

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1412
Wednesday, June 23, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, on Tuesday, June 22, 1982, at 11:07 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:45 p.m.

MINUTES:

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to approve the minutes of June 9, 1982 (No. 1410).

REPORTS:

Report of Receipts and Deposits:

Mr. Lasker explained that this amended report was to correct a \$50.00 error which was credited to the wrong account.

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to approve this amended report of Receipts and Deposits.

Chairman's Report:

Mr. Lasker advised there will not be a meeting next Wednesday, since it is the fifth Wednesday of the month.

SUBDIVISIONS:

For Final Approval and Release:

Keystone Manor Suburban Acres II (790) West 16th Street and South 265th
West Avenue (AG)

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

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to approve the final plat of Keystone Manor Suburban Acres II Addition and release same as having met all conditions of approval.

Mid-America Office Park Amended (PUD #276) (2293) NE corner of 41st
Street and South Hudson Avenue (CS and OM)

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

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to approve the final plat of Mid-America Office Park Amended (PUD #276) and release same as having met all conditions of approval.

CONTINUED ZONING PUBLIC HEARINGS:

Application No. Z-5697 Present Zoning: RS-3
Applicant: Simmons Proposed Zoning: CS
Location: NE corner of 145th East Avenue and 11th Street

Date of Application: March 18, 1982
Date of Hearing: June 23, 1982
Size of Tract: 1.66 acres

Presentation to TMAPC by: C. C. Simmons
Address: 14322 East 12th Place - 74108 Phone: 437-1632

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property Medium Intensity -- No Specific Land Use.

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

Staff Recommendation: (Revised)

The subject tracts are located at the northwest corner of 145th East Avenue and East 11th Street South and west of the northwest corner of the intersection. They are 2.3 acres in size, vacant, except for a single-family residence on the east portion, zoned RS-3 and the applicant is requesting CS zoning. The tract is abutted on the north and west by large single-family residential lots zoned RS-3 and on the east by vacant land zoned AG. A City of Tulsa fire station is located on the property between the two tracts.

6.23.82:1412(2)

Z-5697 (continued)

Based on the fact that the tract is within the node set aside by the Development Guidelines and that two of the other three (3) intersection corners are already zoned CS, the Staff can support CS zoning on the subject tract.

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

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, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

The South 440 feet of the East 1/2 of the West 1/2 of the East 1/2 of the SE/4 of the SE/4 of Section 4, Township 19 North, Range 14 East, containing 1 & 2/3rds acres, more or less, according to the U. S. Government Survey thereof; AND

the East 155 feet of the South 286 feet of the SE/4 of the SE/4 of the SE/4 of Section 4, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

PUD #236-A Johnsen (Basta) 7500 Block South Memorial

(RS-3, OL)

A letter was presented from Roy Johnsen, attorney for the applicant, requesting that this application be continued until July 7, 1982, (Exhibit "A").

On MOTION of HENNAGE, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to continue consideration of PUD 236-A until July 7, 1982, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5714 (continued)

CH and be developed in this capacity, rather than leaving the block piecemeal. He understands that an unlimited structure could be built on the west end of the property, which would not be using the entire block to its fullest potential. In the future, he may want to put a high-rise residential tower as well as an office tower on the property.

Mr. Gardner explained that the Comprehensive Plan is two parts - the map and a written text, both of which are adopted. The map might have a designation of high intensity, but the written text limits it to residential at that location. The only part designated commercial under the plan text is the portion already zoned CH. The application was not properly advertised to receive a residential classification, but the Commission could consider other classifications from CH down to Office. The Plan does not call for office in this particular area, but the OMH classification would allow both office, and, through Board of Adjustment Special Exception, high-rise apartments. This might be a consideration. The Staff would prefer RM-3; however, the setbacks would be a limitation under RM-3. Only a CH classification would allow the building to get close to the property line and build whatever density desired. If the recommended zoning is to deviate from the Plan, the OMH under the present advertising would be more appropriate.

Mr. McGraw stated the developer is from out of town and would like to build an office-residential tower with a restaurant on top and shops on the first floor. There is not anything comparable to this in the area and would only improve the neighborhood. The Staff's recommendation would limit the use to a smaller density and would not seem to be the highest and best use of the property.

Chairman Parmele was concerned about approving CH zoning outside of the downtown area. Commissioner Rice recognized the Staff's position, but could not see anything wrong with zoning the entire parcel CH. Mr. McGraw explained that the vacant lot is a City Park and would like to eventually have an agreement with the City where the owner would maintain the park. Commissioner Petty pointed out that this area is extremely isolated and wondered if the proposal would work because of the isolation. Mr. McGraw plans on vacating the street and develop the entire parcel as one plan.

Protestants: None.

TMAPC Action: 6 members present.

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

Lots 1, 2, 3, 7 & 8, Block 13, and a tract of land, containing 0.0517 of an acre, that is part of Lot 5, in Block 6, of Norvell Park Addition, a subdivision to the City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a point that is the northeast corner of said Lot 5; thence Southwesterly along the easterly line of Lot 5 for 50.00' to the Southeast corner of Lot 5; thence Northwesterly along the Southerly line of Lot 5 for 90.00'; thence Northeasterly for a true distance of 102.96'; said true distance being previously and erroneously shown in various instruments as 107.72'; to the Point of beginning of said tract of land. All in Norvell Park Addition

Z-5714 (continued)

to the City of Tulsa, County of Tulsa, State of Oklahoma,
according to the recorded plat thereof.

Application No. Z-5715
Applicant: Wilson (Dimple Graham)
Location: 1161 East 49th Place

Present Zoning: RS-3
Proposed Zoning: OL

Date of Application: May 5, 1982
Date of Hearing: June 23, 1982
Size of Tract: .22 acre, more or less

Presentation to TMAPC by: Robert W. Ingle
Address: 7030 South Yale, Suite 412

Phone: 492-1737

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located at the northwest corner of East 49th Place South and Peoria Avenue. It is .22 of an acre in size, contains a single-family residence, zoned RS-3, and the applicant is requesting OL zoning. It is abutted on the north and west by single-family residences zoned RS-3, on the east, across Peoria Avenue by a commercial use, and on the south by a small office zoned OL.

The tract to the south of the subject tract and the subject tract itself were part of an OL zoning application (Z-5133) in August of 1978. The tract to the south was granted OL zoning. The Staff recommended approval of the zoning at that time because it was felt that in this case where residential side yards are abutting an arterial street and commercial zoned uses, the OL will serve as an appropriate buffer for the existing single-family neighborhood to the west.

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

Applicant's Comments:

The applicant had no comments.

Protestants: None.

Instruments Submitted: Letter from Bob Paddock, District 6 Chairman, recommending approval of OL zoning (Exhibit "B-1")

TMAPC Action: 6 members present.

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

Lot 16, Block 15, River View Village, Tulsa County, Oklahoma.

Application No. 5716 Present Zoning: RS-3
Applicant: Johnson (McQueen) Proposed Zoning: IL
Location: West of the NW corner of 104th East Avenue and 51st Street South

Date of Application: May 10, 1982
Date of Hearing: June 23, 1982
Size of Tract: .17 acre, more or less

Presentation to TMAPC by: Gene McQueen
Address: 10111 East 46th Place - 74145 Phone: 627-2860

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The subject tract is located at the northwest corner of the Mingo Valley Expressway and East 51st Street South. It is .17 acre in size, vacant, zoned RS-3, and the applicant is requesting IL zoning. It is abutted on the north by a vacant structure zoned IL, on the east by the Mingo Valley Expressway, on the south by 51st Street and the on-and off-ramps for the expressway, and on the west by vacant land zoned IL. The tract has access from South 103rd East Avenue.

Given the Comprehensive Plan designation, the surrounding land uses and existing zoning patterns, the Staff can support IL zoning.

Therefore, the Staff recommends APPROVAL of IL zoning.

Applicant's Comments:

The applicant had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

Lots 18, 19, 20, Block 54, Alsuma Addition, Tulsa County, Oklahoma.

Application No. Z-5717
Applicant: Hill (Miller)
Location: 2221 East 51st Street

Present Zoning: CS
Proposed Zoning: CO

Date of Application: May 13, 1982
Date of Hearing: June 23, 1982
Size of Tract: 1-acre, more or less

Presentation to TMAPC by: Victor Hill dba CPI Realtors
Address: 3105 East Skelly Drive, Suite 515 - 74105 Phone: 749-9741

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and Potential Corridor.

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

Staff Recommendation:

The subject tract is located west of and on the north side of 51st Street South. It is one acre in size, contains a structure and storage area for a street construction business, is zoned CS, and the applicant is requesting CO zoning. It is abutted on the north by the Skelly Bypass, on the east by a motorcycle sales business zoned CS, on the south by apartments zoned CS, and on the west by a vacant structure zoned CS.

Based on the Comprehensive Plan designation and the existing expressway, CO zoning could be supported. However, without the proposed 51st Street and Lewis Avenue improvements being in place, the Staff cannot support development higher than medium intensity. The traffic generated from the proposed office complex would have to move through the yet unimproved 51st and Lewis intersection which is a traffic bottleneck at present. The proposed CO zoning would permit a 150% increase in the present allowable floor area. The present CS zoning is a medium intensity zoning category, and therefore, adequate floor area given the existing physical facts. Therefore, the Staff recommends DENIAL of the requested CO zoning.

Applicant's Comments:

Mr. Victor Hill submitted copies of the lower level plan under the proposed rezoning, showing the parking (Exhibit "C-1"). He had anticipated that the intersection of 51st and Lewis might cause problems even though this is a designated, corridor district. It is not their intentions to use the square-footage that would be allowed under Corridor Zoning. The plan is to build a 30,000 square-foot, user-owner office building. He suggested modifying the zoning per the plan submitted (Exhibit "C-1") with a Board of Adjustment Special Exception. The area he suggests to zone CO would permit about 21,937.5 square feet of floor area and the remaining CS would allow 8,466.5 square feet. This is a split zoning situation which is not unique and would restrict the building to less than 30,404 square feet. This meets the applicant's requirements and he asked that the zoning request be modified.

Mr. Gardner could not support this modification but would suggest it as a compromise that the Commission might consider. This would restrict the overall square-footage, yet would not approach the 150% increase in density that CO on the entire tract would allow.

Z-5717 (continued)

Protestants: None.

Instruments Submitted: Lower Level Plan (Parking) (Exhibit "C-1")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-1-0 (Higgins, Kempe, Parmele, Petty, Rice "aye"; Hennage "nay"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO on the center 135' x 130', per modification submitted by applicant, and the remainder of the tract to remain CS:

Part of the S/2 of the SE/4 of the SE/4 of Section 30, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being more particularly described as follows, to-wit: Beginning at a point 660.0 feet West and 50 feet North of the Southeast corner of said Section 30; thence North 137 feet; thence West 133 feet; thence South 137 feet; thence East 133 feet to the point of beginning.

Application No. Z-5718 and PUD No. 179-D Present Zoning: RS-3
Applicant: Everett (Southern Hills Church of Christ) Proposed Zoning: OM
Location: SE of 90th East Avenue and 71st Street

Date of Application: May 13, 1982
Date of Hearing: June 23, 1982
Size of Tract: 6.61 acres, more or less

Presentation to TMAPC by: George Deverges
Address: 4111 South Darlington Avenue Phone: 664-2424

Relationship to the Comprehensive Plan: (Z-5718)

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OM District is not in accordance with the Plan Map. OL zoning may be found in accordance with the Plan Map.

Staff Recommendation: (Z-5718)

The subject tract is located approximately 1/2 mile east of the intersection of East 71st Street South and Memorial Drive. It is located on the south side of 71st Street, is 6.61 acres in size, vacant, zoned as PUD #179-D with an underlying zoning of RS-3, and the applicant is requesting OM zoning. It is abutted on the northwest by Woodland Hills Mall, on the north by vacant land zoned P for additional parking for the mall, on the east and south by vacant land zoned PUD #179-I for multi-family use, and on the west by a horticultural nursery zoned AG.

Given the Comprehensive Plan designation and the fact that the tract is abutted on all sides by land uses and zoning patterns associated with low intensity uses, the Staff cannot support OM zoning. However, for these same reasons the Staff can support OL zoning, which is a "may-be-found" under this Plan designation and is consistent with the Commission's most recent action to the northeast.

Therefore, the Staff recommends DENIAL of OM and APPROVAL of OL.

Staff Recommendation: (PUD #179-D)

Planned Unit Development No. 179-D is located approximately 1/2 mile east of the southeast corner of South Memorial Drive and East 71st Street. It is 6.61 acres in size, vacant, zoned as a PUD for a proposed church site, and the applicant is requesting the subject tract be deleted from the existing PUD.

This application has been filed along with a companion OM zoning application, in order to allow the applicant to develop a future office park on the tract. The Staff finds the OM zoning request inappropriate for the area, but has recommended OL zoning and will review this application based upon the assumption that the OL zoning will be approved.

The Staff could support the proposed use and expansion of the floor area ratio from .25 to .35, based upon a similar approval of the tract northeast of the subject tract, however, this increase in the floor area ratio could occur only through the use of a PUD, or by filing a request to the Board of Adjustment. A request to the Board of Adjustment would require

Staff Recommendation for PUD #179-D (continued)

additional fees and time schedule delays. The Staff supports amending the existing PUD because we view the proposed development under the control of a PUD, consistent with the surrounding existing and proposed uses.

Therefore, the Staff recommends DENIAL of the deletion of PUD #179-D and APPROVAL of amending PUD #179-D, subject to the following conditions:

- 1) That the maximum floor area ratio be .35';
- 2) that the maximum height be 26 feet;
- 3) that the uses permitted be limited to those permitted by right, or as accessory to the OL District;
- 4) that parking be as required by Section 1211 of the Tulsa City Zoning Code;
- 5) that signs shall meet the requirement of the PUD Chapter of the Tulsa City Zoning Code;
- 6) that the building setbacks be as follows;
 - (a) from centerline of 71st Street 110',
 - (b) from east property line 10',
 - (c) from south property line 10',
 - (d) from west property line 10', and
 - (e) between buildings 10';
- 7) that a Detailed Site Plan be submitted to and approved by the TMAPC prior to any building permit being issued;
- 8) that a Detailed Landscape Plan be submitted to and approved by the TMAPC prior to occupancy of a building, including a 6-foot screening fence along the east, south and west property lines;
- 9) that a subdivision plat be approved by the Planning Commission incorporating within the restrictive covenants those conditions of the PUD approval, making the City of Tulsa beneficiary to said covenants and filed of record in the County Clerk's Office prior to the request for any building permit.

Applicant's Comments:

Mr. George Deverges represented the applicant and had no objection to the Staff Recommendations.

Protestants: None.

TMAPC Action: 6 members present. (Z-5718)

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

Z-5718 Legal Description:

A part of El Paseo located in the N/2 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as having a point of beginning at the Northwest corner of the NE/4; thence due East a distance of 480 feet; thence due South a distance of 640.8 feet; thence due West a distance of 480 feet; thence due North a distance of 640.8 feet to the point of beginning, containing 6.61 acres, more or less.

PUD #179-D and Z-5718 (continued)

TMAPC Action: 6 members present. (PUD #179-D)

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to recommend to the Board of City Commissioners denial of the deletion of PUD #179-D and APPROVAL of amending PUD #179-D, subject to the conditions set out in the Staff Recommendation, on the following described property:

PUD #179-D Legal Description:

A part of El Paseo located in the N/2 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as having a point of beginning at the Northwest corner of the NE/4; thence due East a distance of 480 feet; thence due South a distance of 640.8 feet; thence due West a distance of 480 feet; thence due North a distance of 640.8 feet to the point of beginning, containing 6.61 acres, more or less.

Application No. Z-5719 and PUD No. 290 Present Zoning: RS-1
Applicant: Norman (Chandler, Green, Capshaw) Proposed Zoning: CS, AG
Location: Z-5719 - SE corner of 177th East Avenue and East Admiral Place
PUD #290 - East of the SE corner of South 177th East Avenue and
East Admiral Place

Date of Applications: May 13, 1982
Date of Hearing: June 23, 1982
Size of Tracts: Z-5719 - 10 acres, more or less
PUD #290 - 4.59 acres

Presentation to TMAPC by: Charles Norman Phone: 583-7571
Address: 909 Kennday Building - 74103

Relationship to the Comprehensive Plan: (Z-5719)

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium and Low Intensities - No Specific Land Use and Consideration of Area 3, which encourages Low-Intensity transition uses.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map within only the Medium Intensity area. The AG District is in accordance within the Low-Intensity designated area.

Staff Recommendation: (Z-5719)

The subject tract is located at the southeast corner of Lynn Lane and East Admiral Place. It is ten (10) acres in size, contains one single-family dwelling, is zoned RS-1 and the applicant is requesting CS and AG zoning. It is abutted on the north by 3 or 4 single-family homes, on the east and south by vacant land zoned RS-1 and on the west by a single-family structure zoned OL. This application has a companion PUD application #290 on the eastern portion of the tract.

Based on the surrounding conditions and the Comprehensive Plan the Staff can recommend APPROVAL of CS zoning on that portion of the tract within the 5-acre node, west 467 feet. Also the Staff can recommend APPROVAL of OL zoning on that portion of the tract 476 feet beyond the CS zoning to a depth of 275 feet from the centerline of Admiral Place and AG on the remainder of the tract under application and the accompanying PUD application.

This recommendation would in effect allow CS zoning on the corner tract, per the Comprehensive Plan, allow an OL buffer along Admiral to exist into the PUD tract, and require the applicants to buffer their requested zonings from adjacent properties by either RS-1 or AG. In addition, this would allow the applicant of the PUD to carry on a nursery and landscaping business, but would not allow commercial sales to occur on the tract.

Therefore, the Staff recommends APPROVAL of CS zoning on the west 467', OL zoning on the east 476' of the west 943' by 275' depth from the centerline of Admiral Place, and AG on the balance of the property.

Staff Recommendation: (PUD #290)

Planned Unit Development No. 290 is located approximately 1/4 mile east of the southeast corner of Lynn Lane and Admiral Place. The applicant has filed for a combination of CS, OL and AG, and he is requesting a PUD supplemental zoning to develop a horticultural nursery, landscape nursery,

Staff Recommendation: (PUD #290) continued)

office and retail sales of plants and related items.

The Staff reviewed the applicant's Development Plan and Text based on his requested zoning and PUD proposal. The Staff does not support the applicant's zoning pattern, but will review the merits of the PUD based on the requested underlying zoning for the benefit of the Commission. If the requested zoning pattern is approved, we find the PUD to be consistent with the purposes and standards of the PUD Chapter of the Tulsa City Zoning Code, and therefore, recommend APPROVAL of PUD #290, subject to the following conditions:

- 1) That the applicant's Development Plan and Text with modifications, be conditions of approval as being representative of the character of the development.
- 2) Development Standards:

Development Area I:

Net Area: 1.60 acres 68,875 square feet

Permitted Uses:*

Offices and studios permitted as a matter of right in the OL-Office Light District; garden and landscape supply store as permitted in Use Unit 14; retail sale of plants, trees and landscape materials and landscaping and lawn sprinkling construction services as permitted in Use Unit 15; and horticultural nursery.

Maximum Floor Area:

Commercial 6,185 square feet
Office 10,310 square feet

Maximum Building Height: 2 stories

Minimum Building Setbacks:

from the centerline of East Admiral Place; 125 feet
from the west property line; 50 feet
from Development Areas II, III & IV. -0- feet

Minimum Off-Street Parking:

As required by applicable Use Units.

*All commercial structures shall be restricted to the west 100 feet and the north 200 feet of the subject tract.

Z-5719 and PUD #290 (continued)

property would be very limited and restricted as far as retail sales with a small amount of square-footage (a little over 6,000 square feet maximum). No retail sales would be permitted except plant materials and garden supplies. This is the reason for CS being requested on the front 45 feet. The office use is projected for future use and 150 feet of frontage needs OL zoning. Mr. Norman requests that the balance of the tract be zoned AG.

Mr. Chandler has asked the owners of the properties to the west to join in on the zoning application so the Planning Commission and City Commission could consider the zoning on the entire frontage. The other properties are not a part of the PUD. Trying to work within the Type I Node concept would limit this area to a maximum of 5 acres, or 467' x 467'. He suggested the Node stop at 275 feet south of the centerline of Admiral Place and extend east 793 feet from the centerline of Lynn Lane. The 275' x 793' Node is exactly 5.006 acres, the same density approved by the Guidelines. Also, he requests the south part of the adjoining two properties east of the Chandler property be zoned OL. Finally, he pointed out that if the extended CS Node concept is accepted as suggested, the Chandler property would have a 45-foot by 275-foot strip of CS zoning on the northwest corner of their property, and he would request that the 275-foot depth be extended an additional 150 feet to the east to provide a small tract of OL and that the remainder be AG zoning. This establishes precedence for OL zoning further to the east, but will provide a termination point for any heavier uses to the east on the south side of Admiral Place. This type of zoning pattern under the PUD would permit 6,185 square feet of commercial use for garden supply sales only, and 10,000 square feet of office space.

This property has water along Admiral Place, but there are no sanitary sewer facilities in the entire area and no immediate prospect for these. A Health Department official, during the T.A.C. meeting, stated he did not foresee any rush in development in this area because of the absence of sanitary sewer. Two existing ponds would provide any detention requirements in the course of platting. Mr. Norman does not object to moving the retail area to the west, but thought the 125' suggested by the Staff is too excessive. He asks that this be changed to 150' so the garden supply and nursery sales are not too far from the rest of the area. A landscaping screen will be provided in the PUD, intending it to be relatively low. He has no objection to the greenhouses being limited to the south 135 feet and limited to 16,000 square feet out of a total of 2 acres. Storage building for nursery equipment is limited by the text to 1,200 square feet.

He does not feel there is any serious objection to the use proposed and the Staff has not objected to the office, and landscaping uses. The problem is how to get the intensity and floor area necessary for the greenery retail and landscape services and offices. This is a very unique problem requiring a complex technical solution, but Mr. Norman feels the suggested solution fits within the City's development concept. There were 3 protestants to the industrial application filed two years ago. The Taubes who live across the street, have withdrawn their protest and have submitted a letter in support of the rezoning and PUD (Exhibit "D-1").

Chairman Parmele advised that two letters of protest have been received from Mrs. W. W. Cartwright (Exhibit "D-2") and Mr. and Mrs. A. R. Maddux (Exhibit "D-3").

<u>Protestants:</u>	Mrs. Virginia Maddux	Addresses:	18005 East Admiral Place
	Mildred Frommel		17929 East Admiral Place
	Mrs. W. W. Cartwright		24 So. 177th E. Avenue
			6.23.82:1412(18)

Protestant's Comments:

Mrs. Virginia Maddux explained that the houses across the street from the subject property are quality homes. The property zoned OL has an existing structure, but the face of the house has not been changed and still looks like a home. The motorcycle shop and the chrome shop to the east were in existence before the area was incorporated into the Tulsa City Limits. Mrs. Maddux protested the IL zoning in 1980, which was subsequently denied by this Commission and the City Commission. This application would allow a broader range of retail and commercial shopping with a larger area taken in for rezoning. She does not feel commercial is needed in this area because there are several shopping areas already in the area. The sign and office buildings will be in front of her property and storage sheds will be in front of the Frommels' home. The traffic would be increased and she was concerned about the children and grandchildren in the neighborhood when they play in the yard. This PUD would be spot zoning and would open the area for commercial shopping to engulf the private homes. A request for rezoning was made a few years ago on the corner of 177th and Admiral for a tavern and she understands the same family still owns the property. There are several subdivisions in the same area, so these houses on the north side of Admiral are not isolated. She requested the Commission to keep the area from 177th and 183rd residential and let the property to the west of 177th and east of 185th be rezoned commercial.

Applicant's Comments:

Mr. Norman thought that what Mrs. Maddux said was true in respect to the homes to the east, but disagreed when she stated these homes are not isolated. The four homes across the street are isolated from other residential development that has taken place and will be developed in the future. The Commission has already decided to treat the area to the south differently because of the duplex zoning used as a buffer. The homes to the north are well-maintained and attractive, but they set back from Admiral about 125 to 150 feet. The District 17 Plan indicates the area to be industrial with commercial on corners. The subject proposal recognizes the Comprehensive Plan and the Guidelines with respect to the uses and he suggested the node be elongated to avoid any movement south of Lynn Lane (177th East Avenue). The PUD is probably the least-intense use that might be placed on the property under the current conditions without any available sewer. The impact on the Frommel and Maddux homes would be minimal from this proposal and the other two home owners have not objected to this proposal.

Mr. Norman differed with the Staff Recommendation and thought the south portion of the Green and Capshaw property should be rezoned OL to permit a small OL building facing Lynn Lane and would serve as the buffer to stop any creep to the south.

Mr. Gardner explained the Staff Recommendation would not permit retail sales. The commercial zoning would have to be extended to include at least 45' of the applicant's property under PUD. The Staff is limiting it to the node under the Comprehensive Plan Guidelines.

Protestant's Comments:

Chairman Parmele recognized Mrs. Mildred Frommel who stated that the Commission told them when they moved into their home there would be no commercial zoning east of Lynn Lane. The two additional properties on the application are directly in front of her property.

Z-5719 and PUD #290 (continued)

Special Discussion for the Record:

Chairman Parmele asked what the Comprehensive Plan calls for and Mr. Gardner replied that the Plan calls for industrial corridor in the area, which would be north of the subject property. The Plan calls for a buffer on the subject property which would be up to and including light office with no industrial to the south of Admiral and commercial at the node. The Staff wanted as much of the property devoted to light office or agricultural nursery stock along the frontage. Very little of this property and the property to the west will be developed to any intensity until the area acquires a sanitary sewer.

Commissioner Hennage asked Mr. Norman what he would suggest for modifications to the Staff's Recommendation on the zoning request. Mr. Norman requested that the west 793' of the north 275' be zoned CS; that the next 150' of the north 275' be zoned OL on the Chandler property; that the remainder of the Chandler property be rezoned AG; and, that the south portions of the Green and Capshaw properties be zoned OL. Commissioner Petty felt the modifications were fair.

Instruments Submitted: Letter of Support from Edward and Christine Taube (Exhibit "D-1")
Letters of Protest from:
Mrs. W. W. Cartwright (Exhibit "D-2")
Mr. & Mrs. A. R. Maddux (Exhibit "D-3")

TMAPC Action: 6 members present. (Z-5719)

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

Z-5719 Legal Description (CS)

A tract of land located in a part of Lot 5, Section 1, Township 19 North, Range 14 East, Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and more particularly described as follows:

Beginning 40' South and 34' East of the Northwest corner of Lot 5; thence East 488'; thence South 350'; thence West 488'; thence North 350' to the point of beginning, containing 3.92 acres, LESS and EXCEPT the south 115' thereof; and,

Beginning at a point 40' South and 522' East of the Northwest corner of said Lot 5; thence East and parallel to the North line of Lot 5 for 226'; thence South 350'; thence West 226'; thence North 350' to the point of beginning, containing 1.81 acres, LESS and EXCEPT the South 115' thereof; and,

The West 45' of the North 235' of the described tract as follows, to wit:

Beginning at a point 40' South and 748' East of the Northwest corner of Lot 5; thence East 572' to the East line of Lot 5; thence South and along the East line of Lot 5 for 350'; thence West 572' to a point 390' South and 748' East of the Northwest corner of Lot 5; thence North 350' to the point of beginning, containing 4.59 acres.

OL

Beginning 40' South and 34' East of the Northwest corner of Lot 5; thence East 488'; thence South 350'; thence West 488'; thence North 350' to the point of beginning, containing 3.92 acres, LESS and EXCEPT the North 235' thereof; and,

Beginning at a point 40' South and 522' East of the Northwest corner of said Lot 5; thence East and parallel to the North line of Lot 5 for 226'; thence South 350'; thence West 226'; thence North 350' to the point of beginning, containing 1.81 acres, LESS and EXCEPT the North 235' thereof; and,

The East 150' of the West 195' of the North 235' of the described tract as follows, to wit:

Beginning at a point 40' South and 748' East of the Northwest corner of Lot 5; thence East 572' to the East line of Lot 5; thence South and along the East line of Lot 5 for 350'; thence West 572' to a point 390' South and 748' East of the Northwest corner of Lot 5; thence North 350' to the point of beginning, containing 4.59 acres.

AG

Beginning at a point 40' South and 748' East of the Northwest corner of Lot 5; thence East 572' to the East line of Lot 5; thence South and along the East line of Lot 5 for 350'; thence West 572' to a point 390' South and 748' East of the Northwest corner of Lot 5; thence North 350' to the point of beginning, containing 4.59 acres, LESS and EXCEPT the North 235' of the West 195' thereof.

TMAPC Action: 6 members present. (PUD #290)

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

A tract of land located in a part of Lot 5, Section 1, Township 19 North, Range 14 East, Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and more particularly described as follows:

Beginning at a point 40' South and 748' East of the Northwest corner of Lot 5; East 572 feet to the East line of Lot 5; thence South and along the East line of Lot 5 for 350'; thence West 572' to a point 390' South and 748' East of the Northwest corner of Lot 5; thence North 350' to the point of beginning, containing 4.59 acres.

Application No. PUD 215-A
Applicant: Tannehill (Rollings Clark)
Location: 87th Street and Memorial Drive

Present Zoning: (RS-3)

Date of Application: May 13, 1982
Date of Hearing: June 23, 1982
Size of Tract: 6 acres, more or less

Presentation to TMAPC by: Tom Tannehill
Address: 1918 East 51st Street

Phone: 749-4694

Staff Recommendation:

Planned Unit Development No. 215-A is a part of PUD #215, commonly referred to as Chimney Hills. PUD #215-A is located between 87th Street South and 87th Court on the west side of Memorial Drive. It is generally 1/2 mile south of the intersection of 81st Street South and Memorial Drive. It is approximately 5.15 acres in size, vacant, except for street and utility improvements and the applicant is requesting to increase the density from 17 lots to 28 lots, or a difference of 11 lots and a reduction of the RS-3 Bulk and Area Requirements.

The Staff would note, for the record, that the applicant in his description of his request has asked for (a) "permission to allow eight additional single-family lots," (b) "amendment is for seven (7) additional units," and changes (c) "per architectural plans submitted to the Staff and plat." Since the Plat that is in process on the tract corresponds with the architectural drawings submitted, the Staff is reviewing the application as a request for 11 lots to be added to the subject tract.

Within PUD #215 all of the single-family area was designated as Development Area "A". It was approved subject to the following conditions:

- (a) Be limited to single-family development, open space recreational areas, detention ponds and drainageways. The maximum number of dwelling units shall not exceed 776.
- (b) That RS-3 Bulk and Area Requirements shall apply, except that 20-foot front yards be permitted on non-arterial streets, and 15-foot side yards be permitted when abutting non-arterial streets.

The Staff has reviewed the existing plats for Area "A" and found that 734 lots have actually been platted, leaving the area 42 lots or dwelling units unallocated. Therefore, the Staff can support the allocation of the requested 11 additional lots per plan at this location, provided the owner (or owners) of the undeveloped portion of the reserved single-family Development Area "A" is agreeable.

The applicant is also requesting a reduction of the RS-3 Bulk and Area Requirements as follows:

Item	Approved	Request
Lot Width:	60 feet	50 feet
Lot Area:	6,900 sq. ft.	6,500 sq. ft.
Lot Area per D.U.:	8,400 sq. ft.	8,000 sq. ft.
Livability Space per D.U.:	4,000 sq. ft.	3,300 sq. ft.
Structure Height:	26 feet	26 feet
Setbacks:		
from centerline of Memorial	95 feet	95 feet

PUD #215-A (continued)

<u>Item</u>	<u>Approved</u>	<u>Request</u>
from centerline of 87th Street	40 feet	40 feet
from centerline of 87th Court	40 feet	40 feet
from centerline of 80th E. Ave.	45 feet	45 feet
rear yard	20 feet	20 feet
side yard	5 & 5 feet	Zero lot line with 10-foot building separation

After reviewing the proposal the Staff found that only the lot width and livability space requirements are being varied over 5%; they are varying approximately 17% and 18%, respectively.

Therefore, the Staff finds PUD #215-A to be consistent with the Comprehensive Plan and the standards of the PUD Chapter of the Tulsa Zoning Code and recommends APPROVAL, subject to the following conditions:

- 1) That the Development Plan and request be made conditions of approval.
- 2) Development Standards:

Net Area:	5.147 acres
Permitted Uses:	Single-Family Residential
Lot Width:	50 feet/corner lots 70 feet
Lot Area:	6,500 sq. ft./corner lots 8,500 sq. ft.
Livability Space:	3,300 sq. ft. not including private drive
Structure Height:	26 feet
Setbacks:	

from centerline of Memorial	95 feet
from centerline of 87th Street	40 feet
from centerline of 87th Court	40 feet
from centerline of 80th East Avenue	45 feet
side yard	Zero lot line with 10-foot building separation
rear yard	20 feet

- 3) That a Detail Site Plan meeting the graphical intent of the Development Plan be submitted and approved prior to the issuance of a building permit, including the location and design of a 6-foot screening fence along the east and west property lines of the subject tract.
- 4) That an owner's association be created to maintain all common areas, including private drives.
- 5) 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.

PUD #215-A (continued)

Applicant's Comments:

Tom Tannehill represented Bill Rollings and Roy Clark. Two drawings were displayed showing the architect's Site Plan of specific structures proposed and the Staff has a copy of the elevation. The applicant is willing to be bound by everything that has been submitted, including the Detail Site Plan. He has no problems with the Staff Recommendation. The homes would back up to Memorial with a private access drive reaching every unit from the rear. The homes would face 80th East Avenue with common front yards. There will not be curb cuts from house to house because of the private access drives in the back. This plan has been approved by the Traffic Engineer and the plat has been before the T.A.C. The City Commission has approved changing the utility easements on the property and the utility companies have no problems with the plan. The Preliminary Plat has been filed and is pending for final approval after replat. The owners of all other non-developed lots have signed a certificate amending the restrictive covenants so they no longer apply to these additional two rows of lots.

<u>Protestants:</u>	Robert Fouke	Addresses:	6602 East 88th Place
	Charles Steitz		7111 East 88th Place
	Jay Bilbao		8817 South 71st East Avenue
	Keith Hardcastle		6623 East 88th Place
	Joe Fitzharris		6711 East 86th Place
	Joe Trujillo		8920 South 69th East Avenue

Protestant's Comments:

Mr. Bob Fouke is the president of Chimney Hills Homeowner's Association and presented a petition containing 255 signatures (Exhibit "E-1"), which is a majority of the homeowners in the Association. There are approximately 375 homes already built in Chimney Hills with about \$50-million worth of investment. The homeowners would like to protect these investments. This application creates an intensity problem that they feel will affect their homes. When the homes were bought, the buyers thought they would be protected by the covenants. Mr. Fouke explained that an additional PUD #215-B has been applied for that would increase the density from 120 to 197 lots. He feels the application today is the first step for more intense developments to be added to Chimney Hills.

The Chimney Hills Addition is the only area in the Union School District that pays exceedingly high property taxes. The property values would be affected because of the decreasing lot sizes in this requested application. The traffic and school registration would be increased. The utilities may be increased. If a precedent is set with this area, then PUD #215-B would affect a greater area if approved. The credibility of the real estate agents, builders and developers will be affected if this type of application is approved, since the buyers were told the area would not change with restrictive covenants.

Mr. Fouke discussed the letter that was circulated through the Addition (Exhibit "E-2"), which was meant to inform the property owners and to make them aware of this application.

Chairman Parmele explained that the original PUD called for 776 units and that only 734 have been platted, and this application would use only 10 of that difference. This application only moves the units from one part of the PUD to this area. Mr. Fouke still feels this is merely a stepping stone to a more intense request at a later date.

PUD #215-A (continued)

Mr. Chuck Steitz advised that this was never explained to them and the only information available to them was the notice sent out to property owners. A survey was done on sales in Chimney Hills and the average selling price of homes is in the neighborhood of \$140,000. Mr. Tannehill advised that the proposed units would sell for about \$98,000. Mr. Steitz wondered what would happen to the value of their homes.

Mr. Jay Bilbao felt the zoning on adjoining properties should be taken into consideration. If this application is approved, adjoining properties could be approved in the future.

Mr. Keith Hardcastle was concerned about the quality of life in this neighborhood. This proposal will affect the property values and the quality.

Mr. Joe Fitzharris will not be affected by this change as much as others in the subdivision, but there are about 12-15 houses that will be affected by the increase in density. These houses are extremely expensive homes and he requested that the Commission consider this effect.

Mr. Joe Trujillo asked the Commission to consider the fact that the restrictive covenants will be changed. He feels this is as important as the increase in the number of lots.

Mr. Fouke submitted two pictures of the entrance to Chimney Hills along Memorial (Exhibit "E-3"). These pictures show statements made by the developer and associations that this Addition is for luxury, single-family lots. The residents feel this situation will be changed. The main purpose for the protests today are to show the Commission that the residents are concerned about the area. Many of the residents are corporate personnel moving in and out of Tulsa. Mr. Fouke again asked that the Commission deny this application in order to maintain the quality of the homes in the area.

Applicant's Comments:

Tom Tannehill explained he is not asking the Commission to change the restrictive covenants, since only the owners of 51% of the lots has that right. Although he is the attorney for the applicant for PUD #215-B, that is the sole coincidence involved in the situation. The second application was filed without consulting the two owners and developers of PUD #215-A. He has permission from the owners of the undeveloped areas to ask for the increased density, which has been filed of record in the County Court House.

Chimney Hills is four different subdivisions and never developed by one single developer. The first PUD was brought in a number of years ago. A portion, known as Southfield, was sold. The subject tract is not adjacent to the residents who are protesting. There are 400 single-family lots within the subject Addition. The existing indebtedness for the creation of utility lines and existing roads is in excess of \$6-million.

The lots have been on the market since 1977 and only 24 have sold. He has not heard from the nearest single-family residents. Only one is within 300 feet and he has not objected. There are no developed single-family lots adjacent to this particular development that will be affected by the proposed request.

PUD #215-A (continued)

The proposed project is an entirely different subdivision and has its own restrictive covenants and homeowner's association. All the remaining vacant lots in the subject addition are owned by Sotocum, Inc., an Oklahoma corporation. There are several developments in the area that include attached homes. He does not feel the protestants will be affected by this development. There are several homes in the Addition where the protestants reside that have been for sale quite a while because they are not meeting the Tulsa housing market. The market that does exist is in the \$94-\$120,000 range. Therefore, the proposed development is trying to meet the housing demands.

There was a miscalculation at the time the application was filed. This is not a request for an increase in density. There are 42 units allotted for the PUD and he is asking that 11 of these units be placed in this area. Actually, there will only be an overall change of 10 lots because one large lot outside the subject tract will be lost.

Special Discussion for the Record:

Commissioner Petty did not think economics should be considered when making a zoning decision, regardless of the merits of an application. In another year, this property might be a valuable real estate market. This fact applies to the protestants' comments, also.

Commissioner Higgins asked the distance between the subject property and the developed subdivision. Mr. Tannehill replied it is 1/2 mile distance.

Commissioner Rice recognized Mr. Steitz who asked what is so unique about the parcel in question.

Mr. Gardner explained the background for development in this area. If this proposal had been included in the original PUD, it would have been appropriate for smaller lot, single-family units with higher density. The Staff took into consideration that there is not a single lot that is developed backing to the subject property. However, if there were, it is still the Staff's opinion that the subject proposal would not affect their market value.

Commissioner Kempe explained to the home owners that, while this area will be increased by 11 lots, further development in other areas will lose that density. Commissioner Rice stated he would prefer these units on Memorial as opposed to being backed up to his home, if he lived in the area, since the developer can by right build 776 homes.

Instruments Submitted: Petition of Protest containing 255 signatures
(Exhibit "E-1")
Copy of Letter circulated to property owners
(Exhibit "E-2")
Two Pictures of entrance to Chimney Hills Addition
(Exhibit "E-3")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Hennage, Higgins, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Freeman, Gardner, Hinkle, Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved under PUD #215-A, per plans submitted, subject to conditions set out in the Staff Recommendation:

6.23.82:1412(26)

PUD #215-A (continued)

The East 27.5' of Lot 12, Block 23, and Lots 13 through 20,
Block 23, and Lots 1 through 8, Block 31, ALL in Chimney Hills
South, Blocks 18 through 31, Tulsa County, Oklahoma.

There being no further business, the Chair adjourned the meeting at 4:30 p.m.

Date Approved _____

July 7, 1982

[Handwritten Signature]

Chairman

ATTEST:

Cheryl A. Kempe

Secretary