

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1464
Wednesday, July 13, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Draughon	Flick	Chisum	Linker, Legal
Higgins	Kempe	Compton	Department
Hinkle, Secretary	Miller	Gardner	
Petty, 2nd Vice- Chairman	T. Young	Lasker	
C. Young, 1st Vice Chairman	Inhofe		
Woodard			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 11:30 a.m., as well as in the Reception Area of the INCOG Offices.

Vice Chairman C. Young called the meeting to order at 1:35 p.m.

MINUTES:

The Chairman tabled this item.

REPORTS:

Comprehensive Plan Committee

Commissioner Petty reported that the Comprehensive Plan Steering Committee met prior to this meeting to discuss the parking problem on Peoria, between 31st and 36th Streets. Mr. Gardner explained the residents and interested businessmen in the area have requested the Commission to direct the TMAPC Staff to make a special study of that area and the related parking problems. The residents have specifically requested that a line be drawn stating where the parking and businesses would terminate toward the interior of the area.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to direct the Staff to make a special study in regard to the problem of off-street parking in the area of 31st to 36th Streets on either side of South Peoria.

Rules and Regulations Committee:

Chairman C. Young explained the Rules and Regulations Committee met prior to the meeting; however, due to the length of the agenda, he requested this be discussed later and instructed the Staff to set a public hearing to consider amendments to the Zoning Code on August 3, 1983.

SUBDIVISIONS:

For Final Approval and Release:

Woodland Glen Extended Addition (PUD #268) (2483) East 93rd Street and
South 94th East Avenue (RS-3)

The Staff advised the Commission that all letters have been received and recommended final approval and release.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, Inhofe, "absent") to approve the final plat of Woodland Glen Extended Addition and release same as having met all conditions of approval.

LOT SPLITS:

For Ratification of Prior Approval:

L-15848, 49, 72, 73, 74, 75 (PUD 111-B) (1694) 31st Street and South 136th
East Avenue (RS-3)

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, Inhofe, "absent") that the approved lot splits listed above be ratified.

L-15851 U.M.S. Properties (PUD #190-B) (1083) 77th Street and South Yale
Avenue (RS-3)

This is a request to split Lot 1, Block 1, Ridge Park II into two tracts for phasing purposes only. The project is already under construction, has detailed site plan approval, and building permits. The T.A.C. had no requirements and/or comments other than to assure that the split-line does not separate the individual lots being created from its sewer service. Other easements and/or utilities were all provided for in the platting process. The applicant will need to assure the Planning Commission that all livability space, parking, setbacks, etc., will apply to each phase. A minor amendment may be required. (Note that if this were a vacant tract of land this lot split would be a "prior approval" because the sizes more than meet the basic Zoning and Subdivision Regulations.)

A minor amendment to PUD #190-B and relating to this Lot Split was heard later in the meeting and approved.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to approve L-15851, subject to the conditions recommended by the TAC.

CONTINUED ZONING PUBLIC HEARING:

Z-5822 Klebs South of the SW corner of 81st Street and Elwood Ave. AG to IL

A letter was submitted from Michael L. McHugh requesting this item be withdrawn (Exhibit "A-1").

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to withdraw Z-5822, per the applicant's request.

ZONING PUBLIC HEARING:

Application No. Z-5841 Present Zoning: AG
Applicant: Norman (Swindell) Proposed Zoning: CS, RM-2, RM-1, RM-0
Location: SW corner of South Yale Avenue and East 81st Street South

Date of Application: May 9, 1983
Date of Hearing: July 13, 1983
Size of Tract: 33.55 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building

Phone: 583-7571

Chairman C. Young advised several letters from area homeowners were presented requesting a continuance of this hearing (Exhibits "B-1" through "B-3"). However, Mr. McCormick, attorney, represented numerous homeowners and wished to have the case heard. One of the individuals requesting continuance was present and agreed to hear the case.

Relationship to the Comprehensive Plan: Z-5841

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-0, RM-1, RM-2 and CS Districts are in accordance with the Medium Intensity, the RM-0 and RM-1 Districts may be found in accordance with the Low Intensity; and CS and RM-2 Districts are not in accordance with the Low Intensity.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 33.5 acres in size and located at the southwest corner of 81st Street and South Yale Avenue. It is wooded, steeply sloping vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a commercial shopping center and a Public Service substation zoned AG, RM-1, and CS, on the east by vacant land zoned CS and RM-1, on the south and west by single-family neighborhoods zoned RS-2.

Zoning and BOA Historical Summary -- In 1974 all four corners of the intersection were included in a special zoning study to identify the best zoning patterns for the total intersection. The subject tract is the last corner to request zoning and the other three corners have been zoned as recommended by the study.

Conclusion -- Based on the facts pointed out in the Special Study, existing land uses, and surrounding zoning patterns, the Staff feels the recommendations made in the special study are still appropriate.

Therefore, the Staff recommends APPROVAL of: (1) a CS node at the corner which is 560 feet north/south and 550 feet east/west, (2) an RM-1 tract that extends 100 feet west of the CS node and 500 feet south, and (3) the remaining portion of the tract RS-3.

Applicant's Comments:

Mr. Charles Norman represented Mr. Calvin Swindell and family. This land has been in the Swindell family since the late 1940's or early 1950's. The purpose of the application is not to propose a specific plan, but is requesting zoning classifications which would permit detail planning to take place at the time the property is sold or developed by the family. However, the later prospect is remote since they are not involved in land development.

The Staff made reference to a special study made by the Commission in 1974. As a result of the study, the amount of commercial zoning ordinarily allocated to an intersection of this type is substantially reduced on each of the four corners. Eighty-First Street is a secondary arterial and Yale Avenue is a primary arterial. This would classify under the development Guidelines as a type 2 node, which should ordinarily authorize 10 acres of medium intensity zoning at each of the corners. The special study recommended the amount of commercial zoning be reduced on each corner with compensatory amounts of multifamily zoning, taking into account the topography in the area, particularly on the south side of 81st Street, the curve and site lines on Yale coming off the hill. The northwest corner was the first corner to be zoned in accordance with the special study in 1974. This corner has developed according to that zoning and under a PUD. Later in 1975, the southeast corner of the intersection was zoned with the smallest amount of commercial because of the topography and curves. This resulted in the larger amount of multifamily being approved on this tract. The northeast corner was rezoned in 1978 and is in exact accord with the special study. A drive-in banking facility is the only commercial use at that corner.

The request presented today is in accord with the special study. The advertisement for rezoning is broader than what the application intends or what the Swindell family has requested. There has been much discussion about the drainage considerations that affect this site. He would like to advise the Commission that McLaughlin Water Engineers have been employed to study the site and Mr. Charles Hardt, former City Hydrologist, is advising Mr. Norman and the applicants of the requirements of the Vensel Creek Master Drainage Study. Mr. Norman explained the City's requirements and standards concerning the procedures needed when property is in the floodplain. On-site detention will be required. The policies must be complied with before development can begin. There is a regional detention facility planned for this property to alleviate and reduce the flooding effects presently occurring. Any new development upstream from these subdivisions must provide on-site detention to prevent any adverse increases in runoff below.

According to the Vensel Creek Drainage Plan, the most logical place for the regional detention facility at the lowest point of the Swindell property. The study also identifies a part of the northern portion of the Swindell property to be within the 100-year floodplain and that it would be necessary to carry the pass-through water. The upstream drainage basin on this property is very small and the localized drainage basins are clearly identified in the Vensel Creek Study.

Application No. Z-5841 (continued)

Mr. Norman presented two alternative studies prepared by Mr. Hardt (Exhibit "B-4") as part of the studies of this property for the Swindell family. On site detention requirement by a probable development of this size site would be about 6 acre feet of storage capacity. That can be provided within an area on-site of approximately an acre that would have a maximum depth of 6 feet or some combination of this to provide a 6 acre feet of storage. The main difference between the two alternatives is a box culvert. Economics will determine the method used. Mr. Hardt has been in contact with the City Engineering Department and approximately 14 to 16 acres will be required for on-site detention to meet the drainage standards. The larger portion will have to be dedicated during the platting process, either by easement or other reservation, to prevent use.

The property will have to be subdivided before development can begin and the Planning Commission will require a determination of the floodplain areas and will require the imposition of either easements or dedications to preserve and protect that area. A drainage plan must be submitted to the City Engineer and City Hydrologist for approval. An Earth Change Permit will be required, as well as Building Permit. This area will be subject to the 1-foot elevation requirement.

The applicant is prepared to sell the required land to the City for detention purposes. The plans are not yet ready, due to some personnel problems in the City Engineering Department and development cannot take place until approval has been given.

Mr. Norman concluded by requesting the Staff Recommendation be approved, with 6 acres of commercial zoning, about 6 1/2 acres of multifamily and the remainder be zoned RS-3, as recommended in the 1974 special study.

Commissioner Petty asked about the flow of water and Mr. Norman explained. The existing subdivisions were platted and developed after the special study was conducted. These are problems here that do not meet the present day drainage standards that have been adopted since 1976. The reason for the regional detention facility is to hold back more water than presently flows through this property in order to reduce existing problems. The portion designated for detention lies entirely within the area recommended for RS-3 zoning. Mr. Norman was informed the developer of this property will not be able to pay a "fee in lieu of" for detention. However, if the regional detention facility can be expanded and the on-site detention be excluded because of this, the City might allow the developer to pay into the regional facility.

Protestants: Joe McCormick
John Dismucks
Sharon Perona
Dr. Teoman Ariman
Barbara Willis
Geri Johnson

Addresses: 1776 Williams Center
7530 South 67th E. Ave.
8123 South Toledo Ave.
4534 East 85th Street
8304 South Toledo Ave.
4231 East 85th Street

Protestants' Comments:

Mr. Joe McCormick represented homeowners in Brookwood I, II and Forest Creek Additions. Mr. McCormick was not against the zoning, but was in favor of zoning properly. He requested the Commission consider certain problems, such as traffic, flooding, schools and property values. In this particular location, Yale Avenue bends after 81st Street and is very hilly, which creates a traffic hazard. Also, 81st Street does not go straight across, making a tremendous problem with this corner. There is a two-lane bridge to the west, making it impossible for cars to go around the congestion. The intersection has 20,000 cars per day and numerous accidents have occurred in the last couple of years. Two deaths have resulted from accidents. The streets need to be widened in order to get through the intersection. The City has not made provisions for widening this intersection. Mr. McCormick presented three pictures, one showing the two-lane bridge, one showing the exit from Brookwood II and one showing the congestion of the intersection (Exhibit "B-5").

There is a downhill curve at the exit from Brookwood II, making vision difficult. The application as filed showed a potential for an additional 1,000 residences at this corner.

Mr. McCormick also displayed a copy of the flood map. It is his understanding that there is a flood detention pond required and agreed the detention must be completed. So far, the Vensel Creek Drainage Plan has not been implemented. There have been water problems here in the past and if a substantial amount of runoff is received, then additional parking lots, roofs, etc., will make it worse.

There is also a problem with the overburdened Jenks School District and a letter has been presented to the Commission from the Director of Building and Grounds at the school (Exhibit "B-6"). Also submitted was a protest petition containing 864 signatures (Exhibit "B-7"). The school children are on buses for too long a time now because of the traffic congestions. The homeowners are also concerned about property values. He feels apartments would devalue property values and would prefer single-family homes to transient apartments.

Mr. McCormick requested the Commission deny the application as filed. This application is premature. Before development begins, the City must solve the traffic and flooding problems. The property is unique because of the flood basin, creek, terrain and hilly streets. He feels the property would best lend itself to a PUD. If given a preference, he would prefer the property be rezoned single-family, especially the portion abutting Brookwood I and II. Mr. McCormick would be willing to work with the applicants on a PUD and felt he might be able to bring up more appropriate ideas than what the Staff and the applicant have decided. A plan was displayed, showing 13 acres for a detention pond, 10 acres commercial where the Staff recommended 6 acres and suggesting a street coming into Urbana Avenue. A green belt about 21' wide would be placed between the properties. He would prefer RS-2 zoning between the requested RS-3 and the present RS-2 zoning and would prefer RM-0 instead of RM-1.

Application No. Z-5841 (continued)

Chairman C. Young noted the protestants' recommendation is probably more intense than the application requests. Mr. McCormick explained this would be their suggestion after the traffic and flooding problems are resolved.

Mr. John Dismucks, president of Southeast Tulsa Homeowners Association, felt three basic issues were before the Commission. The other three corners of this intersection have already been rezoned in the same pattern. He finds it difficult to assess the detention requirements prior to any development plans. He understands the comments concerning the detention pond, but would wish to request this application be denied on behalf of the Southeast Tulsa Homeowners Association. He is not asking that it never be rezoned, but would request this be done when definite plans are presented. There are obviously no critical time constraints, since there is not a buyer for the property. It is more critical to consider the homes that will be affected.

Ms. Sharon Perona lives next to the culvert, which is 8 to 12 feet in height and goes under the side of her property. She felt it would be beneficial to keep the natural dam of the property instead of building a new one. She had discussed this problem with the City Engineering Department and the Planning Commission advised her to follow through with the project, working with the City Engineering Department.

Dr. Teoman Ariman is a civil engineer and a resident of the area. He does not see any other area that can come close to the difficulties in this area, both with the flooding and the traffic congestion at the intersection and between 81st and 91st Streets. The conditions make traveling extremely dangerous. His lot slopes down a hill and no builders would accept the problem. A builder from California finally agreed, but then did not know what to do with the water problem. This is a very unique situation. Dr. Ariman is not against rezoning, but would suggest a study be made of the traffic.

Applicant's Comments:

Mr. Norman was surprised Mr. McCormick proposed what appears to be a major amount of RM-0 and CS. The Staff recommendation would permit about 6 1/2 acres of multifamily with 168 dwelling units; 25 acres of RS-3 would be a maximum of 132 dwelling units or a total of 300 dwelling units. Ten acres of commercial as suggested by the protestants with 5 of those acres multifamily, converts to 35 units per acre or 175 dwelling units. In the corner with RS-2, as proposed by the plat, there would be 12 units; and, if the remainder were RM-0, there would be 325 dwelling units at 15 maximum per acre. Leaving 5 acres for commercial would permit 512 dwelling units. Under the Staff recommendation there would be a maximum of 300.

Mr. Norman expected this to be a routine application. He has been involved in the development of the other 2 corners of this intersection and was aware of the special study, which was done almost 10 years ago. The problems imposed by the hills and curves were mentioned in the special study and the amount of commercial zoning was reduced from what would normally be permitted under the Development Guidelines.

The protestants are requesting the Commission to rescind policies, procedures and criteria that were adopted by the community following the disastrous rainfalls of the mid 1970's. The protestants were also asking to freeze development until the drainage problems are solved and streets are improved. After many years of discussion and debate, in which the Southeast Tulsa Homeowners participated, it was decided that development controls were needed instead of a freeze so that problems could be dealt with at the proper time when conditions are current. The standards and criteria required by the City at the present time are working well. These policies have been adopted after trial and error. There were problems in the Brookwood Subdivisions and they were required to install on-site detention. The City has learned not to let people develop on the side of hills because it causes runoff below. Other parts of the City have learned that these policies work and the arguments about flooding are not pertinent today.

Mr. Norman cannot accept the proposal suggested by the protestants, which is requesting this property be treated differently by imposing something that has not been done on the other three corners and that is some kind of RS-2 pattern. These zoning patterns debated for several years and the special study reflects the conclusions of these discussions. These patterns are working and this application should not be considered differently.

The traffic situation was a major element of the debate in the 1970's during the preparation of the Development Guidelines upon which all the district plans were based. "Prematurity" was discussed and if it had any place in making zoning decisions. This pertained to water and sewer, streets and drainage. This was abandoned because the first step in proper community planning is to determine the appropriate land use relationships. It was decided the plan capacity of the streets would be the criteria by which rezoning applications are to be evaluated. These two streets have been on the Major Street Plan, one of which will be a primary arterial and will require 60' of right-of-way from each adjoining property owner and 81st Street is a secondary arterial. From a planning standpoint, all of the streets are more than adequate to accommodate traffic. Obviously, the streets themselves are not, but that is true of every street in Tulsa south of 61st Street. There has never been an instance in Tulsa where a street is four-lained in an area where there are no people. The City has never had the capacity, the rule or the intention of paving streets before it is populated.

Commissioner Petty agreed with the statements made by Mr. Norman concerning land use and zoning as far as prematurity. The critical point seems to be if the residents can be sure of the fact the water runoff can be controlled. Mr. Norman felt they can be assured. This property is not required to solve the regional problem by itself. Brookwood II Addition is responsible for preventing the runoff rates from increasing on the Swindell property and consequently increasing downstream. It was required to hold back the increase in runoff generated from that development. This property will be required to do the same, meaning any development will not aggravate any existing condition downstream. This is a firm rule in the City.

Protestants' Comments:

Mrs. Barbara Willis wondered about the access and the problem with the one-lane bridge. Mrs. Geri Johnson thought a park would be a good solution to the problem, since the City is going to have to buy a large portion of the land for detention.

Special Discussion for the Record:

Commissioner Petty asked the Staff to spell out the requirements in place now for the development of this retention facility under the zoning only with no PUD. Mr. Gardner explained the Staff Recommendation would place commercial zoning opposite and across the street from existing commercial zoning; multifamily apartment zoning across the street and opposite multifamily on the other three corners; and, single-family zoning would be adjacent and opposite single-family zoning. The transitions and buffers are in place, according to the study. The City Engineering Department has required on-site detention instead of a fee. It is not practical to increase the rate of runoff on the basis there might be a regional detention facility in the future. The subdivision to the west has flooded in the past and will continue to flood until the regional detention facility is built by the City. This application cannot increase the problem, but does not need to solve it. The drainage provided in the Brookwood area is inadequate, but did meet the requirements at the time of installation. If this development were being constructed today, the requirements would be more stringent and the problems reduced considerably. The zoning precedes the development by five or ten years. The other corners have been zoned for several years and have not developed.

Commissioner Draughon would like to see the City Commission address the problem of "fees in lieu of" detention. Evidently, the fees are not adequate if the City is not able to buy property and set up regional detention sites. He felt developers should more often have to supply on-site detention.

Commissioner Petty stated that based on the surrounding land uses, the Commission has no other choice but to approve the application. He does wish the residents to know that if the City Commission approves the application, they will be protected as far as runoff.

Chairman C. Young agreed with Commissioner Petty, but was also concerned about the traffic conditions.

Instruments Submitted:

- Letter from Mrs. Jimmie Wadley requesting continuance (Exhibit "B-1")
- Letter from Mr. Tim Wadley requesting continuance (Exhibit "B-2")
- Letter from Claudis & James Watson requesting continuance (Exhibit "B-3")
- Floodplain Maps showing 2 alternative methods for control, as suggested by McLaughlin Water Engineers (Exhibit "B-4")
- 3 Photographs showing intersection, two-lane bridge and exit from Brookwood II Subdivision (Exhibit "B-5")

Letter from Jenks School District (Exhibit "B-6")
Petition containing 864 signatures
of protest (Exhibit "B-7")
Letter of Protest from Mr. Wayne
McLaury (Exhibit "B-8")
Letter of Protest from Dr. Melvyn
Brill (Exhibit "B-9")
Letter of Protest from Mr. John
W. Loots (Exhibit "B-10")
Newspaper Clipping from Tulsa
World (Exhibit "B-11")

TMAPC Action: 6 members present:

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned as follows:

- (1) A CS node at the corner which is 560 feet north/south and 550 feet east/west;
- (2) an RM-0 tract that extends 100 feet west of the CS node and 500 feet south, and
- (3) the remaining portion of the tract RS-3.

LEGAL PER NOTICE

The North-Half of the East-Half of the NE/4 of Section 16, Township 18 North, Range 13 East of the Indian Base and Meridian, LESS a strip of land in the East-Half of the NE/4 of Section 16, Township 18 North, Range 13 East, said strip lying between the East line of said Section 16 and the Easterly right-of-way line of the strip recently granted to Tulsa County for highway purposes and being described as follows: Beginning at a point on the East line of said East-Half of the NE/4 of Section 16, said point being 630 feet, more or less South of the Northeast corner of said Section 16; thence South 39°-08' West 183.0 feet more or less to the point of a curve to the left; thence along said curve to the left with a radius of 205.7 feet, 226.2 feet to the point of tangent to the curve; and thence South 23°-52' East 350.0 feet more or less to a point on the East line of Section 16; thence North 0°-02' West along said East line of Section 16, 690.00 feet to the point of beginning, containing 1.45 acres, more or less, Tulsa County, State of Oklahoma, containing 38.55 acres more or less.

LEGAL PER PLANNING COMMISSION ACTION

CS
Beginning at the Northeast corner of Section 16, Township 18 North, Range 13 East; thence West along the North line of said Section 16 a distance of 550'; thence South a distance of 560'; thence East to a point on the centerline

Application No. Z-5841 (continued)

of South Yale Avenue; thence North along the centerline of South Yale Avenue to the point of beginning.

RM-0

Beginning at a point 550' West of the Northeast corner of Section 16, Township 18 North, Range 13 East; thence West along the North line a distance of 100' to a point; thence South a distance of 1,060' to a point; thence East to a point on the centerline of South Yale Avenue; thence North along the centerline of South Yale Avenue to a point that is 560' South of the Northeast corner of said Section 16; thence West a distance of 550' to a point; thence North 560' to the Point of Beginning.

RS-3

Beginning at a point 650' West of the Northeast corner of Section 16, Township 18 North, Range 13 East; thence South 1,060' to a point; thence East to a point on the centerline of South Yale Avenue; thence South along the centerline of South Yale Avenue to a point of intersection of the centerline of South Yale Avenue and the South line of the Northeast Quarter of the Northeast Quarter; thence West along the said South line to a point that is the Southwest corner of the Northeast Quarter of the Northeast Quarter; thence North a distance of 1,320'; thence East a distance of 670' to the Point of Beginning.

Application No. Z-5842

Present Zoning: AG

Applicant: Norman (Whitney Land Company and
Stuart)

Proposed Zoning: CO, CS, RM-2

Location: NE corner of 101st Street and South Memorial Drive

Date of Application: May 9, 1983

Date of Hearing: July 13, 1983

Size of Tract: 177.81 acres

Presentation to TMAPC by: Charles Norman

Address: 909 Kennedy Building - 74103

Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5842

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low and Medium Intensity -- No Specific Land Use, Special Consideration Area -- encourage development in accordance with the Development Guidelines.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CO District is in accordance with the Plan Map and the requested CS and RM-2 are in accordance with the Medium Intensity Node and not in accordance with the Low Intensity.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 180 acres in size and located at the northeast corner of 101st Street and South Memorial Drive. It is partially wooded, rolling, vacant, except for one single-family dwelling and is zoned a combination of RS-3 and AG.

Surrounding Area Analysis -- The tract is abutted on the north by mostly vacant land and the Sunchase Apartments zoned CO and RS-3; on the east by mostly vacant land, scattered single-family, and a church zoned AG and RS-3; on the south by vacant land zoned AG and the City Limits of Bixby; and on the west by mostly vacant land and a large lot single-family neighborhood zoned CS, AG and RS-1.

Zoning and BOA Historical Summary -- Past zoning has established CO zoning to the north and west of the subject tract which is on the north side of the proposed Creek Expressway. A commercial zoning pattern has also been established at the intersection of Memorial Drive and 101st Street.

Conclusion -- Based upon the Comprehensive Plan, Major Street and Highway Plan, surrounding zoning patterns, and existing land uses, the Staff can support CO zoning on a portion of the tract. We cannot support Corridor zoning on the portion of the tract that is within the proposed Creek Expressway right-of-way based upon the fact that without the right-of-way and development of the expressway, the Corridor zoning would not be appropriate. Secondly, we feel the applicant should provide on his tract a buffer for the RS-3 zoned tract to the east. Since the multifamily area to the north (PUD #316) extends to within 660 feet of the east property line of the subject tract, the Staff supports RS-3 zoning on the east 660 feet of the subject tract.

Therefore, the Staff recommends APPROVAL of CO on the subject tract, less and except that portion within the proposed Creek Expressway right-of-way, which will remain RS-3, and less and except the east 660 feet of the tract which we recommend RS-3 zoning.

7.13.83:1464(13)

Application No. Z-5842 (continued)

Applicant's Comments:

Mr. Charles Norman explained the property is located between the expressway and an arterial street, so a portion is eligible for corridor zoning. He has no objection to the right-of-way RS-3, which would contain about 23 acres. He and the Staff had several conferences about what to do with the easternmost boundary and a 300' strip of RS-3 was suggested. However, he and his client could agree with the Staff recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned C0, less and except that portion within the proposed Creek Expressway right-of-way, which will remain RS-3, and less and except the east 660 feet to be rezoned RS-3:

LEGAL PER NOTICE

A tract of land that is part of the W/2 of Section 24, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: Beginning at a Point that is the Southwest corner of said Section 24; thence due North along the Westerly line of said Section 24 for a distance of 3,314.43 feet; thence South $79^{\circ}-03'-11''$ East for a distance of 1,120.36 feet; thence South $89^{\circ}-39'-33''$ East for a distance of 1,542.04 feet to a point on the Easterly line of the West-Half of Section 24; thence South $0^{\circ}-1'-40''$ East along said Easterly line for a distance of 2,554.15 feet; thence South $89^{\circ}-37'-01''$ West and parallel to the Southerly line of Section 24 for a distance of 297.00 feet; thence South $0^{\circ}-01'-40''$ East and parallel to the Easterly line of the West-Half of Section 24 for a distance of 440.00 feet to a point on the Southerly line of Section 24; thence South $89^{\circ}-37'-01''$ West along said Southerly line for a distance of 2,343.91 feet to the Point of Beginning of said tract of land.

LEGAL PER PLANNING COMMISSION ACTION

The Southwest Quarter of Section 24, Township 18 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, LESS and EXCEPT the East 660 feet, containing 120 acres, more or less.

Application No. Z-5848
Applicant: Moskowitz (Altman)
Location: NW corner of 61st Street and Garnett Road

Present Zoning: AG
Proposed Zoning: IL

Date of Application: May 18, 1983
Date of Hearing: July 13, 1983
Size of Tract: 20 acres

Presentation to TMAPC by: Frank Moskowitz
Address: 3530 East 31st Street - 74101
Phone: 743-7781

Relationship to the Comprehensive Plan: Z-5848

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 requested IL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 20 acres in size and located at the Northeast corner of 61st Street and Garnett Road. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a developed Industrial Park zoned IL, on the east by vacant property zoned AG, on the south by a tire sales and single-family subdivision zoned C-4 and R-3 (Broken Arrow), on the west by a single-family dwelling on a large lot zoned CS.

Zoning and BOA Historical Summary -- Industrial zoning and uses have been allowed north of the subject tract.

Conclusion -- The subject tract is part of a large area designated for industrial development. The Staff can support the requested IL zoning and therefore, recommend APPROVAL based on the Comprehensive Plan and existing zoning.

Applicant's Comments:

Mr. Frank Moskowitz was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

The S/2 of the SW/4 of the SW/4 of Section 32, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5849
Applicant: Skrivcneh (Jones)
Location: 5636 South 107th East Avenue

Present Zoning: RS-3
Proposed Zoning: IL

Date of Application: May 19, 1983
Date of Hearing: July 13, 1983
Size of Tract: 2.3 acres

Presentation to TMAPC by: Sylvia Skrivcneh
Address: 220 East 19th Street - 74119

Phone: 582-4663

Relationship to the Comprehensive Plan: Z-5849

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 requested IL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.3 acres in size and located at 5635 South 107th East Avenue. It is non-wooded, flat, contains one single-family dwelling and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling zoned RS-3, on the east by industrial uses zoned IL, on the south by a single-family dwelling zoned IL and on the west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- There have been several recent zoning amendments in the area from RS-3 to IL.

Conclusion -- The Staff would note that this area is in a transition from residential to industrial. Based on the Comprehensive Plan and existing zoning patterns in the area, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Mrs. Sylvia Skrivcneh was present and concurred with the Staff recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lot 4, Block 1, Golden Valley Addition, Tulsa County, Oklahoma.

Application No. Z-5850

Applicant: Wilkinson

Location: NE corner of Latimer Street and Mingo Road

Present Zoning: AG

Proposed Zoning: CS

Date of Application: May 24, 1983

Date of Hearing: July 13, 1983

Size of Tract: 1.6 acre

Presentation to TMAPC by: C. W. Wilkinson

Address: 3500 West El Paso, Broken Arrow, Okla. 74012 Phone: 252-9385

Relationship to the Comprehensive Plan: Z-5850

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.6 acres in size and located at the northeast corner of Latimer Street and Mingo Road. It is partially wooded, rolling, vacant, and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by industrial uses including storage of boats zoned IL, on the east by vacant property zoned AG, on the south by an electrical substation zoned FD, on the west by a mixture of commercial and industrial uses zoned a combination of CS, CG, and CH.

Zoning and BOA Historical Summary -- The majority of the property on the east side of Mingo Road is zoned industrial, but used commercially. Commercial zoning is predominant on the west side of Mingo Road.

Conclusion -- Based on the existing zoning and development trends in the area, the Staff can support a medium intensity zoning on the tract. Therefore, we recommend APPROVAL of the requested CS zoning.

For the record, however, the Staff would recommend that the previous IL zoning application on that portion of the tract located outside the 100-year floodplain be processed by the City Commission rather than the subject application. We believe IL zoning affords the applicant more options than does CS zoning.

Applicant's Comments:

Mr. C. W. Wilkinson explained he is planning a small businessman's motel with a restaurant.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

Application No. Z-5850 (continued)

The East 240.00 feet of the West 320.00 feet of the South 300.00 feet of the N/2 of the SW/4 of the SW/4 of the NW/4 of Section 31, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-85

Present Zoning: AG

Applicant: Freeman

Proposed Zoning: CS, RM-2, RS

Location: SW corner of 101st Street and 129th East Avenue

Date of Application: May 25, 1983

Date of Hearing: July 13, 1983

Size of Tract: 40 acres

Presentation to TMAPC by: Robert Gardner, c/o Travis Freeman

Address: 4836 South Peoria Avenue - 74105

Phone: 749-6444

Relationship to the Comprehensive Plan: CZ-85

The Broken Arrow Comprehensive Plan designates the subject property as 10 acres Medium Intensity and the balance Low Intensity -- Residential.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 40 acres in size and located on the southwest corner of 101st Street and 129th East Avenue. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property and a few single-family dwellings on large lots zoned AG and on the east, west and south by vacant property zoned AG.

Zoning and BOA Historical Summary -- There have been no zoning or Board of Adjustment actions in the area surrounding the subject tract.

Conclusion -- The Development Guidelines, a part of the Comprehensive Plan would classify the subject tract as a type 2 node allowing 10 acres of Medium Intensity use surrounded by a 300-foot buffer of Low Intensity use and the balance single-family. The Broken Arrow Comprehensive Plan and recommendation are basically consistent with this, allowing 10 total acres of Medium Intensity use "CS and RM-2" with the remainder designated Low Intensity, residential. Based on the Development Guidelines and the recommendation from the Broken Arrow Planning Commission, the Staff recommends APPROVAL of a 660' x 660' tract (10 acres) of Medium Intensity CS zoning on the corner surrounded by a 300-foot buffer of Low Intensity RM-1 and the balance Low Intensity RS.

Chairman C. Young advised a letter was submitted from Broken Arrow recommending only a portion of CS with a strip of RS (Exhibit "C-1").

Applicant's Comments:

Mr. Robert Gardner represented the applicant, Travis Freeman. It was his understanding that Broken Arrow recommended 5 acres of CS zoning and 5 acres of RM-2, with the balance to be single-family. However, he was certain Mr. Freeman would support the Planning Commission's Staff recommendation, as opposed to the Broken Arrow recommendation.

Protestants: None.

Instruments Submitted: Letter from Broken Arrow Planning Commission
(Exhibit "C-1")

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions";

Application No. CZ-85 (continued)

Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CS on a 660' x 660' tract (10 acres) at the corner surrounded by a 300' buffer of RM-0 and the balance RS:

LEGAL PER NOTICE

The NE/4 of the NE/4 of Section 29, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION

CS

The North 660' of the East 660' of the NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, containing 10 acres, more or less.

RM-0

The South 300' and the West 300' of the North 960' of the East 960' of the NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

RS

The NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, LESS and EXCEPT the North 960' of the East 960'.

Application No. Z-5850

Applicant: Wilkinson

Location: NE corner of Latimer Street and Mingo Road

Present Zoning: AG

Proposed Zoning: CS

Date of Application: May 24, 1983

Date of Hearing: July 13, 1983

Size of Tract: 1.6 acre

Presentation to TMAPC by: C. W. Wilkinson

Address: 3500 West El Paso, Broken Arrow, Okla. 74012 Phone: 252-9385

Relationship to the Comprehensive Plan: Z-5850

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.6 acres in size and located at the northeast corner of Latimer Street and Mingo Road. It is partially wooded, rolling, vacant, and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by industrial uses including storage of boats zoned IL, on the east by vacant property zoned AG, on the south by an electrical substation zoned FD, on the west by a mixture of commercial and industrial uses zoned a combination of CS, CG, and CH.

Zoning and BOA Historical Summary -- The majority of the property on the east side of Mingo Road is zoned industrial, but used commercially. Commercial zoning is predominant on the west side of Mingo Road.

Conclusion -- Based on the existing zoning and development trends in the area, the Staff can support a medium intensity zoning on the tract. Therefore, we recommend APPROVAL of the requested CS zoning.

For the record, however, the Staff would recommend that the previous IL zoning application on that portion of the tract located outside the 100-year floodplain be processed by the City Commission rather than the subject application. We believe IL zoning affords the applicant more options than does CS zoning.

Applicant's Comments:

Mr. C. W. Wilkinson explained he is planning a small businessman's motel with a restaurant.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS:

Application No. Z-5850 (continued)

The East 240.00 feet of the West 320.00 feet of the South 300.00 feet of the N/2 of the SW/4 of the SW/4 of the NW/4 of Section 31, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Application No. CZ-85

Present Zoning: AG

Applicant: Freeman

Proposed Zoning: CS, RM-2, RS

Location: SW corner of 101st Street and 129th East Avenue

Date of Application: May 25, 1983

Date of Hearing: July 13, 1983

Size of Tract: 40 acres

Presentation to TMAPC by: Robert Gardner, c/o Travis Freeman

Address: 4836 South Peoria Avenue - 74105

Phone: 749-6444

Relationship to the Comprehensive Plan: CZ-85

The Broken Arrow Comprehensive Plan designates the subject property as 10 acres Medium Intensity and the balance Low Intensity -- Residential.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 40 acres in size and located on the southwest corner of 101st Street and 129th East Avenue. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property and a few single-family dwellings on large lots zoned AG and on the east, west and south by vacant property zoned AG.

Zoning and BOA Historical Summary -- There have been no zoning or Board of Adjustment actions in the area surrounding the subject tract.

Conclusion -- The Development Guidelines, a part of the Comprehensive Plan would classify the subject tract as a type 2 node allowing 10 acres of Medium Intensity use surrounded by a 300-foot buffer of Low Intensity use and the balance single-family. The Broken Arrow Comprehensive Plan and recommendation are basically consistent with this, allowing 10 total acres of Medium Intensity use "CS and RM-2" with the remainder designated Low Intensity, residential. Based on the Development Guidelines and the recommendation from the Broken Arrow Planning Commission, the Staff recommends APPROVAL of a 660' x 660' tract (10 acres) of Medium Intensity CS zoning on the corner surrounded by a 300-foot buffer of Low Intensity RM-1 and the balance Low Intensity RS.

Chairman C. Young advised a letter was submitted from Broken Arrow recommending only a portion of CS with a strip of RS (Exhibit "C-1").

Applicant's Comments:

Mr. Robert Gardner represented the applicant, Travis Freeman. It was his understanding that Broken Arrow recommended 5 acres of CS zoning and 5 acres of RM-2, with the balance to be single-family. However, he was certain Mr. Freeman would support the Planning Commission's Staff recommendation, as opposed to the Broken Arrow recommendation.

Protestants: None.

Instruments Submitted: Letter from Broken Arrow Planning Commission
(Exhibit "C-1")

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions";

Application No. CZ-85 (continued)

Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CS on a 660' x 660' tract (10 acres) at the corner surrounded by a 300' buffer of RM-0 and the balance RS:

LEGAL PER NOTICE

The NE/4 of the NE/4 of Section 29, Township 18 North, Range 13 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION

CS

The North 660' of the East 660' of the NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, containing 10 acres, more or less.

RM-0

The South 300' and the West 300' of the North 960' of the East 960' of the NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

RS

The NE/4 of the NE/4 of Section 29, Township 18 North, Range 14 East, Tulsa County, Oklahoma, LESS and EXCEPT the North 960' of the East 960'.

Application No. Z-5851

Applicant: Williams (Hope Hill Unitarian Church)

Location: 8500 South Sheridan Road

Present Zoning: AG

Proposed Zoning: RS-1

Date of Application: May 27, 1983

Date of Hearing: July 13, 1983

Size of Tract 4.67 acres

Presentation to TMAPC by: Jerry Williams

Address: 4043 East 49th Street - 74135

Phone: 743-5634

Relationship to the Comprehensive Plan: Z-5851

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 requested RS-1 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4.67 acres in size and located on the west side of Sheridan Road at approximately the 8500 block South. It is wooded, steeply sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north, east and south by vacant property zoned AG, and on the west by a day care center zoned AG.

Zoning and BOA Historical Summary -- Southeast of the subject tract is an existing RS-3 subdivision and to the southwest an RS-1 subdivision.

Conclusion -- Based on the existing zoning and development patterns, the Staff recommends APPROVAL of the requested RS-1 zoning.

Applicant's Comments:

Mr. Jerry Williams was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-1:

A part of the SE/4 of the SE/4 of the NE/4 of Section 15, Township 18 North, Range 13 East of the Indian Base and Meridian in Tulsa County, Oklahoma, being more particularly described as follows: Beginning at a point on the East line of Section 15, said point being the SE corner of the NE/4 of Section 15; thence North 0°-01'-00" West a distance of 610.05' along the East line of Section 15; thence South 89°-32'-40" West a distance of 146.61'; thence South 54°-07'-02" West a distance of 82.14'; thence South 22°-29'-45" West a distance of 404.29'; thence South 44°-06'-31" West a distance of 260.95' to a point in the South line of the NE/4 of Section 15; thence North 89°-59'-00" East a distance of 549.65'

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Application No. Z-5851 (continued)

along the South line of the NE/4 of Section 15 to the Point of Beginning and containing 4.67 acres, more or less.

Application No. Z-5852 & PUD #332

Present Zoning: RS-3

Applicant: Wiles (DeVasher)

Proposed Zoning: RD

Location: NW corner of 36th Place and South New Haven Avenue

Date of Application: June 1, 1983

Date of Hearing: July 13, 1983

Size of Tract: .35 acre

Presentation to TMAPC by: William Wiles

Address: 9726 East 42nd Street, Suite 125 - 74145

Phone: 664-5561

Relationship to the Comprehensive Plan: Z-5852

The District 6 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 requested RD District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .35 acre in size and located just west of the northwest corner of 36th Place and South New Haven Avenue. It is partially wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by single-family dwellings zoned RS-3, on the east by single-family dwellings zoned RS-3, on the south by a church zoned RS-3 and on the west by duplexes zoned RS-3.

Zoning and BOA Historical Summary -- Past Board of Adjustment actions have allowed the area west of the subject tract to be developed as duplexes under the RS-3 duplex exception guidelines at approximately 8 units per acre.

Conclusion -- Based upon the Comprehensive Plan and surrounding zoning patterns, the Staff cannot support the RD zoning, and therefore, the Staff recommends DENIAL.

For the record the Staff notes that this is the only vacant tract in the subject area and that the proposed duplex use is consistent with the existing uses. We see three major questions concerning this tract:

- (1) Will the final project be a good project that is compatible with existing development?
- (2) Would an RD zoning classification really be spot zoning in this instance?
- (3) Does the positive aspects of in-filling an existing neighborhood off-set the possible negative aspects of a slightly higher density zoning classification?

Applications Z-5852 & PUD #332 (continued)

STAFF RECOMMENDATION PUD #332

Planned Unit Development No. 332 is located just west of the northwest corner of 36th Place and South New Haven Avenue. It is slightly over 1/3rd acre in size and recommended for RD zoning.

The Staff has reviewed the proposal and find that it is consistent with the Comprehensive Plan, surrounding land use, and the PUD Ordinance. Therefore, the Staff recommends APPROVAL of PUD #332, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval.
- (2) Development Standards:

Land Area (Gross):	.42 acre
(Net) :	.35 acre
Permitted Uses:	Attached Single-Family on individual lots.
Maximum No. Dwelling Units:	4 units
Maximum Building Height:	35 foot/1-story
Minimum Livability Space:	2,000 sq. ft., per unit
Minimum Off-Street Parking:	2 spaces per unit
Minimum Building Setbacks:	
From Centerline of 36th Place;	50 feet
From East Property Line;	10 feet
From North Property Line;	20 feet
From West Property Line;	5 feet
Between Buildings.	10 feet
- (3) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (4) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy.
- (5) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and 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.

A letter was submitted from Jim Weinland, District 6 Chairman, recommending approval of both the zoning request and the PUD with certain conditions such as a one-story height limitation, that the zoning approval be contingent on the PUD and that the livability space be adhered to (Exhibit "D-1").

Applicant's Comments:

Mr. Bill Wiles explained this will be an in-fill development. His previous projects have been quality ones at affordable prices. This development will be compatible with the area. He submitted 3 pictures of a recent project he has completed (Exhibit "D-2"). The area surrounding this tract is zoned RS-3. The street is short and dead-ends. There are 5 duplexes on this street and a church on the corner. The duplexes were built with a special exception through the Board of Adjustment. This property cannot meet a special exception use because there would be 60' of frontage instead of 75'. RD zoning would allow 2 lots to be developed in duplexes and would complete the development duplex pattern on the street. This is a fully developed area with no other vacant lots. The only duplexes in the area are on this street. If the RD zoning is approved, he will develop the lots as set out in the PUD request.

Drawings of the proposal were displayed. The units will be sold as 4 houses instead of 2 duplexes. A privacy fence will be installed. There is no screening requirement, but the fence will separate this development. The units will not be lined up on one setback line, but will be varied so there will be a broken effect. There is a very steep hill and the units will be set at different elevations.

Mr. Wiles received 2 phone calls, one of which was in favor of the project and the other person was concerned about the fence. He has met with the District Planning Team and the Commission has their recommendation for approval. He therefore requests approval of both the rezoning request and the PUD.

Protestants: Constance DeVasher
Gary Whiteman

Addresses: 3618 South New Haven Ave.
3732 South Indianapolis Ave.

Protestants Comments:

Mrs. Constance DeVasher informed the Commission there are other duplexes in the area that have not sold. She does not feel the requested rezoning would be compatible and is happy with the zoning the way it is. This project would be too big for such a small tract. The street dead-ends, which would cause problems. Also, she stated Mr. Wiles has changed some of the facts because the original price was in the \$80,000 range and now he says they will be around \$65,000. She feels this development will affect the value of her home.

Mr. Gary Whiteman formerly lives on this street and did not feel the units would be compatible. The other duplexes on the street have more room than this project would allow.

Applicant's Comments:

Mr. Wiles explained that a PUD with the existing zoning would permit 3.6 units. This request is for 4 units under the RD zoning and a PUD. He did not feel there would be much of an increase in traffic because there are already 10 units on the street with a church across the street.

Mr. Wiles has not done a full set of construction drawings until he knows what the Planning Commission is going to recommend. Under a PUD, the Planning Commission could review the plans and would know what is planned before construction.

Applications Z-5852 and PUD #332 (continued)

Commissioner Petty wondered how far away these units will be from single-family residences. Mr. Wiles explained there is a 10' easement, which is why he is restricted to 10' on one side. Normally, only a 5' setback would be needed.

Commissioner Higgins asked about the side setbacks. Mr. Wiles advised the house to the east is fronting New Haven and is relatively close to 36th Street, so the proposed project will be setting back farther than the houses to the east; the duplexes will be in that back yard.

Commissioner Petty was troubled by the application. He feels the applicant is sincere in what he is trying to do and is very conscientious, but the PUD should have been filed with 3 units. The four units would be too many on this size lot.

Instruments Submitted: Letter (Exhibit "D-1")
Pictures (Exhibit "D-2")

TMAPC Action: 6 members present: Z-5852

On MOTION of PETTY, the Planning Commission voted 3-3-0 (Higgins, Petty, Woodard, "aye"; Draughon, Hinkle, C. Young, "nay"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to DENY the requested zoning on the following described property.
(This application will be forwarded to the City Commission with no recommendation.)

Lots 5 and 6, DeVasher Subdivision, City of Tulsa, Tulsa County, Oklahoma.

Special Discussion for the Record:

Mr. Gardner explained the PUD could be continued or denied. If it is continued, it would allow the applicant to bring in a new plan. If the Commission wanted the applications to be forwarded as one, the PUD could be denied as proposed, but felt it important the record should reflect that the Commission might entertain a PUD with 3 units.

TMAPC Action: 6 members present: (PUD #332)

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, Inhofe, "absent") to DENY the requested PUD, as proposed, on the following described property:

Lots 5 and 6, DeVasher Subdivision, Tulsa, Tulsa County, Oklahoma.

Application No. Z-5853
Applicant: Tannehill (Brook)
Location: 10210 East 61st Street

Present Zoning: RS-3
Proposed Zoning: IL & OL

Date of Application: June 2, 1983
Date of Hearing: July 13, 1983
Size of Tract: 1.96 acres

Presentation to TMAPC by: Tom Tannehill
Address: 1516 South Yorktown Place

Phone: 749-4694

Relationship to the Comprehensive Plan: Z-5853

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2 acres in size and located 1/2 mile east of Mingo Road on the south side of 61st Street. It is non-wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a mixture of single-family, commercial and industrial uses zoned IL, on the east and west by residential uses zoned RS-3 and on the south by a single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have established the area north of 61st Street as light industrial or transitioning to light industrial.

Conclusion -- Based upon the fact that the area is across the street from industrial zoning, the Staff can support multifamily or light office zoning on those tracts with frontage on 61st Street or Mingo Road; however, tracts that have frontage only on interior streets are not appropriate for uses other than residential. This area is residentially developed and contains Union Middle School two lots to the west. It would be detrimental to the school and the residences to establish commercial along the south side of 61st Street.

Since the applicant advertised the north-half for IL only and the South-half for OL only, the Staff recommends DENIAL of both because of the facts pointed out in the above review and the fact IL is not in accordance with the Plan Map.

Applicant's Comments:

Mr. Tom Tannehill represented Mr. Masengill, a potential buyer of the property. This area is no longer a single-family neighborhood. Commercial zoning has been approved on the southeast corner of 61st and Mingo. All of the tracts in this area are about 2 1/2 acres. In December, the City will begin a bond process to allow the creation of the Mingo Valley Expressway. There will be an access ramp from this

Application No. Z-5853 (continued)

property to the west, which will cut off 70' of frontage. The property cannot remain low intensity after access is given for the expressway. All of the property to the north is zoned IL. The property owners of 3 rent houses to the south has no objection. The only interest was generated by the access to 61st Street, which is residential, so access would not be approved by the T.A.C. or the Planning Commission. There is presently CO zoning on the east side of the expressway. All of the physical features of the property shows it is not low intensity.

Mr. Gardner was concerned about the increase in traffic, which would compete with the access lane. Chairman C. Young wondered if it would be reasonable to leave a strip of RS-3 on the south side. Mr. Gardner explained this would depend on what is going to be done in this area. If IL were approved on the north side, it wouldn't matter. If the Commission wants the area to remain residential, only the frontage should be rezoned industrial. This is a unique and older residential neighborhood that has not been recognized for industrial. It is not potential corridor because that would wipe out the existing residential. Union School is in the area and schools are not usually in industrial districts. Chairman C. Young stated he could support IL on the north-half and leave the rest RS-3. Commissioner Petty thought this was a reasonable compromise, but was bothered about zoning a parcel that the City will have to purchase for the expressway.

Protestants: None.

Instruments Submitted: 18 photographs of the subject tract and surrounding areas (Exhibit "E-1")

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property advertised for IL be rezoned and the balance remain RS-3:

LEGAL PER NOTICE

The N/2 of Lot 4, Block 1, Union Gardens Addition to the City and County of Tulsa, Oklahoma.

The S/2 of Lot 4, Block 1, Union Gardens Addition to the City and County of Tulsa, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION

The N/2 of Lot 4, Block 1, Union Gardens Addition to the City and County of Tulsa, Oklahoma.

Application No. Z-5854

Present Zoning: RS-1

Applicant: Hall (Guaranty National Bank)

Proposed Zoning: CH

Location: NE corner of Admiral Place and Lynn Lane

Date of Application: June 3, 1983

Date of Hearing: July 13, 1983

Size of Tract: 5 1/2 acres

Presentation to TMAPC by: Mike Taylor (Sisemore-Sack-Sisemore)

Address: 4731 S. Memorial Dr. 74145 Phone: 665-6540

Relationship to the Comprehensive Plan: Z-5854

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District -- Low Intensity Residential until a need for industrial intensities are demonstrated.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5.5 acres in size and located at the northeast corner of Admiral Place and Lynn Lane. It is partially wooded, flat, vacant and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on the north by I-44, on the east by large lot single-family dwellings zoned RS-1, on the south by a mixture of single-family and commercial uses zoned CS, and on the west by vacant land zoned RS-1.

Zoning and BOA Historical Summary -- Past zoning actions have established a five-acre tract of CS at the southeast corner of the intersection and the area between I-44 and Admiral Place is in transition to industrial uses.

Conclusion -- Since the CH is inappropriate for the area, but the Comprehensive Plan calls for industrial intensity uses and the Development Guidelines allows a medium intensity node at the intersection, the Staff can support CS zoning.

Therefore, the Staff recommends APPROVAL of CS and DENIAL of CH or CG.

Applicant's Comments:

Mr. Mike Taylor of Sisemore-Sack-Sisemore represented the applicant. He could agree with the Staff recommendation for CS zoning.

Protestants: Mr. Charles Palmer
Mr. & Mrs. Oscar Frommel
Ms. Margaret Frommel
Mr. & Mrs. Hugh Lear

Addresses: 17980 E. Brady Street
17920 E. Admiral Place
17929 E. Admiral Place
19125 E. Archer

Protestants' Comments:

Mr. Charles Palmer was concerned about the drainage and requested the zoning be denied for a more detailed study of the drainage. The area is totally covered by water when it rains. There is already a lot of

Application No. Z-5854 (continued)

commercial zoning at 161st Street, which is the only entrance to I-44 unless you use 193rd Street. Traffic always backs up at 161st in order to get on the interstate. Lynn Lane is being used by Broken Arrow residents to get to I-44 because the Broken Arrow Expressway is so backed up.

Mrs. Oscar Frommel is concerned because the higher intensity zoning is getting closer to her property.

Mrs. Betty Lear lives on the north side of the expressway in Rogers County. The homes here are expensive and there is already so much commercial at 193rd and 161st Streets. Admiral is already a busy street. She strongly urged the Commission to study this request for more commercial.

Mr. Oscar Frommel wondered what the applicant plans to move onto the property and Mr. Gardner explained the application stated it would be an automotive parts, sales and installation business.

Mr. Taylor expounded on this by stating it will be an automotive parts sales store specializing in 4-wheel drive parts. There will be a bay to install some of the equipment sold. However, it will not be a garage. Mr. Gardner advised the parts store can be accommodated in a CS District, but the repair or sales of automobiles would require CG or IL.

Mr. Taylor requested this item be tabled. He was concerned about all the problems brought up with the traffic and flooding. He is willing to work with the residents.

Ms. Margaret Frommel wondered about screening and was informed a fence would be required.

Mr. Hugh Lear would be opposed to IL more than CS zoning. He had no objection to a business, but thought it should be very limited so as not to be a detriment to the area.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to continue consideration of Z-5854 until August 17, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 333
Applicant: Burrows (Rader)
Location: 5623 South Lewis Avenue

Present Zoning: (OL & RS-2)

Date of Application: June 3, 1983
Date of Hearing: July 13, 1983
Size of Tract: .834 acre

Presentation to TMAPC by: Lynn Burrow
Address: P. O. Box 740235 - 74147

Phone: 258-8621

STAFF RECOMMENDATION:

Planned Unit Development No. 333 is located just north of 57th Street South on the east side of Lewis Avenue. It is approximately .8 of an acre in size and zoned a combination of OL and RS-2. The applicant is requesting PUD supplemental zoning to allow an office use over the entire tract.

The Staff reviewed the proposal and find that it is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; (4) designed in a manner that provides proper accessibility, circulation and functional relationship of uses; and (5) is consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #333, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval.

- (2) Development Standards:

Land Area (Gross):	.83 acre
(Net) :	.69 acre
Permitted Uses:	Uses permitted by right within an OL District.
Maximum Floor Area:	5,000 square feet
Maximum Building Height:	1-story
Minimum Internal Open Space:*	19% of net area
Minimum Building Setbacks:	
From Lewis Avenue;	50 feet
from abutting OL Zoning;	10 feet
from abutting RS-2 Zoning:	10 feet, plus 2 feet for every 1-foot building height that is in excess of 15 feet.
Other Bulk and Area Requirements:	As required within an OL District
Off-Street Parking:	1 space per 250 square feet of floor area.

*Internal open space shall include perimeter landscape area within the development area boundaries, parking islands and plaza, but excludes walkways which solely provide minimum pedestrian circulation.

PUD #309 (continued)

The Staff has reviewed the submitted Covenants and find that they are consistent with the approved PUD conditions and recommend approval, subject to the Legal Department's approval as to form.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to approve the submitted covenants, subject to approval by the Legal Department.

PUD #111-B Kivel East 31st Street at South 132nd East Avenue

The Staff advised this request is to be withdrawn.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to withdraw this requested minor amendment to PUD #111-B.

PUD #296 Ash (Pinehurst Development Co.) East of the SE corner of 17th Place and Quincy Avenue

A letter was submitted from Mr. Douglas Shrout of Pinehurst Land and Development requesting this item be continued until July 20, 1983, (Exhibit "G-1").

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, T. Young, Inhofe, "absent") to continue this minor amendment for PUD #296 until July 20, 1983, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #128-A-5 Shaw (Goble & Ramsey) 7756 South Trenton Avenue

STAFF RECOMMENDATION - Minor Amendment - (Lot 36, Block 8, Kensington II Amended Addition)

The subject tract is located at 7756 South Trenton Avenue and the PUD requires a 25-foot front setback. The applicant is requesting to encroach 5 feet into the front yard resulting in a 20-foot setback.

The subject tract has depth but is located on a curve and has side property lines that converge as they extend back from the street. The farther the house is moved back the smaller the side yards become. As shown on the submitted site plan the side yards are adequate with a 20-foot front yard setback.

Based upon the lot configuration, the Staff can recommend APPROVAL of the requested 20-foot front yard setback, subject to the site plan submitted.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Higgins, Hinkle, Petty, C. Young, Woodard, "aye"; no "nays"; no "abstentions"; Flick, Kempe, Miller, Inhofe, "absent") to approve the

PUD #128-A-5 (continued)

requested 20-foot front yard setback for Lot 36, Block 8, Kensington
II Amended Addition, subject to the site plan submitted.

There being no further business, the Chair adjourned the meeting at 5:50 p.m.

Date Approved

August 10, 1983

R. S. Reiff
Chairman

ATTEST:

Marilyn Linder
Secretary

TMAPC RECEIPTS
MONTH OF JULY, 1983

<u>ZONING</u>		<u>CITY</u>	<u>COUNTY</u>	<u>TOTAL RECEIPTS</u>
Letters	10	\$ 25.00	\$ 25.00	\$ 50.00
Zoning	20	1,900.00	1,900.00	3,800.00
Fee Waived	0	-0-	-0-	-0-
		\$1,925.00	\$1,925.00	\$3,850.00
 <u>LAND DIVISION</u>				
Preliminary Plats	7	\$ 425.00	\$ 425.00	\$ 850.00
Final Plats	5	283.00	283.00	566.00
Plat Waivers	2	37.50	37.50	75.00
Access Changes	1	25.00	25.00	50.00
Lot-Split	28	267.50	267.50	535.00
Fee Waived	5	-0-	-0-	0-
		\$1,038.00	\$1,038.00	\$2,076.00
 <u>BOARD OF ADJUSTMENT</u>				
Fees	52	\$5,005.00	\$ 725.00	\$5,730.00
Fee Waived	0	-0-	-0-	-0-
		\$5,005.00	\$ 725.00	\$5,730.00
		<u>\$7,968.00</u>	<u>\$3,688.00</u>	<u>\$11,656.00</u>
 <u>DEPOSITS RECEIPT</u>				
023671				\$ 2,665.00
023229				1,657.00
022761				4,834.00
022130				2,500.00
				<u>\$11,656.00</u>

