
- 5) That a Detail Landscape Plan be submitted and approved by the TMAPC, including the identification of proposed planting areas and areas where existing trees will be saved.
- 6) That all permanent project identification signs shall meet Section 420.2 (d) 2 of the Tulsa Zoning Code.
- 7) That the above conditions be made a part of the Restrictive Covenants of the subdivision plat and filed of record in the County Clerk's Office, per Section 1170.5 (c) of the Tulsa Zoning Code.
- 8) That any T.A.C. conditions approved by the TMAPC during the platting process shall be completed prior to the issuance of a building permit.

Applicant's Comments:

The applicant had no objections to the Staff's Recommendation.

TMAPC Action:

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Gardner, Hennage, Hinkle, Parmele, Petty, Young, "aye"; no "nays"; no "abstentions"; Freeman, Higgins, Kempe, Rice, Inhofe, "absent") to approve the Detailed Site Plan for PUD #190-B.

There being no further business, the Chair adjourned the meeting at 4:00 p.m.

Date Approved _____

June 23, 1982

Bob Paul

Chairman

ATTEST:

R. J. Petty

Secretary

