

TULSA METROPOLITAN AREA PLANNING COMMISSION  
MINUTES of Meeting No. 1497  
Wednesday, March 14, 1984, 1:30 p.m.  
Langenheim Auditorium, City Hall  
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Beckstrom, 2nd Vice-Chairman Connery Higgins Rice Woodard Young, Chairman	Draughon Flick Hinkle 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, March 13, 1984, at 1:20 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Young called the meeting to order at 1:35 p.m.

MINUTES:

There were no Minutes ready for approval at this time.

REPORTS:

Report of Receipts and Deposits:

The Commission was advised that this report is in order.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to approve the Report of Receipts and Deposits for the month ending February 29, 1984.

Mr. Beckstrom brought up a suggestion for the Planning Commission to consider the Staff Recommendations for the zonings and PUDs be available to the public to help them in their preparation for the public hearing. Mr. Gardner advised that most of the time the Staff is prepared to verbally make their recommendation on a particular piece of land 2 weeks before it is heard by the Planning Commission, but field checks of the site are taken during the week of the meeting, and the final written Staff Recommendation is not usually completed until the day of the hearing. The Staff reserves the right to change their minds anytime even during the meeting. In addition, if the applicant has a written Staff Recommendation a long period before the meeting he would be inclined to argue the pros and cons of the recommendation and not the positive and negative points of the zoning request.

Mr. Beckstrom felt that the Commission and Staff should be sensitive to the applicants and interested parties because they are not professionals in this area, and the Commission is taking action which will affect their property. He suggested that the recommendations be ready by 11:00 a.m. on the day the zoning or PUD is heard by the Planning Commission for the applicant or interested parties to get a copy.

Mrs. Higgins did not feel that the Staff Recommendation should be available to those parties prior to the hearing and was favorable with the procedure as it stands today. She reminded the Commission that the City Commission and County Commission make the final decision, and the Planning Commission is only a recommending body for those Commissions.

Chairman Young asked that the Rules and Regulations Committee make a decision on this matter within the next two weeks and report back to the Commission when a decision has been made. He asked the Staff to notify the chairman of the Rules and Regulations Committee, Cherry Kempe, because she was not in attendance at this hearing.

Chairman Young then advised that the new appointments for the Rules and Regulations Committee and Comprehensive Plan Steering Committee have been made and he asked that the Commission accept them because there were some slight changes from the appointments last year. They were accepted.

#### Director's Report:

Mr. Gardner presented a copy of the notice which will be sent out for the creation of the new Central Business District zoning classification, a new use unit and other requirements in order to implement or amend the Zoning Code which has been brought before the Commission previously.

Mr. Gardner also advised that the Staff has received four (4) letters in response to the question of nonconforming outdoor advertising signs, and that packet was submitted for the Commission to review. The Commission will consider if the Code needs to be amended concerning the provision for nonconforming outdoor advertising signs at the meeting on March 21, 1984.

CONTINUED ZONING PUBLIC HEARING:

Z-5913 Norman (Crews & MacNaughton) West side of River Road (So. Delaware Avenue, approx. 1/2 mile So. of 101st Street. AG to RM-T

The Chair, without objection, continued Z-5913 until Wednesday, March 28, 1984, because the Commission lost their quorum and were unable to act on the matter.

ZONING PUBLIC HEARING:

CZ-103 Martindale, Frank SW corner of Skyline Drive and 65th West Avenue RS to CS

Chairman Young advised that the applicant submitted a letter requesting that the zoning matter be continued to March 28, 1984 (Exhibit "A-1").

On MOTION of RICE, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to continue consideration of CZ-103 until Wednesday, March 28, 1984, at 1:30 p.m. in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-104 Present Zoning: AG  
Applicant: Ronald Coyle Proposed Zoning: CS  
Location: SE corner of East 186th Street North and North Peoria Avenue

Date of Application: January 20, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: 2.5 acres

Presentation to TMAPC by: Ronald Coyle Phone: 396-4058  
Address: 18548 North Peoria Avenue, Skiatook, Oklahoma 74070

Relationship to the Comprehensive Plan: CZ-104

The Skiatook Comprehensive Plan designates the subject property as rural residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located at the southwest corner of 186th Street North and Peoria Avenue. It is non-wooded, flat, contains a mobile home and a portable building presently being used as a gas station and convenience store and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property and the Washington County boundary line, on the east by vacant property and a single-family dwelling zoned AG.

Zoning and BOA Historical Summary -- There has been no zoning or Board activity in the area.

Conclusion -- Although the Skiatook Comprehensive Plan designates the subject tract as "rural residential" the Development Guidelines would support medium intensity use on the subject tract due to the intersection location and relationship to both streets. Commercial zoning would not have a negative impact on the surrounding area due to the lack of residential development. Based on these considerations the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

The applicant was not present so the Commission decided to hear the case because the Staff Recommendation was favorable and an interested party was present for the hearing.

Interested Party: Ralph Hammel Address: Rt. 1, Box 204, Skiatook, Ok.  
74070

Interested Party's Comments:

Mr. Hammel stated he lives just north of the subject property and has no objection to the zoning request.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to recommend

Application No. CZ-104 (continued)

to the Board of County Commissioners that the following described property be rezoned CS:

The NE/4, NE/4, NE/4, NE/4 of Section 1, Township 22 North,  
Range 12 East, Tulsa County, Oklahoma.

Application No. Z-5930 Present Zoning: AG  
Applicant: Cameron (Lemons, Barker) Proposed Zoning: RS-1 and FD  
Location: 101st Street and Sheridan Road

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Date of Application: January 18, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: 10 acres

Presentation to TMAPC by: David Cameron  
Address: 201 West Fifth Street Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5930

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 -- Low Intensity -- Residential and Development Sensitive.

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 10 acres in size and located east of the southeast corner of 101st Street and South Sheridan Road. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a developing single-family subdivision zoned RS-3, on the east by scattered single-family dwellings on large tracts zoned AG, on the south by a developing large lot single-family subdivision zoned RS-2, and on the west by a developed large lot single-family subdivision zoned RS-3.

Zoning and BOA Historical Summary -- Recent rezonings in the area have resulted in residential single-family development with low to medium intensity.

Conclusion -- Based upon the Comprehensive Plan and existing zoning patterns in the area, the Staff recommends APPROVAL of the RS-1 zoning, except any portion that is determined to be within a floodway which shall be zoned FD.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-1, except any portion that is determined to be within the floodway which shall be zoned FD:

The West 1/2 of the West 1/2 of the NE/4 of the NW/4 of Section 26, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma.

Application No. Z-5932 Present Zoning: RS-3  
Applicant: Alexander (Dargan) Proposed Zoning: IL  
Location: North of the NE corner of East Apache Street and North Toledo Ave.

Date of Application: January 24, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: .75 acre

Presentation to TMAPC by: Sandra Alexander  
Address: 1044 East Pine Street Phone: 585-5131

Relationship to the Comprehensive Plan: Z-5932

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Industrial.

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 .75 acres in size and located at the southeast corner of Toledo Avenue and East 29th Street North. It is non-wooded, flat, contains a single-family dwelling and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned IL, on the east by vacant property zoned IL, on the south by vacant property zoned RS-3, and on the west by an industrial use zoned IL.

Zoning and BOA Historical Summary -- Past rezonings have allowed IL zoning and the area is in transition from residential to industrial. It should be noted that East 29th Street abutting the subject tract to the north is not improved.

Conclusion -- The Staff always has the concern that transition from residential to nonresidential occur in an orderly fashion and with minimum impact to remaining residences. In this case, impact would be minimum to what dwellings are left. Based on the above mentioned facts, the Comprehensive Plan and existing zoning patterns in the area, the Staff recommends APPROVAL of IL zoning.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

Lot 1, Block 22, Mohawk Fourth Addition to the City of Tulsa, Okla.

3.14.84:1497(7)

Application No. Z-5933 Present Zoning: RS-3  
Applicant: Hillcrest Medical Center (Gilliard) Proposed Zoning: OL  
Location: 7 blocks West of South Union Avenue and West 51st Street

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Date of Application: February 1, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: .56 acre

Presentation to TMAPC by: David Page  
Address: 900 World Building Phone: 584-1351

Relationship to the Comprehensive Plan: Z-5933

The District 9 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 OL District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately .56 acre in size and located at the southeast corner of 28th West Avenue and 51st Street South. It is non-wooded, flat, vacant and 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 Skelly Drive (I-44) and on the west by vacant land zoned OL and further west by a health center facility zoned RS-3.

Zoning and BOA Historical Summary -- The past zoning action to the west has established light office zoning on land between 51st Street and Skelly Drive.

Conclusion -- A review of the past zoning actions taken in the area reveal that the Staff was not supportive of the OL zoning granted to the west of the subject tract because it was spot zoning and because of the quality residences in the area. This tends to strengthen any argument for additional expansion of the OL which will, in return, downgrade the remaining residential area. We still see a need to provide as much protection as possible to the remaining residential neighborhood.

Therefore, we would recommend DENIAL of the requested OL and APPROVAL of Parking (P). By doing this the CODE provides open space and a screening requirement that would have to be met, plus, additional office floor area would not be allowed.

Applicant's Comments:

Mr. David Page represented Hillcrest Medical Center. He advised that three dentists plan to combine the vacant lot to the west with the subject lot to provide a two-building office layout that will house 3 dentists and 2 or 3 physicians. Mr. Page then showed a site plan of the project. The applicant wants to make the office structure architecturally pleasing and soften the impact of the parking with substantial landscaping and provide a facing on the building which will blend in with the surrounding residential area. The facing will be a brick, stone and wood combination. This area does have some office use at the present time. Immediately west of the subject



Application No. Z-5933 (continued)

tract is OL zoning with the Tulsa County Health Center located further west. North across the street and to the east is residential zoning and south and behind the subject tract is the Skelly Bypass.

The architect, Mr. Don Banger, and a dentist who will be practicing at the proposed site, Mr. Mike Ivory, were present for any questions which the Commission might have. Mr. Ivory presently has his office in a residential area and he feels this office development will better serve the people in the surrounding residential area. Hillcrest shares the local resident's, interested parties' and Staff's concern for the surrounding area in the development of this type of project. It will be an advantageous development to the area and will increase the property value and the aesthetic value.

Mr. Don Banger, 111 East 1st Street, the architect for the project, answered a question asked by Mrs. Higgins if a PUD would be viable with the controls placed on the zoning. When the project was first started they looked at the site and started to condense the parking. The site was designed to have parking clusters to retain as much of the existing vegetation as possible. With the clusters of parking and the low scale of residential-type development it will make it necessary to encroach over the property line of the subject tract. The key aspect in this project is to keep to a residential scale and break up the parking so it does not impact the neighborhood but to make it a more pleasing atmosphere. The project is divided into two individual buildings with a garden area. There is a hill which they must design around and they want to keep as much of the vegetation as possible which would permit them to do as little as possible to the existing grade.

Mr. Gardner felt that the answer to Mrs. Higgins question was that the Commission approve OL on the tract except the east 60' and have a 60' setback from the east boundary.

Mr. Mike Ivory, 10522 South Urbana Avenue, stated he has practiced dentistry in West Tulsa for the past eight years. Mr. Ivory addressed a question asked by Mr. Connery of what the closest medical-type facility is in existence to the subject property. Mr. Ivory advised that there is a doctors office approximately a half mile away from the property which is located at the corner of 51st Street and 33rd West Avenue. There is an emergency health treatment center located approximately 2 miles west of the subject property. Mr. Ivory stated he would be practicing at the new center and felt it would enhance the health care delivery in the area with the activity next door. He felt they could better serve their patients if they can have some physicians close to them because the dentists refer their patients to Hillcrest and Hillcrest refers their patients to the three dentists which will be practicing at the subject location.

Protestant: Kenneth McEver      Address: 2546 West 51st Street

Protestant's Comments:

Mr. McEver stated he was opposed to the proposed zoning change and submitted a protest petition bearing 17 signatures of property owners in the immediate area (Exhibit "B-1"). He stated he lives within two houses of the proposed zoning change and added that there are very few houses left in the area. Mr. McEver expressed a real concern with the added traffic that the medical building will create for this area because 51st Street is a 2-lane street from Union Avenue and 33rd West Avenue. He stated that

Application # Z-5933 (continued)

5 houses to the east of the property is a nursing home, and there are many retired people who live in this area who walk to a corner grocery store. This could be a real hazard to them if the zoning is approved to construct the office building.

Applicant's Rebuttal:

Mr. Page stated that the applicant appreciates the comments made by the protestant. He requested that the dentists be permitted to build the structure as was originally proposed because it is a beautiful layout and they feel it would be less of an impact on the residential character of the neighborhood. If the original proposal is not acceptable to the Commission they would request that the zoning be approved as suggested by the Staff.

Mr. Garnder advised the Commission if the Staff Recommendation is approved the only way the applicant can do what is proposed is to go to the Board of Adjustment to extend a portion of the building. If the property were rezoned office except the east 60' the applicant could go ahead with his plans as presented.

HIGGINS made a MOTION to approve the Staff Recommendation, but Mr. Connery wished to discuss the motion. He suggested that one of the biggest grips in todays society is the high cost of medical care, and he felt that the consolidation of facilities as is proposed is an excellent project and is needed. He stated he fully supported the original application for OL zoning on the entire property. Mrs. Higgins stated she would be willing to accept the original application, but she wanted the assurance that Mr. McEver would be protected. Mr. McEver stated he appreciated her concern and stated he had no problems with what is being proposed but has a great concern with the added traffic in the area.

HIGGINS made a MOTION to approve the original application. Commissioner Rice felt that by approving the original application to rezone the property OL the Commission would relieve the applicants of any responsibility to protect the east edge of that lot. He stated he would much rather approve OL on the property with the exception of the east 60' which will give the applicant the opportunity to do what is proposed but would also provide some restrictions and some assurances so that they will not develop the eastern 60' of the subject lot.

Instruments Submitted: Protest Petition (Exhibit "B-1").

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 4-0-2 (Connery, Higgins, Rice, Woodard, "aye"; no "nays"; Beckstrom, Young, "abstaining"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for OL, except the east 60' which will be zoned P:

LEGAL PER NOTICE:

Beginning 35' South and 342' East of the Northwest Corner of the NE/4 NW/4; thence East 100' thence South 247'; thence West 100'; thence North 247' to the point of beginning, all in Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma; and

Application No. Z-5933 (continued)

LEGAL PER PLANNING COMMISSION ACTION:

OL: Beginning 35' South and 342' East of the Northwest Corner of the NE/4 NW/4; thence East 40'; thence South 247'; thence West 40'; thence North 247' to point of beginning, all in Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma; and

PARKING: Beginning 35' South and 382' East of the Northwest Corner of the NE/4 NW/4; thence East 60'; thence South 247'; thence West 60'; thence North 247' to point of beginning, all in Section 34, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

Application No. Z-5934 Present Zoning: RS-3, IL and AG  
Applicant: Jones (Crosstown Park, Ltd.) Proposed Zoning: IM  
Location: SW corner of East Pine Street and 129th East Avenue

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Date of Application: February 2, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: 156 acres

Presentation to TMAPC by: Bill Jones  
Address: 201 West 5th Street

Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5934

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Special District 2-- Industrial Development -- High Intensity, but requires open space and landscaping.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 156 acres in size and located at the southwest corner of 129th East Avenue and Pine Street lying north of the I-244 Expressway. It is partially wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a mixture of residential and industrial uses zoned RS-3 and IL, on the east by vacant property zoned IL, on the south by the I-244 Expressway zoned RS-3, and on the west by mostly vacant property zoned AG and RS-3.

Zoning and BOA Historical Summary -- Past rezonings have restricted this area to IL Light Industrial.

Conclusion -- Although the Comprehensive Plan suggests medium industrial may be appropriate for the subject tract, the surrounding area has developed light industrial and there are some remaining single-family dwellings along Pine Street that should be protected.

Based on the existing zoning in the area, the Staff cannot support the requested IM zoning but recommends APPROVAL of IL zoning.

Applicant's Comments:

Mr. Bill Jones represented Crosstown Park Limited who has owned the subject property for approximately 8 years. He presented a drawing of the subject property and surrounding properties and informed the Commission of the various zoning classifications surrounding this tract. The applicant is requesting that the subject property be zoned IM but has not yet determined a use or the user for the tract. Most of the people who have expressed an interest in using the tract would fit into an IL zoning classification. Sewer exists in the area and water, gas and electricity are available for the tract.

Protestants: None.

Application No. Z-5934 (continued)

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 5-1-0 (Beckstrom, Connery, Higgins, Rice, Woodard, "aye"; Young, "nay"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for IL zoning:

The N/2 of the SE/4 of the NE/4 and the S/2 of the NE/4 of the NE/4 and the NE/4 of the NE/4 of the NE/4 and the E/2 of the E/2 of the NW/4 of the NE/4 of the NE/4 and the E/2 of the W/2 of the NW/4 of the NW/4 of the NE/4 and that portion of the W/2 of the SE/4 of Section 32 lying North of the Crosstown Expressway and the SW/4 of the NE/4 and the S/2 of the NW/4 of the NE/4 and the SW/4 of the SE/4 of the NE/4, all in Section 32, Township 20 North, Range 14 East, Tulsa County, Oklahoma.

Z-5935 Preaus Landscape of Tulsa South of the SE corner of 56th Street and  
107th East Avenue RS-3 to IL

Chairman Young advised that this zoning needs to be readvertised and needs to be continued until April 4, 1984.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to continue consideration of Z-5935 until Wednesday, April 4, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. PUD 356

Present Zoning: RM-1 & RS-3

Applicant: Engles

Location: West of Intersection of 13th Street and 119th East Avenue

Date of Application: February 2, 1984

Date of Hearing: March 14, 1984

Size of Tract: 6 acres

Presentation to TMAPC by: Don Tracy  
Address: 1302 South 119th East Avenue

Phone: 437-5422

Staff Recommendation:

The subject tract is located on both sides of 13th Street and west of 119th East Avenue. It is approximately 6 acres in size and zoned a combination of RM-1 and RS-3. The applicant is requesting PUD supplemental zoning to be allowed to spread a part of the RM-1 density into the RS-3 zoned area and develop the entire tract as a small lot, detached single-family development.

The Staff has reviewed the applicant's Outline Development Plan and have identified two areas of concern. First, the northern portion of the tract (north of 13th Street) proposes a street running north that, if extended, would create double frontage lots between it and 119th East Avenue. The Staff would recommend that the Site Plan be revised to show the street being placed along the west boundary of the northern portion of the tract. This in return will require a redesign of the Open Space Reserve area (see Staff's revised plan).

Secondly, Lots 1 through 6 of Block 2 front only a half right-of-way of 13th Street. The Staff feels that development of these lots would be inappropriate without having a full width street and right-of-way, and we recommend building permits be withheld until a full right-of-way is obtained and street paved.

Based upon the above review and modifications, the Staff finds the proposal to be: (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 of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #356, subject to the following conditions:

(1) That the applicant's Outline Development Plan be made a condition of approval, except as modified herein.

(2) Development Standards:

Land Area (Gross):	6 acres
Permitted Uses:	Single-family detached dwellings and accessory uses
Maximum No. of Units:	42 units
Minimum Lot Width:	42 feet
Minimum Lot Area:	3,570 sq. ft.

PUD #356 (continued)

Minimum Building Setback:

Front:*	25 feet
Rear:	20 feet
Side:**	
One Side:	0 feet
Other Side:	10 feet
Minimum Livability Space:	62,600 sq. ft.
Greenbelt Park:	14,636 sq. ft.
On Lots:	47,964 sq. ft.
Per Each Lot:	1,142 sq. ft.
Minimum Off-Street Parking:	2 spaces, one covered
Other Bulk and Area Requirements:	RS-3 District

\*Side Yards on corner lots may be 15 feet.

\*\*Minimum separation between buildings shall be 10 feet.

- (3) That a Detail Site Plan (final plat may satisfy this requirement) be approved by the TMAPC prior to the issuance of a building permit.
- (4) That play equipment be provided within the park/greenbelt.
- (5) That a Homeowner's Association be established to maintain all common open space and play equipment.
- (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:

Don Flash stated he is the attorney for the applicant but would allow the engineer, Mr. Tracy to address the Commission.

Mr. Don Tracy represented Mr. Engle, the applicant, and advised that the PUD will not increase the number of dwelling units but rather decrease the dwelling unit intensity with the current zoning. He felt the PUD would be a good transition from the commercial to the north. There was no objection expressed with the greenbelt rearrangement as suggested by the Staff. If the greenbelt area is done away with it would only allow 42 dwelling units as opposed to 45 as was originally proposed. Mr. Tracy felt that with the project the water line from the south will be improved. He assured the Commission that the City Engineers office will not allow it to be platted until improvement is made to the water line on the south.

Mrs. Higgins asked if the applicant had contacted the neighborhood concerning the proposed project, and Mr. Tracy advised that there were 2



Application No. PUD 356 (continued)

attempts by the applicant to meet with the neighborhood in a meeting but there was a lack of communication.

<u>Protestants:</u>	Robert Nichols	Addresses:	111 West 5th Street
	Brock Shields		Unknown
	Virgil Thomas		11730 East 14th Street
	Fred Chaney		1411 S. 119th E. Avenue
	Bob Cole		1418 S. 117th E. Avenue
	Gloria Shellhorn		11804 E. 14th Street
	Mildred Thomas		11730 E. 14th Street
	Nancy Montee		11601 East 15th Street

Protestants' Comments:

Mr. Robert Nichols, attorney, represented the Elm Hurst Homeowners Association of which approximately 30 of the property owners were represented at this hearing. He stated that various property owners will speak and want to highlight the physical facts such as the conditions of the current streets and the surrounding development. Under our present Zoning Code the PUD Ordinance provides for certain purposes such as meaningful open space and to allow development in which there are unique physical facts. He felt there are no unique physical facts for the subject tract and that there is no meaningful open space that has been retained. He also addressed the issue of expectation and reliance on the fact that the tract was zoned RS-3 and is now being developed in a manner other than under RS-3 standards.

Mr. Brock Shields stated he is a homeowner in the Elm Hurst Subdivision and lives within 300' of the subject property. He stated that in the Elm Hurst Subdivision from 11th Street on, 119th Street is initially very narrow and widens only to a maximum of 19 feet. Mr. Shields submitted five (5) photographs of the various streets in this subdivision showing the narrowness of the streets (Exhibit "C-1"). It was also advised that 119th Street is the main access street to 11th Street. There has been no easement given to 13th Street which is a dead-end street and is only 13 feet in width. 117th East Avenue is a primary road from the proposed development and is only 15 feet wide. The widest street in the subdivision is 14th Street, is the main access out of the subdivision and has a one-lane bridge which is quite impassible after heavy rains and has no railings. The only other access is 15th Street, which has a conventional width. 15th Street also has a bridge that has been under water and impassible due to the traffic and narrowness during a heavy rain. Mr. Shields was concerned about the narrowness of the streets and the hazard imposed on the residents if an emergency vehicle should be needed in the subdivision with the increase of dwelling units as proposed for the area.

Mr. Beckstrom questioned why the protestants are opposed to the development since the current zoning would permit 45 dwelling units. The Staff explained that the underlying zoning would allow the applicant to build a number of units he is proposing but in order for him to do that, he would have to build apartments on the north side of 13th Street and single-family housing on the south side of 13th Street. What the applicant wants to do is average that density over the entire area which would obviously increase the density on the RS-3 over and above what would be developed conventionally but would drastically reduce the dwelling units in the RM-1 portion.

Mr. Beckstrom asked if the traffic problems and the additional number of people in the neighborhood would be appreciably affected if there were

PUD #356 (continued)

apartments on the north side and conventional RS-3 on the south side. Mr. Shields stated that the 25 units on the RS-3 portion would be more than sufficient for the neighborhood and did not feel it was in harmony but they accept the RS-3. They feel that no more than the 25 units should be permitted within the Elm Hurst Addition.

Commissioner Rice asked if the Staff was aware that the City plans to improve the streets in the area and the Staff answered in the negative and advised that it would be up to the developer to upgrade those roads in the area. He will have to improve the east-half to the full right-of-way standards. The Staff is suggesting that on the west past the green-belt area where there is only half a dedication that he not be able to build any of those units fronting 13th Street west of the green space until such time that the property to the north is developed and the street improved to the full standards.

Mr. Virgil Thomas represented a church in the area who is concerned with the added traffic in the area as the streets are already overloaded. The church's parking lot has access to 14th Street and 119th East Avenue. Increased traffic would be a hazard to the area because of the narrowness of the streets.

Mr. Ted Chaney expressed his concern with the additional traffic which would be created if the PUD project is permitted in this area. There are many children in the area who would be adversely affected by the added traffic as there are not sidewalks in the area and the roads are so narrow. There are many retired individuals who live in the subject area who would be affected by the traffic as many of them enjoy walking in the area. He also reminded the Commission of three schools located in this immediate area which would also be affected by the project. There was also a concern expressed that property values might be decreased.

Mr. Bob Cole who is a homeowner in the area advised that Mr. Engle was contacted and asked to come to the neighborhood meetings. He then addressed the issue of flooding in the immediate area. He expressed his concern with water surface runoff, storm water drainage and rising water in the subject area. Mr. Cole then read a statement which he prepared concerning these problems. One point expressed in the letter is that there is a potential sewer water runoff problem on 117 East Avenue which is to the west end of the development. There is a 13' to 14' drop-off from 119th East Avenue to 117th East Avenue, and Mr. Cole emphasized the fact that water does not run uphill. He felt that this showed more than enough evidence that water in this area will spill over 117th East Avenue and on west between existing homes. There is a drainage ditch bordering 15th Street to the south and 11th Street to the north that is severely inadequate to handle the runoff as it presently exists. Their fear is that water drainage will run through their property because of the development. He asked the Commission to be lenient and bring the development back to RS-3 standards so that the water problem can properly be addressed.

Mr. Calvin Garner stated he is a contractor and developer and has developed the area between 117th and 119th East Avenues on 14th Place. Most of the lots in that area which Mr. Garner developed are 64' x 140' lots with corner lots being 70' x 140'. He felt that one objection to the project is that the patio homes are being built so close together. The area which Mr. Garner developed contains 18 houses over a 5-acre area which the neighborhood feels the proposed development should not exceed.

PUD #356 (continued)

Mr. Connery asked if the City has accepted 14th Place as a dedicated street and Mr. Garner answered in the affirmative. Commissioner Rice asked if a fee was paid in lieu of flood detention improvement in the area which he developed and Mr. Garner answered in the negative.

Mrs. Nancy Montee submitted seventeen (17) photographs of existing homes in the Elm Hurst Addition and one house which Mr. Garner has built (Exhibit "C-2"). Many of the people living in this addition are retired and have moved in this area because of the spacious atmosphere. The property owners in this area are fighting a flood problem, but they have worked hard in correcting that situation. About one third of the property owners in the area have invested a great deal of money in bringing a sanitary sewer into the area to improve the area and their homes. They are fearful that the bringing in of this project could possibly devalue their property. They feel the proposed plan is out of character with the homes in the area and feel it will overcrowd the area.

Mrs. Gloria Shellhorn stated she and her husband own property directly west of the one-acre tract in question and directly north of the 5-acre tract and at present do not intend to give easement for street or sewer going north of their property.

Mr. Robert Nichols concluded the protestant's comments and stated that the Commission must answer the question if they will allow multifamily density south of 13th Street. By allowing this PUD with the densities as currently laid out we are allowing this to be a multifamily density where we do not allow them normally in our Zoning Code. Another consideration is the livability standards, and he did not feel that the 5-acre tract would support the livability requirement contained in the Code. He stated that the only open space reserved in this project is a 30' wide strip running through the subdivision. The Zoning Code, in addressing PUD's, requires that the project should preserve meaningful open space and it is up to the Commission to determine what is meaningful. Mr. Nichols then showed an aerial photograph of the subject property and again stated that the area is very sparsely populated surrounding the application. He felt that if a high intensity development is added to this area there will be more children placed in this neighborhood without any place to go. He stated the property owners are not in objection to the traditional RS-3 type of development but are in objection to the injection of the higher density south of 13th Street. The protestants are asking that you preserve that land south of 13th Street in a way similar to what Mr. Garner has done and who developed many of the homes in the subject area.

Mrs. Mildred Thomas stated that the applicant was advised of the neighborhood meeting.

Chairman Young stated it was obvious that there was a breakdown in communication and the Commission has accepted that.

Applicant's Rebuttal:

Mr. Tracy was in agreement that the streets in the area are very narrow, but he felt that from a safety standpoint there is adequate visibility from each side of the street. He also felt that slower traffic is commonplace in this neighborhood because of the narrowness of the streets which will aid in the safety concern. He advised that there will be storm water retention facilities on the site. Since there has been major flooding in this vicinity over

PUD #356 (continued)

the last 10 years the City has spent a considerable amount of money building retention base facilities in the Mingo area and are constantly clearing out the creek which is located to the west of the property.

Mr. Flash stated that the protestants would have you compare what is in existence presently with what is being proposed. He felt the Commission should look at the property and how it will develop under existing zoning regulations as compared and compare that to what is being proposed. He felt that based upon the existing facts the applicant is decreasing the density rather than increasing it in looking at the complete plan. The applicant is concerned with the issues which the protestants brought up but felt the plan is a good one and should be approved.

Commissioner Rice stated that he seldom disagrees with the Staff but in this particular case he is not in concurrence. He does not feel the proposal to be consistent with the Comprehensive Plan or that the two pieces of property are a unified treatment of the possibilities of the site. Mr. Connery stated that he visited the subject property upon request by some of the property owners in the area, and he expressed his extreme concern with the proposal. He stated he did not feel the project is in harmony with the existing and expected development of the area and did not feel it was a unified treatment of the development possibilities of the site and, therefore, was in agreement with the suggestion to deny the application.

Instruments Submitted: 5 pictures showing the narrowness of the streets in the area (Exhibit "C-1")  
17 pictures of homes in the subject area (Exhibit "C-2")

TMAPC Action: 6 members present.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to DENY PUD #356, on the following described property:

A Tract of Land Containing 1.187 Acres that is part of the S/2 of the E/2 of the W/2 of the NE/4 of the NW/4 of Section 8, Township 19 North, Range 14 East, City of Tulsa, Tulsa County, Oklahoma. Beginning at a Point that is the Southeast Corner thereof; thence Northerly along the Easterly line thereof for 102.00'; thence Westerly along a deflection angle to the left of 90°-00'-00" for 165.00'; thence Northerly along a deflection angle to the right of 90°-00'-00" for 110.59'; thence Westerly along a deflection angle to the left of 89°-47'-45" for 164.78'; thence Southerly along a deflection angle to the left of 90°-12'-18" and along the Westerly line of Said E/2 for 212.00' to a point on the Southerly line of Said NE/4; thence Easterly along a deflection angle to the left of 89°-47'-42" and along the Southerly line of Said NE/4 for 329.78' to the Point of Beginning of Said Tract of Land, LESS and EXCEPT 25.00' on the East and South sides for Road Right-of-Way; AND Lots 1, 2, 3, Block 6, Elm Hurst Addition.

Application No. Z-5936 Present Zoning: RS-3  
Applicant: Johnsen (Kingham, Raskin, Ryan) Proposed Zoning: CS  
Location: SE corner of 61st Street and Mingo Road

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Date of Application: February 2, 1984  
Date of Hearing: March 14, 1984  
Size of Tract: .94 acre

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

Relationship to the Comprehensive Plan: Z-5936

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

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 .94 acres in size and located east of the southeast corner of 61st Street and Mingo Road. It is non-wooded, flat, contains two single-family dwellings and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a mixture of residential, office, commercial and industrial uses zoned RS-3 and IL, on the east by a church zoned RS-3, on the south by single-family dwellings on large lots zoned RS-3, and on the west by a single-family dwelling and vacant property zoned CS.

Zoning and BOA Historical Summary -- Past rezonings have led to a mixture of uses and zoning classifications, mostly CS and IL.

Conclusion -- The subject tract is located within the Type 1 Node (467' x 467') and since the requested zoning is in accordance with the Comprehensive Plan and because of the existing zoning patterns, the Staff recommends APPROVAL of the CS request.

Applicant's Comments:

Mr. Roy Johnsen was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

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

The North-half of Lot 2, Block 3, Union Gardens; a Subdivision of Tulsa County, State of Oklahoma.

Application No. Z-5937 & PUD #358

Applicant: Johnsen (Ochsner)

Location: North of the NE corner of 121st Street and Yale Avenue

Present Zoning: AG

Proposed Zoning: RS-3

Date of Application: February 2, 1984

Date of Hearing: March 14, 1984

Size of Tract: 54 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Relationship to the Comprehensive Plan: Z-5937

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1, Development Sensitive, and 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 54 acres in size and located north and east of the northeast corner of 121st Street and South Yale Avenue. It is partially wooded, steeply sloping, contains one single-family dwelling and accessory structures for a horse ranch and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a large lot single-family neighborhood zoned AG and RS-1, on the east by vacant land zoned AG, on the south by a wholesale nursery and scattered single-family dwellings zoned AG, and on the west by mostly vacant land and a few single-family dwellings zoned RS-1 and AG.

Zoning and BOA Historical Summary -- Zoning actions in the surrounding area have established a pattern of large-lot, low-density, single-family development.

Conclusion -- Based upon the Comprehensive Plan, surrounding land uses and existing zoning patterns, the Staff recommends APPROVAL of RS-1 zoning.

Staff Recommendation: PUD #358

Planned Unit Development No. 358 is located at the northeast corner of 121st Street and South Yale Avenue. It is approximately 54 acres in size and has a Staff recommendation for RS-1 underlying zoning. The applicant is proposing a private large-lot single-family development.

The Staff has reviewed the proposed development and have identified one major concern that needs to be addressed. This concern is directed towards east-west public access across the subject tract. As proposed, traffic generated by existing or future developments north, northeast, and east of this proposal will have very restricted access to Yale Avenue. The Staff would recommend a minimum of at least one public street running east and west across the proposed development (1/2 mile in length north-south) and that the Conceptual Site Plan be amended to show this street.

Based upon this modification, the Staff finds the proposal to be: (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

Application No. Z-5937 & PUD #358 (continued)

possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #358, subject to the following conditions:

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

Land Area (Gross):	54 acres
Permitted Uses:	Single-family detached dwellings and customary accessory uses, open space, storm drainage and detention facilities and entrance security facilities.
Maximum Dwelling Units:	74 units
Common Open Space:	3 acres
	The private streets and common open spaces including the detention facilities, shall be maintained by a Homeowners Association.
Minimum Lot Size:	22,500 square feet
Minimum Building Setback From:	
Common Private Drive;	25 feet
Public Street.	30 feet
Minimum Frontage on a Street:	30 feet
Minimum Rear Yard:	25 feet
Minimum Building Setback From	
Interior Side Lot Line:	10 feet
Other Bulk and Area Requirements:	As provided within an RS-1 District
- (3) That signs shall comply with Section 1130.2 (b) of the Zoning Code.
- (4) That a Homeowners Association be established to maintain all private streets and common open space areas.
- (5) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a Building Permit. Final Plat approval will fulfill this requirement.
- (6) That a Detail Landscape Plan for the security entryway facilities be approved by the TMAPC prior to occupancy of any unit.
- (7) 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:

Mr. Roy Johnsen represented the Terry L. Davis Construction Co., Inc., who is proposing to purchase the subject property. The original application, as filed, depicted 85 acres which is owned by Patty Cousins Ochsner, and Mr. Davis has contracted to purchase from her 54 acres. The irregular shape

Application No. Z-5937 & PUD #358 (continued)

of the tract is to allow Ms. Ochsner to maintain her home and some properties surrounding it. The applicant initially filed a legal description which included the entire 85-acre tract which was sent out to the surrounding property owners and at that time RS-3 zoning had been filed. The proposed development meets RS-1 standards so the applicant sent a letter to the Staff to amend the request to RS-1 rather than RS-3, and also, a copy of the same letter was sent to all those individuals who originally received the notice of rezoning.

The proposed development, consisting of 54 acres, will be single-family detached, and the reason for the PUD request is to include private streets. Because of the topography and fundamental beauty of the property Mr. Davis wants to maintain as much of its scenic quality as he can. The public street requirement to dedicate 50' and maintain certain standards for the grade and side slopes forces leveling which will cause substantial tree loss and substantial changing of the natural characteristics of the property.

Mr. Davis has had some experience with Hunters Pointe which is a 60-acre development north and west of the NW corner of 101st Street and Yale Avenue which he developed previously with private streets and is similar to the proposed project. Mr. Johnsen presented photographs which illustrate when private streets are put in the ability to use a particular routing of the streets to avoid trees that are valued. The reason for the private street request is not a financial reason. The quality of the paving in Hunters Pointe is very good and would be comparable with City standards and possibly exceeds those standards. Mr. Davis wants to do an extension of Hunters Pointe which has proved to be very successful. Another desirable feature of the private street is security. Mr. Johnsen did not feel that the Staff had an objection to the overall concept of this project for private streets, but their concern was the overall circulation in the entire 640 acres section bounded by the four arterial streets. The plan designated by the City indicates a collector street running north and south almost in the middle of the section in the half-mile mark and a collector street running east and west through the middle of the section at the half-mile mark. Mr. Johnsen advised that the proposed development is extremely low-density with minimum lot sizes of 1/2 acre. The development to the north is AG with larger lots than proposed on the subject tract. The necessity for circulation through this section may be less by reason that it is a low-density development.

Mr. Johnsen then showed a slope analysis of the subject property. The northeast corner of the property is the high point and essentially falls south. He then explained the slopes of the property and indicated the excessive slopes that exist in the subject area. He did not feel that a collector street could be brought in and meet the City standards because of the slopes without a massive cutting and filling. Therefore, Mr. Davis has desired and suggested that he move the entry into this property much further south. He wished that the Commission keep in mind that this subdivision has excellent access as it has access to two arterials, one of which is 121st and the other is on Yale. Within the Subdivision it meets the customary standard of good accessibility within the subdivision itself.



Application No. Z-5937 & PUD #358 (continued)

Mr. Johnsen stated he discussed the issue of access with the Traffic Engineering office. It is usually suggested that public streets be included in subdivisions, and they wish to keep traffic off the arterial streets to a certain extent. He felt that Mr. Thomas, the Traffic Engineer, concurred that you could not try to do a collector street or any kind of street in this area because topographically it is just not a good location.

Mr. Johnsen then showed a rendering of the initial application and the amended application. Mr. Cousins owns the 35 acres to the east of the subject tract, and he would like to have some type of through street brought to his property so he will have direct access to Yale. The Commission should realize that that property does have two points of access when his property develops. Mr. Davis is suggesting that you put in a private street development to maintain the character visually as well as privacy, security and fewer openings into the subdivision. The requirement of public streets is not really consistent with the concept as proposed. When there are two points of access as required by the City additional public entry into the subdivision greatly impairs that concept of maintaining character, security and privacy of the area. The applicant did not wish that the Commission impose that standard, but if a standard is imposed a street definitely needs to be in the lower section of the project.

<u>Protestants:</u>	R. T. Elder	Addresses:	4609 East 119th Street South
	Jack Cox		1323 South Baltimore Avenue
	Linda Woods		11475 South Yale Avenue
	Sarah Davenport		5202 East 121st Street South

Protestants' Comments:

Mr. R. T. Elder voiced his objection to additional houses being erected in the subject area because of the present flooding problem. He stated he owns a private road, and he maintains it and when a heavy rain comes the road is flooded and impassible.

Mr. Jack Cox represented Mr. Cousins who owns the 35-acre tract to the east. Mr. Cousins has no objection to the private streets other than the development is more or less landlocking this property from access to Yale.

Mrs. Linda Woods stated that she lives to the north of the subject property. She stated she was not opposed to development of the property but did not feel that proper notice had been given to the surrounding property owners by written notice and also that the sign on the property was quite a distance from the actual property under application. Mrs. Woods expressed some concerns with drainage in the area and advised that there is a dike in the area which she wants to be assured would not be removed. If it is removed all the water flow from the development will flow down to a point where the water coming off her property is going to flow and will back up on her property and will cause a big problem for the people down the road. She stated she would be opposed to a through street bordering on the north which is her south boundary. She did not feel that Mr. Davis was aware of all the water problems in the area. She expressed some concern with the running of the east-west streets through the southern portion of the tract.

Mrs. Woods felt that many people in the area were confused about the zoning proposal because the request had been amended, and she suggested that the

Application No. Z-5937 & PUD #358 (continued)

hearing might be continued to allow for proper notice and to send notice to all those property owners within 300' of the subject property. Chairman Young advised that notice was given for the entire tract and a sign was posted in an appropriate location. Since the entire tract was advertised the applicant has the right to amend his application by deleting a portion of the area without readvertising. He addressed the flooding problem and advised that the applicant must receive an Earth Change Permit, prepare a drainage plan and on-site detention facilities must be provided for and be approved by the City of Tulsa before the development can begin.

Mrs. Sarah Davenport stated that she was concerned that this project is located in the Tulsa City Limits because of their problem with emergency vehicles having proper access into the proposed project. She also expressed a concern with the septic system in the subject area.

Mr. Mike Cox represented Amfax Garden Products and is the branch manager of the wholesale nursery located to the south of the proposed project. He stated his only concern is with the drainage and wanted to be assured that there would be an access road to Yale from the subject property.

Applicant's Rebuttal:

Mr. Johnsen stated he was concerned about the notice and stated the applicant was required to give notice to property owners within 300' of the subject property and there might be some confusion on the notice given on this property. Mr. Johnsen stated he wrote a two page letter stating that the applicant was deleting a portion of the property and instead of addressing 85 acres, the application was amended to 54 acres. The applicant also amended his application to RS-1 zoning rather than RS-3 as was originally proposed. He submitted the names and addresses which were sent notice and the Woods were one of the many property owners (Exhibit "D-1"). He also submitted the letter sent out to the property owners amending the application (Exhibit "D-2").

Mr. Johnsen assured the property owners in the area that the drainage question would be dealt with and advised that detention is proposed in the southeast portion of the tract which will possibly improve the existing conditions on Yale because some of that drainage will go to the detention site.

Chairman Young felt that concerning the PUD most of the property owners were in agreement with the private streets. It seems that the real problem is the running of the east-west streets through the southern portion of the tract.

The Commission was concerned that Mr. Cousins would not have adequate access to his property. Mr. Cousins stated he has legal access to his property but it is questionable planning. Mr. Johnsen stated he had examined title to the Ochsner property and there is an easement along that section 66' in width which is in addition to the 50' dedicated to the public. He felt Mr. Cousins has a practical access and a technically legal access by means of an easement, therefore, he would have 2 entrances into that area.

Mr. Beckstrom felt that the applicant made a good argument for not wanting to put a public street through the property and it seems that that kind of development and the whole character of it should be welcomed as a residential development. It does not seem that Mr. Cousins has a hardship on his property when there are two public streets stubbed in there, and this will come into the southwest corner of his property.

Application No. Z-5937 & PUD #358 (continued)

TMAPC Action: 6 members present.

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

LEGAL DESCRIPTION for Z-5937

The West 165 feet of the NE/4 of the SW/4; and the W/2 of the SW/4; all in Section 34, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

On MOTION of CONNERY, the Planning Commission voted 5-1-0 (Beckstrom, Connery, Rice, Woodard, Young, "aye"; Higgins, "nay"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for a Planned Unit Development, subject to the conditions recommended by the Staff:

The West 165 feet of the NE/4 of the SW/4; and W/2 of the SW/4; all in Section 34, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

OTHER BUSINESS:

PUD #281-4 Norman North and West of 64th Street South and South 91st East Ave.

Minor Amendment

Chairman Young advised there has been a request for a continuance for 2 weeks by agreement with the two parties.

On MOTION of RICE, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to continue consideration of Minor Amendment for PUD 281-4 until Wednesday, March 28, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #298-2 (Tract IV):

Staff Recommendation -- Minor Amendment

The subject tract is 21.40 acres in size and located in the northwest portion of the PUD which is north of 91st Street and halfway between Memorial Drive and Mingo Road. It is approved for 80 detached single-family residences with yards meeting the RS-3 bulk and area requirements. The applicant feels that when construction begins on the dwelling units that the siding for several of the structures may encroach into the required side yards. Because of this, he is requesting a minor amendment to allow a .5 foot encroachment for siding materials into the side yards.

The Staff views this as minor in nature and recommends APPROVAL of the following development standard.

Masonry or other forms of siding shall be allowed to encroach .5 feet into the side yard requirement; however, eaves shall maintain a minimum separation of 6 feet.

TMAPC Action: 6 members present.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to approve the minor amendment to allow the above stated development standard.

PUD #188-1 Murphy Lot 3, Block 3, Guierwood II Addition

Minor Amendment of south side yard from 7.5 feet to 6 inches.

The Staff advised that his minor amendment needs to be stricken. The Chair, without objection, struck PUD #188-1 from the agenda.

PUD #332

Staff Recommendation:

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. The subject tract has been approved by the TMAPC and City Commission for development of 4 attached single-family dwelling units on individual lots, per conditions. Condition number 5 for approval was that no building permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and

PUD #332 (continued)

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. The applicant is now submitting for approval the above mentioned covenants.

After review of the submitted document, the Staff has found the conditions of approval are included and that the City of Tulsa is a beneficiary of PUD #332. The Staff, therefore, recommends APPROVAL of the document as submitted, subject to Legal Department's review and approval.

TMAPC Action: 6 members present.

On MOTION of WOODARD, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to approve the document as submitted, subject to Legal Department's review and approval.

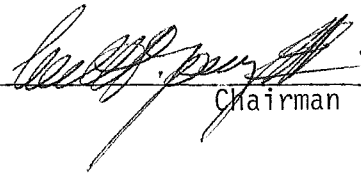
Request for early transmittal of Minutes for Case of Z-5925 heard March 7, 1984.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Beckstrom, Connery, Higgins, Rice, Woodard, Young, "aye"; no "nays"; no "abstentions"; Draughon, Flick, Hinkle, Kempe, Inhofe, "absent") to approve the request for early transmittal of Case No. Z-5925 heard March 7, 1984.

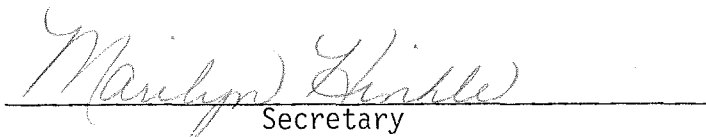
There being no further business, the Chair declared the meeting adjourned at 5:12 p.m.

Date Approved

March 28, 1984

  
Chairman

ATTEST:

  
Secretary

