

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1479
Wednesday, October 26, 1983, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHER PRESENT
Connery Draughon Flick Hinkle, Secretary Woodard C. Young, 1st Vice- Chairman T. Young	Beckstrom Higgins Kempe Inhofe	Compton Gardner Lasker Martin	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, October 25, 1983, at 11:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 1st Vice-Chairman C. Young called the meeting to order at 1:42 p.m.

MINUTES:

On MOTION of DRAUGHON, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the Minutes of October 12, 1983, (No. 1477).

REPORTS:

Director's Report:

Mr. Gardner presented a memorandum to the Commission including the TMAPC policy concerning PUDs that encroach within building setbacks or easements on recorded plats. The policy which was previously approved in concept by the Planning Commission reads as follows:

Beginning November 1, 1983, it shall be the policy of the Tulsa Metropolitan Area Planning Commission that all buildings constructed or under construction which encroach within required building setbacks as set forth in the applicable Zoning Ordinance and/or within utility easements on recorded plats and which require PUD amendment shall constitute a major amendment and shall require 20 days notice to all property owners within a 300-foot radius of the exterior boundary of the subject lot.

TMAPC Action: 7 members present.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to approve the policy statement concerning PUD building setback encroachments as presented by the Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5874 Present Zoning: RS-3
Applicant: Grimmer (Vandever) Proposed Zoning: OL
Location: East of the NE corner of Peoria Avenue and 35th Street

Date of Application: July 25, 1983
Date of Hearing: October 26, 1983
Size of Tract: .32 acres

Presentation to TMAPC by: Mr. Harold Grimmer
Address: 3601 East 51st Street Phone: 745-0123

Relationship to the Comprehensive Plan: Z-5874

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 OL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .32 acres in size and located just east of the NE corner of 35th Street and South Peoria Avenue. It is wooded, flat, contains a small single-family dwelling zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north and east by a single-family neighborhood zoned RS-3, on the south by a structure with an unknown use zoned OL, and on the west by a small office zoned RS-3, approved by the Board of Adjustment.

Zoning and BOA Historical Summary -- Past zoning actions have allowed uses other than residential to occur adjacent to the existing CH. The BOA allowed an interior design consultant office on the tract to the west of the subject tract.

Conclusion -- The subject tract is within the boundary of the recent Brookside Study area. This Study designates the subject tract for parking to aid in the lack of sufficient off-street parking in the area as a result of no parking requirements in the CH District. Based upon the Special Study and Land Use facts in the area, the Staff recommends APPROVAL of Parking (P) and DENIAL of Light Office (OL).

Applicant's Comments:

Mr. Harold Grimmer stated he was in concurrence with the Staff Recommendation and added that the original intent of the application was for P zoning on the subject property.

Protestant and Interested Party: Caroline Robertson Addresses: 1404 E. 35th Street
J. D. Thompson 1407 E. 35th Street

Protestant and Interested Party Comments:

Mrs. Caroline Robertson stated the Brookside Area Homeowner's Association has no objection to the proposed zoning for parking as it is in compliance
10.26.83:1479(2)

Z-5874 (continued)

with the recent Brookside Area Special Study. Mrs. Robertson stated the Association would be in opposition to the OL zoning now and in the future.

Mr. J. D. Thompson stated he was opposed to the zoning request for parking because he believes the change in zoning will eventually lead to a commercial zoning.

Commissioner C. Young advised if the property were to be used for anything other than parking another public hearing would be required.

TMAPC Action: 7 members present.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned P as recommended by the Staff which is in accordance with the Brookside Area Special Study:

Lot 11, Block 2, Oliver's Addition to the City of Tulsa, State of Oklahoma.

ZONING PUBLIC HEARING:

Application No. CZ-94 Present Zoning: AG
Applicant: Jack William Day Proposed Zoning: RE
Location: North of the NW corner of 131st Street South and 145th E. Ave.

Date of Application: September 1, 1983
Date of Hearing: October 26, 1983
Size of Tract: 1.14 acres

Presentation to TMAPC by: Jack Day
Address: 12808 South 145th East Avenue Phone: 451-1681

Relationship to the Comprehensive Plan: CZ-94

The Comprehensive Plan for the Broken Arrow Area, designates the subject property Low Intensity.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.14 acres in size and located on the west side of 145th East Avenue, just north of 131st Street. It is partially wooded, gently sloping, contains one single-family dwelling and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north and west by large lot single-family dwellings in the County zoned AG, on the east by vacant land in the County zoned AG and on the south by large lot single-family dwellings in the City of Broken Arrow zoned A-1 and R-5C.

Zoning and BOA Historical Summary -- Outside of the commercial corners a variety of residential uses and densities have been allowed.

Conclusion -- Based upon the Comprehensive Plan, surrounding land uses, and existing zoning patterns in the area, the Staff recommends APPROVAL of the requested RE zoning.

Applicant's Comments:

Commissioner C. Young read a letter from the Broken Arrow Planning Commission who recommended approval of the RE zoning as requested (Exhibit "A-1").

Mr. Jack Day stated he was in agreement with the Staff Recommendation.

Protestants: Mr. Harrold Address: 7102 West 61st Street

Protestant's Comments:

Mr. Harrold, attorney, represented Mr. and Mrs. Bob Cook, who are land-owners with adjacent property to the subject tract on 3 sides. The Cooks are opposed to the rezoning because there is a dispute between Mr. Day and the Cooks revolving around the drainage in the Aspen Creek Floodplain which touches and reaches upon the applicant's property. It was advised that Mr. Day located a portable barn on the far northwest corner of the property which sits within 30' of the Cooks' residence and the Zoning Code requires a 40' setback. It was the Cooks' opinion the reason Mr. Day filed the rezoning request was to avoid the requirements as set forth in the Tulsa County Zoning Code.

CZ-94 (continued)

The main objection voiced by the Cooks is the existence of a drainage problem in the Aspen Creek Floodplain which will make the drainage problem more severe and will adversely affect the Cooks' property.

The Staff advised the subject property is appropriate for RE zoning at present based upon the Zoning Map for the area. The Commission was reminded that there is less restrictive residential zoning to the south with RE zoning located to the east of the subject tract.

There was some question on the drainage and the Staff advised the drainage would be reviewed by the County Engineering Department. It was stated that the applicant would not be permitted to construct a building on the property that would be in conflict with the flood maps in the area.

Applicant's Rebuttal:

Mr. Day stated the subject property was previously owned by the Cooks who placed a drain 4' to 5' underground on that property and it has caused major problems for Mr. Day. When the Cooks sold the property they did not follow the County Zoning Code in requesting a lot split. Mr. Day stated the proposed location of his structure is the only suitable location on the subject lot and stated he did not place it at that location for spite.

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

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RE as recommended by the Staff:

The South 198 feet of the E/2 of the NE/4 of the SE/4 of the SE/4, Section 4, Township 17 North, Range 14 East of the IBM, Tulsa County, State of Oklahoma.

Application No. Z-5886
Applicant: Bybee (TURA)
Location: East of the SE corner of Apache Street and Cincinnati Avenue

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

Date of Application: September 6, 1983
Date of Hearing: October 26, 1983
Size of Tract: 5 acres, more or less

Presentation to TMAPC by: Donald Bybee
Address: 707 South Houston Avenue

Phone: 587-4114

Relationship to the Comprehensive Plan: Z-5886

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property - Neighborhood Development Plan 1.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5 acres in size and located on the south side of Apache Street, just east of Cincinnati Ave. It is non-wooded, gently sloping, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north across Apache Street by a single-family neighborhood zoned RS-3, on the east and south by a single-family neighborhood zoned RS-3, and on the west by commercial uses zoned CH.

Zoning and BOA Historical Summary -- Past zoning actions have allowed a scattering of commercial and office zoning along Apache Street.

Conclusion -- The Neighborhood Development Plan for the area identifies the subject tract to be developed as is requested under this application. Since the Neighborhood Plan was approved previously by the TMAPC and the request is consistent with the Plan, the Staff would recommend APPROVAL of the requested CS and OL zoning.

The Staff feels obligated to note, for the record, that the Plan also designates the single-family area north across Apache Street to remain single-family. We feel that approval of this application should be accompanied by a recommendation to amend the Plan for those lots across the street because it would be difficult to maintain these homes for a long time fronting into non-residential uses.

Applicant's Comments:

Mr. Donald Bybee was in concurrence with the Staff Recommendation.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS and OL as recommended by the Staff, with a recommendation to amend the Plan for those lots across the street:

10.26.83:1479(6)

Z-5886 (continued)

From RS-3 to CS:

The South 115 feet of the east 60 feet of Lot 6, and the south 115 feet of Lot 5, Block 1, ACRE GARDENS ADDITION to the City of Tulsa.

From RS-3 to OL:

The South 115 feet of Lots 1 thru 5, YATES SUBDIVISION OF ACRE GARDENS ADDITION to the City of Tulsa,

and

The South 115 feet of Lot 2, Block 1, ACRE GARDENS ADDITION to the City of Tulsa.

Application No. Z-5887 Present Zoning: AG & IR
Applicant: Mizener (LaBarge) Proposed Zoning: CS & IL
Location: SW corner of Admiral and 161st East Avenue

Date of Application: September 7, 1983
Date of Hearing: October 26, 1983
Size of Tract: 19.7 acres

Presentation to TMAPC by: Bill Mizener
Address: 9902 East 43rd Street Phone: 665-3830

Relationship to the Comprehensive Plan: Z-5887

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use and Consideration Area 3 -- Uses allowed within Low Intensity.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS and IL Districts are not in accordance with the Consideration Area and are not in accordance with the Low Intensity designation.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 19.7 acres in size and located at the southwest corner of Admiral Place and 161st East Ave. It is partially wooded, sloping, vacant and zoned a combination of AG and IR.

Surrounding Area Analysis -- The tract is abutted on the north by commercial, residential and industrial uses zoned IL and RS-3, on the east by vacant land zoned CS and a church zoned RS-3, on the south by vacant land zoned AG and IR, and on the west by vacant land zoned IR.

Zoning and BOA Historical Summary -- For a distance of 1 1/2 miles either side of the subject tract, past zoning actions have held non-residential uses on the south of Admiral Place to a depth no greater than 350 feet, with 2 exceptions. The first exception is the non-residential IR zoning district abutting the subject tract on the west and southwest; however, this zoning was granted prior (1970) to the adoption of the Comprehensive Plan for this area and the Development Guidelines. The uses allowed within an IR District are very limited, and include scientific research and office and require a 50-foot building setback from residences and limited building coverage. Pan American Research at 41st Street and Yale Avenue is zoned IR and surrounded on two sides by single-family homes. The second exception is IL zoning located near 145th East Avenue which the Staff feels merits an amendment to the Comprehensive Plan and zoning patterns in the area. However, we do not agree that this IL zoning and depth of the approval should dictate zoning policy for the entire mile.

Conclusion -- Based on existing zoning patterns and surrounding land uses in the area, the Staff can support the requested CS zoning. We do not feel that the one very old and restrictive IR zoning within a three-mile strip on the south side of Admiral and the IL zoning 3/4th of a mile west is enough reason to break the predominate 350-foot depth of non-residential zoning in the area. Therefore, given the IR zoning on a portion of the subject tract and the fact that medium intensity zoning extends to a depth of 350 feet in the area, the Staff recommends APPROVAL of CS zoning

Z-5887 (continued)

as applied for, IL zoning for a depth of 350 feet along Admiral Place and IR zoning on the balance of the application.

Applicant's Comments:

Mr. Bill Mizener stated the use of the IL zoning does not comply with the Comprehensive Plan, but felt circumstances had changed in the area making the property industrial in nature. The character of the neighborhood is clearly for trucking and the owner of the property proposes to place a trucking facility on the property.

Mr. Mizener stated that notice was given to the property owners within 300' of the subject tract and letters from landowners to the north, south, east and west were written in support of the proposed zoning (Exhibit "B-1").

Interested Party: Jim R. Tenavitch Address: 2140 South Harvard Avenue

Interested Party's Comments:

Mr. Tenavitch represented the future landowner of the property located directly east of the subject tract who is also the owner of the Tulsa Truck Plaza located at I-44 and 161st East Avenue. It was believed the subject area is mostly being developed in an industrial use and approximately 3/4ths of the surrounding area is being used in trucking operations at the SW corner of Admiral Place and 161st East Avenue. Mr. Tenavitch felt the trend for the area in the future will be for industrial use.

Mr. Flick was concerned that the IL zoning for a depth of 350' along Admiral Place would greatly affect the use of the property as presented by the applicant. Mr. Gardner stated the Staff would not have recommended the IL portion if the tract just to the west on the south side had not already been zoned under the IL classification. The Staff felt the property should be used for office or industrial research rather than IL zoning. The Staff was concerned with the depth and was concerned that the use would back up to single-family residences.

Commissioner T. Young expressed concern with the area immediately south of the proposed CS zoning as it is located across from multifamily residences and a church. He suggested that the property be rezoned IL with the exception of the square section south of the CS zoned property to be zoned AG.

Commissioner C. Young did not feel AG zoning should be placed on the south square section of the property because he did not feel it would be the highest and best use of the property. He expressed concern for the tract zoned RS-3 located to the west.

TMAPC Action: 7 members present.

On MOTION of DRAUGHON, the Planning Commission voted 2-5-0 (Draughon, Flick, "aye"; Connery, Hinkle, Woodard, C. Young, T. Young, "nay"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend denial to the Board of City Commissioners that the property be IR on the south section (350' x 350') with CS zoning on the northeast section (350' x 350') with IL zoning on the remainder of the tract:

Special Discussion for the Record:

Commissioner C. Young felt that IR zoning should be placed along the south-half of the property and Commissioner T. Young was in agreement with that

Z-5887 (continued)

statement as recommended by the Staff.

Instruments Submitted: 5 letters from property owners in support of the zoning request (Exhibit "B-1")

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-1-0 (Connery, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; Draughon, "nay"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be zoned CS as applied for, IL zoning for a Depth of 350' along Admiral Place and IR zoning on the balance of the property:

LEGAL PER NOTICE

The North 660' of Lot 8, and the North 660' of the East 1.08' of Lot 7, in the NE/4 of the NE/4 of Section 3, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

LEGAL PER PLANNING COMMISSION ACTION

CS: The North 350' of the East 350' of Lot 8 in the NE/4 of the NE/4 of Section 3, Township 19 North, Range 14 East; and

IL: The North 350' of Lot 8, LESS and EXCEPT the East 350' and the North 350' of the East 1.08' of Lot 7 in the NE/4 of the NE/4 of Section 3, Township 19 North, Range 13 East; and

IR: The South 310' of the North 660' of Lot 8, in the NE/4 of the NE/4 of Section 3, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5888 Present Zoning: CS, RM-0, RS-3 and PUD #220
Applicant: Norman (Hardesty) Proposed Zoning: CO
Location: North side of East 91st Street, between Mingo and Garnett Roads

Date of Application: September 8, 1983
Date of Hearing: October 26, 1983
Size of Tract: 320 acres, more or less

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

Relationship to the Comprehensive Plan: Z-5888

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential with the west-half having a potential for Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CO District is in accordance with the Plan Map on the west-half and is not in accordance on the east-half.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 320 acres in size and located on the north side of 91st Street, between Mingo Road and Garnett Road. It is partially wooded, rolling, vacant, and zoned a combination of CS, RM-0, RS-3 and PUD.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned AG, on the east by a mixture of commercial and residential uses zoned agricultural, residential and commercial and located within the Broken Arrow City Limits, on the south by mostly vacant land and a few scattered large lot single-family dwellings zoned AG and CO, and on the west by scattered large lot single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- Past zoning actions have allowed CO zoning on both sides of the proposed Mingo Valley Expressway, north and south of the subject tract.

Conclusion -- The Comprehensive Plan designates 3/4ths of the mile section as potential Corridor. We cannot find any land use factors for excluding the SE/4 of the section from Corridor consideration. The Staff feels the Comprehensive Plan Map is incorrect and the area does merit consideration for Corridor zoning.

Based upon the above review, the Comprehensive Plan designation for the western portion of the tract, and previous CO approvals both north and south of the subject tract, the Staff recommends APPROVAL of CO, Less and Except that portion needed for the expressway right-of-way which should remain RS-3.

We would note for the record that this approval would abandon the PUD #220 Ordinance and all the conditions of its approval. The type and intensity of the land use approved within the Corridor in the future will depend on several factors, including status of the expressway, surrounding land use, Development Guidelines, etc.

Z-5888 (continued)

Commissioner T. Young asked if the TMAPC has a procedure which would need to be followed in abandoning PUD #220. The Staff advised in this instance the property was never platted and nothing was filed of record in the County Clerk's office, but the PUD was granted and a PUD Ordinance was written. When a zoning request has been filed and approved it does away with the former Ordinance when the new Ordinance is adopted or approved.

Applicant's Comments:

Mr. Charles Norman stated he was in agreement with the Staff Recommendation and requested that the Planning Commission action be in accordance with the recommendation.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO, LESS and EXCEPT that portion needed for the expressway right-of-way which should remain RS-3 and legally described by the applicant prior to Ordinance publication:

The S/2 of Section 18, Township 18 North, Range 14 East, Tulsa County, Oklahoma.

Application No. Z-5889 Present Zoning: AG
Applicant: Cameron (Henninger) Proposed Zoning: RM-1 & FD
Location: West side of Delaware, between East 96th Street and 101st Street

Date of Application: September 12, 1983
Date of Hearing: October 26, 1983
Size of Tract: 4.55 acres

Presentation to TMAPC by: David Cameron
Address: 201 West 5th Street, Suite 400 Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5889

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use and Development Sensitive.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 4.55 acres in size and located 1/3rd mile south of the southwest corner of South Delaware Avenue and the Jenks Bridge Road. It is wooded, flat, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant land zoned RM-1/PUD #306, on the east by mostly vacant land zoned RM-1/PUD #306, on the south by a single-family dwelling zoned AG and on the west by the Arkansas River.

Zoning and BOA Historical Summary -- Past zoning actions have allowed RM-1 and OM zoning between the Arkansas River and South Delaware Avenue from the Riverside Expressway on the north to 101st Street on the south.

Conclusion -- Based upon the Comprehensive Plan, existing zoning patterns and surrounding land uses in the area, the Staff recommends APPROVAL of RM-1 zoning on that portion of the tract outside any designated floodway and FD on any portion in the floodway.

Applicant's Comments:

Mr. David Cameron stated he was in agreement with the Staff Recommendation.

Protestants: None.

TMAPC Action: 7 members present.

On MOTION of FLICK, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1 on that portion of the tract outside any designated floodway and FD on any portion in the floodway, as recommended by the Staff:

The South 100' of Lot 5 and the North 50' of Lot 8, Section 20, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. CZ-96 Present Zoning: AG
Applicant: Golden (Eastern Oklahoma Land & Cattle Co.) Proposed Zoning: RS
Location: North of West 41st Street between 161st W. Avenue & 177th West Avenue

Date of Application: September 14, 1983
Date of Hearing: October 26, 1983
Size of Tract: 70 acres +

Presentation to TMAPC by: Charles Golden
Address: 4710 West 89th Street Phone: 446-8845

Relationship to the Comprehensive Plan: CZ-96

The Comprehensive Plan for the Sand Springs Area, designates the subject property Rural Residential.

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

Staff Recommendation:

Site Analysis -- The two subject tracts are in total approximately 70 acres in size and located north and east of the northeast corner of 177th West Avenue and 41st Street. They are heavily wooded, steeply sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the east and west by mostly vacant land zoned AG and on the south by some scattered large lot single-family dwellings and vacant land zoned AG.

Zoning and BOA Historical Summary -- There have been no past zoning actions in the area other than the original AG zoning assigned by the County in 1980.

Conclusion -- The subject area is rural in nature and without means to sewer the land must develop at RE standards or greater. Water and adequate water pressure and sizing of pipes will be addressed in the platting process. Therefore, based upon the Comprehensive Plan and surrounding land uses, the Staff recommends APPROVAL of RE zoning and DENIAL of the requested RS zoning.

Applicant's Comments:

Commissioner C. Young read a letter in reference to the Sand Springs Regional Planning Commission who voted 5-0-0 to recommend approval of RE zoning. (Exh. C-1) Their recommendation included an additional recommendation that the applicant apply to the Tulsa County Board of Adjustment for a waiver of the 150' frontage requirements in an RE district down to a 125' frontage minimum.

Mr. Gardner advised the County Engineer made a review of the floodplain and the topography of the area. The Staff felt it might be inappropriate to zone the extreme northeast corner of the tract because of the topography. Mr. Gardner suggested that the zoning of the northeast corner should be determined by the applicant and County Engineer. It was also advised the Staff has no objection to the 120' lots, as requested, if approval is granted by the County Board of Adjustment.

CZ-96 (continued)

Mr. Charles Golden submitted a topography map of the subject tract which indicates that the northeast corner of the tract could be developed. (Exh. C-2) Mr. Golden also submitted a letter from the Tulsa County Rural Water Department concerning the water supply in the area (Exh. C-3). The applicant was in concurrence with the Staff Recommendation.

The Commission reviewed the topography map as submitted.

Instruments Submitted:

Letter from the Sand Springs Regional Planning Commission	(Exh. C-1)
Topography map	(Exh. C-2)
Letter from the Tulsa County Rural Water Department	(Exh. C-3)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Connerly, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned RE on both tracts, Less and Except any portion determined to be in the floodplain:

The W/2 SW/4 SE/4, less 1.4 acres, more particularly described as follows, to-wit: Beginning at a point 2,030.00 feet west of and 60.00 feet north of the southeast corner of said SE/4; thence north 89°19'00" west parallel to and 60.00 feet from the southerly boundary of said SE/4 a distance of 210.0 feet; thence north 00°41'00" east a distance of 290.40 feet; thence south 89°19'00" east a distance of 210.00 feet; thence south 00°41'00" west a distance of 290.40 feet to the Point of Beginning, containing 60,984 square feet, or 1.4000 acres; and the W/2 E/2 SW/4 SE/4; and the E/2 SE/4 SW/4; and the E/2 W/2 SE/4 SW/4; and the NW/4 SW/4 SW/4 of Section 19, Township 19 North, Range 11 East, Tulsa County, State of Oklahoma.

Application No. Z-5891
Applicant: Norman (Harbour Properties)
Location: South of East 61st Street & West of right-of-way for the extension of
Riverside Drive

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

Date of Application: September 15, 1983
Date of Hearing: October 26, 1983
Size of Tract: 21.27 acres

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

Phone: 583-7571

Relationship to the Comprehensive Plan: Z-5891

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested RM-2 District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 21.27 acres in size and the majority of the tract is located between the Arkansas River and the Riverside Expressway right-of-way line south of 61st Street. It is wooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by the River Park zoned RS-3, on the east by the proposed Riverside Expressway zoned RS-3, on the south by vacant land zoned CS, and on the west by the Arkansas River.

Zoning and BOA Historical Summary -- Past zoning actions have established the area east of the subject tract appropriate for medium intensity zoning.

Conclusion -- The Staff feels the Low Intensity--Public designation on the subject tract is inappropriate since the public does not own the land. The remainder of the surrounding triangular shaped area has been designated for medium intensity uses because of past zoning actions and because of the accessibility to the expressway and abutting arterials.

Based upon the surrounding land uses and zoning patterns, the Staff recommends APPROVAL of RM-2 on the subject tract, Less and Except any portion that is determined to be within the designated floodway, which would be zoned FD.

We would note for the record that this tract has limited access both now and in the future. Also, a small portion appears to be within the right-of-way for the Riverside Expressway as determined by the State Highway Department. The Staff expects these factors to be discussed thoroughly by the T.A.C. and T.M.A.P.C. in the platting process and resolved in an acceptable manner.

The Staff submitted a letter from the State of Oklahoma Department of Transportation with an attached map (Exh. D-1). The Department of Transportation has no objection to the proposed zoning change but asked that the owner and developer obtain a dedication of the property shown in blue for public right-of-way in the name of the State or City of Tulsa.

Z-5891 (continued)

Applicant's Comments:

Mr. Norman, who represented Harbour Properties Ltd., stated he was in agreement with the Staff Recommendation then proceeded to advise the Commission of the background on the subject property. The subject tract lies west of the existing right-of-way for the extension of Riverside Drive and east of the "meander line" of the Arkansas River. The tract is over 3,000' in length and widens out from east and west to approximately 140' at 61st Street and to an excess of 350' toward the middle and southern end of the property.

Mr. Norman advised that Harbour Properties Ltd intends to develop the southern end of the tract using fill from the northern portion which is to be developed into a park area. The jogging/bicycling trail will be extended the entire length of the Harbour Property which now ends near 61st Street.

Mr. Norman informed that all portions of the subject tract are outside of the floodway. All utilities are available to the property including major storm water drainage across the property. Mr. Norman felt additional right-of-way may need to be acquired to extend from Riverside Drive southward from 61st to 71st Street. A photograph of the subject property was submitted (Exh. D-2).

The applicant has received a tentative approval from the City Engineer and Traffic Engineer for access from 61st Street to the property. A cul-de-sac will be developed which will be used as a project entry and turn around area for traffic which mistakably enters the property.

Protestants: John Gibbons

Address: 5650 So. Zunis

Protestant's Comments:

Mr. Gibbons stated he owns the property to the east of the subject tract and advised that approximately 95% of the subject tract is located within the floodplain. Mr. Gibbons also questioned why the Commission would permit the applicant to cross Riverside Drive when there are no crossings between 11th Street and 61st Street.

Applicant's Rebuttal:

Mr. Norman stated that Mr. Gibbons mother is one of the 12 to 15 heirs who signed the contract to sell the subject property to Harbour Properties Ltd. west of the right-of-way line. The zoning application covers that part of the property purchased which lies west of the right-of-way and the bank of the Arkansas River. Mr. Norman felt it safe to say that Mr. Gibbons did not object to the proposed zoning but some matters relating to the contract.

Instruments Submitted: Letter from Department of Transportation (Exh. D-1)
Photograph of the subject property (Exh. D-2)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-2, Less and Except any portion that is determined to be within a designated floodway, which would be zoned FD:

A tract of land in part of U.S. Government Lots 2, 6, and 7, Section 1, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to wit:

Z-5891 (continued)

Commencing at the northeast corner of said Section 1; thence north $89^{\circ}49'30''$ west along the north line of said section 1 a distance of 2,191.20 feet to a point, said point being the Point of Beginning, and the northwest corner of "Gilbert Plaza Addition", an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; thence south $18^{\circ}10'04''$ east along the west line of said "Gilbert Plaza Addition" a distance of 257.90 feet to a point; thence south $11^{\circ}35'30''$ east along the west line of said "Gilbert Plaza Addition" a distance of 2.76 feet to the southwest corner of said "Gilbert Plaza Addition"; thence south $90^{\circ}43'33''$ east a distance of 667.50 feet to a point; thence south $19^{\circ}59'41''$ east a distance of 858.77 feet to a point; thence south $16^{\circ}08'09''$ east a distance of 1,226.34 feet to a point; thence south $18^{\circ}29'14''$ east a distance of 955.74 feet to a point; thence north $88^{\circ}51'37''$ west a distance of 245.29 feet to a point; thence north $20^{\circ}15'00''$ west a distance of 175.00 feet to a point; thence north $29^{\circ}00'00''$ west a distance of 140.00 feet to a point; thence north $19^{\circ}30'00''$ west a distance of 340.00 feet to a point; thence north $29^{\circ}00'00''$ west a distance of 145.00 feet to a point; thence north $10^{\circ}30'00''$ west a distance of 100.00 feet to a point; thence north $29^{\circ}45'00''$ west a distance of 130.00 feet to a point; thence north $16^{\circ}25'00''$ west a distance of 575.00 feet to a point; thence north $9^{\circ}35'00''$ west a distance of 155.00 feet to a point; thence north $19^{\circ}45'00''$ west a distance of 150.00 feet to a point; thence north $10^{\circ}30'00''$ west a distance of 425.00 feet to a point; thence north $4^{\circ}40'00''$ west a distance of 240.00 feet to a point; thence north $15^{\circ}35'00''$ west a distance of 195.00 feet to a point; thence north $11^{\circ}30'00''$ west a distance of 650.00 feet to a point; thence north $8^{\circ}05'00''$ west a distance of 265.00 feet to a point; thence north $16^{\circ}25'00''$ west a distance of 270.00 feet to a point; thence south $89^{\circ}49'30''$ east a distance of 140.00 feet to the Point of Beginning. Containing 926,847.90 square feet or 21.2775 acres more or less.

Application No. PUD 246-A

Present Zoning: OL

Applicant: Nyander (Corporate Oaks)

Location: West of South Granite Avenue, North of East 71st Street

Date of Application: September 15, 1983

Date of Hearing: October 26, 1983

Size of Tract: 5.43 acres

Presentation to TMAPC by: Stuart Nyander

Address: 4538 So. 23rd West Avenue

Phone: 446-0722

Staff Recommendation: PUD #246-A

Planned Unit Development No. 246-A is located just north of the northwest corner of Granite Avenue and 71st Street. It is approximately 5.43 acres in size and approved for office use. The applicant is now requesting a major amendment to increase the permitted floor area and reduce the required parking ratio.

The Staff has reviewed the submitted amendment and compared it to the original PUD conditions and find that the applicant is requesting to increase from (30%) 70,000 square feet of floor area to (36%) 85,000 square feet of floor area. This is well below the maximum allowable under the PUD (40% or 94,640 square feet). Also, the submitted amendment is requesting to reduce the parking requirement from one space per 250 square feet of floor area to one space per 300 square feet of floor area. This request is within the amended Zoning Code requirement, but the Staff would note that it considers the 1/300 requirement the absolute minimum and could not support any further reduction. Finally, there is a minor change to the net land area because of an adjustment of the boundary line between development area from 227,300 square feet to 236,000 square feet.

Based upon the above review the Staff finds the proposal 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; and (4) consistent with the stated purposes and standards of the PUD Chapter.

Therefore the Staff recommends APPROVAL of PUD #246-A, subject to the following conditions:

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

(2) Development Standards:

Area (Net): 236,000 square feet

Permitted Uses: Principal and accessory uses permitted as a matter of right in an OL District and barber and beauty shop.

Maximum Floor Area: 85,000 square feet (36%)

Maximum Building Height: 2 stories*

Minimum Building Setbacks:

From Centerline of Granite Avenue:	60 feet
From North Property Line:	25 feet
From West Property Line:	15 feet
From South Property Line:	40 feet

Parking Ratio (Based on Floor Area): One space per 300 sq ft

Minimum Internal Landscaped Open Space: 59,150 sq ft

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

Signs:

Two ground identification signs which shall not exceed 4 feet in height or 32 feet in length. The lettering on each identification sign shall not exceed 32 square feet in surface area.

*Excludes one level of underground parking.

- (3) That an Owners Association be established to maintain all common paved or open space.
- (4) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a Building Permit.
- (5) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy including the location and design of any sign and screening fence.
- (6) 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.

Applicant's Comments:

The applicant had no comments.

Protestants: None

TMAPC Action: 6 members present.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the conditions set out in the Staff Recommendation:

PUD #246-A (continued)

Lots 2 through 7 inclusive, Block 1 of "Corporate Oaks," an Addition to the City of Tulsa. (A portion of the southwest quarter of Section 3, Township 18 North, Range 13 East, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

Final Approval and Release:

Steeplechase (PUD 337) (2783) 101st & South Kingston (RS-1)
Canyon Creek (PUD 285) (383) 68th & South Canton Avenue (OL)

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

On MOTION of HINKLE, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the final plat of Steeplechase and Canyon Creek and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #341 Taylor (Homecraft) Southwest corner of 66th Place & South Peoria

Staff Recommendation: Minor Amendment - Detail Site Plan Review

Planned Unit Development No. 341 is located at the southwest corner of 66th Place and South Peoria Avenue. It is 5.634 acres in size and has an underlying zoning of RM-2. It is approved for multifamily residential and the applicant is now requesting a minor amendment to reduce the setback between buildings from 10 feet to 8 feet and for Detail Site Plan Review.

The Staff has reviewed the Detail Site Plan and find that there are four locations noted where the buildings are separated by less than 10 feet. Since this is not occurring at just one or two locations and since 8-foot separation between buildings in other multifamily PUDs has been allowed, the Staff can support an across the board reduction of the separation between buildings to 8 feet. Therefore, based on review of the Detail Site Plan, the Staff finds the following:

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Land Area (Gross):	5.981 acres	5.981 acres
(Net):	5.634 acres	5.634 acres
Permitted Use:	Multifamily Resid.	Multifamily Resid.
Maximum No. Dwelling Units:	204 units	204 units
Maximum Building Height:	41 feet	41 feet
Minimum Livability Space:	80,100 sq ft	80,100 sq ft
Minimum Off-Street Parking:	342 spaces	342 spaces

<u>Item</u>	<u>Approved</u>	<u>Submitted</u>
Minimum Building Setbacks:		
from Peoria Ave. Boundary Line:	35 feet	35 feet
from 66th Pl. Boundary Line:	10 feet	10 feet
from West & South Boundary Line:	17.5 feet	17.5 feet
from Tract "A":	5 feet	5 feet
from Internal Lot Lines:	2 feet	2 feet
between buildings:	8 feet*	8 feet

*The eight feet figure is based upon approval of the minor amendment for reduction from 10 feet to 8 feet.

The Staff also reviewed the Specific Development Standards for each of the 10 lots or development areas that the project will be divided into and find that they meet or exceed these requirements.

Based upon the above review, the Staff recommends APPROVAL of both the minor amendment to reduce the setback between buildings from 10 feet to 8 feet and the Detail Site Plan, subject to the plans submitted.

The Staff advised the Landscape Plan would be reviewed at a later date.

TMAPC Action: 6 members present.

On MOTION of FLICK, the Planning Commission voted 6-0-0 (Connery, Draughon, Flick, Hinkle, Woodard, C. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Higgins, Kempe, T. Young, Inhofe, "absent") to approve the minor amendment to reduce the setback between buildings from 10 feet to 8 feet and the Detail Site Plan, subject to the plan submitted and subject to the conditions as set out in the Staff Recommendation.

There being no further business, the Chair adjourned the meeting at 3:00 p.m.

Date Approved

November 9, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Hinkle
Secretary

