

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1609
Wednesday, **June 25, 1986**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Wilson	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Crawford	Gardner	Counsel
Draughon		Setters	Williams, DSM
Kempe			
Paddock, Secretary			
Parmeale, Chairman			
Selph			
VanFossen			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 24, 1986 at 10:17 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:36 p.m.

MINUTES:

Approval of Minutes of June 11, 1986, Meeting #1607:

On **MOTION** of **WOODARD**, the Planning Commission voted **7-0-1** (Carnes, Draughon, Kempe, Parmeale, Selph, VanFossen, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Doherty, Wilson, Crawford, "absent") to **APPROVE** the **Minutes of June 11, 1986, Meeting #1607**.

REPORTS:

Chairman's Report:

Mr. Parmeale advised he, as Chairman, and the TMAPC had been served a summons in regard to a lawsuit on the Creek Expressway. Chairman Parmeale asked for counsel from Legal and was advised by Mr. Linker to forward these summons to Mr. Neal McNeill, City Attorney, for handling.

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to discuss items:

- 1) Time limitations for interested parties and protestants - Staff was directed to prepare wording as to time limits, to become a part of the Opening Statements.
- 2) Section 750.2, as relates to sexually-oriented businesses, the nature being clarification of permitted locations. A request was made to set a public hearing on this matter for August 6, 1986.
- 3) Infill Development - with respect to policy on this matter, it was agreed to ask Staff to make a study on several possibilities which the Commission can review.
- 4) Review of the Zoning & Development Procedures Questionnaire - it was agreed to have Staff make a comparison of the responses received as to suggestions and comments.

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Wilson, Crawford, "absent") to **SET a Public Hearing for August 6, 1986 to Consider Section 750.2 of the Zoning Code, as relates to Sexually-Oriented Businesses.**

CONTINUED ZONING PUBLIC HEARING:

Application No.: **Z-6111**
Applicant: **Moore (CEI Inc.)**
Location: North of the NW/c of 15th & Utica
Size of Tract: .2 acres, more or less

Present Zoning: OL
Proposed Zoning: CS

Date of Hearing: June 11, 1986
Presentation to TMAPC by: Ms. Marcy Moore, Phillips Petroleum Company,
101 North Robinson, Oklahoma City (405/270-8248)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Use.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .2 acres in size and located north of the northwest corner of 15th Street and Utica Avenue. It is nonwooded, contains a structure which has been converted from a residence to an office use and is zoned OL.

Surrounding Area Analysis: The tract is abutted on the north by an office building zoned OL, on the east by an office building zoned CS, on the south by a gasoline service station zoned CH and on the west by dwelling units zoned RM-2.

Zoning and BOA Historical Summary: Medium intensity zoning has been granted in this area, however, an OL buffer has been established south of East 14th Place.

Conclusion: Based upon the existing zoning patterns in the area and the CS zoning across Utica Avenue from the subject tract, Staff can be supportive of the requested CS zoning if the lot is to be combined with the commercial lot to the south. It is recognized that CS zoning should not be allowed to strip out along Utica to the north and should be confined to the major intersection. If the Commission is supportive of the requested change, it will be necessary to amend the Comprehensive Plan. Therefore, Staff recommends **APPROVAL** of the CS zoning as requested if it is an expansion of the node, but denial if it is to be a separate business.

JUNE 25, 1986: The applicants requested, and the TMAPC authorized this item to be placed on this agenda for reconsideration of the June 11, 1986 vote to continue Z-6111 from June 11th until August 13, 1986 to allow time to file a PUD. Please recall the applicants advised the TMAPC on June 11th they did not wish to file a PUD and requested a final TMAPC determination at that time. Notice has been given to those persons speaking at the June 11th meeting. Staff recommendation is unchanged from June 11, 1986.

Comments & Discussion:

Mr. Gardner clarified the basis of Staff's recommendation for approval. In reply to Mr. Paddock, Mr. Gardner confirmed this development was following the pattern of other Phillips stations in the area.

Applicant's Comments:

Ms. Marcy Moore, representing Phillips, reviewed conditions of the location site, and the preliminary site plan. As to the placement of the proposed car wash, Ms. Moore reviewed the type of fencing and landscaping planned, as well as existing, to help buffer any noise generated by the car wash. In reply to Commissioner Selph, Ms. Moore explained the car wash would have blower-type dryers, but they will be facing Utica Avenue, and not toward any residential.

Interested Parties:

Address:

Mr. Ron Henderson	1643 East 15th Street
Mr. Jim Rand	2019 East 14th Place
Mr. Noel Eden	1551 South Yorktown Place
Dr. Joseph Trujillo	1430 South Utica
Mr. Fred Patterson	8148 East 63rd Street

Mr. Henderson advised he owns property to the west of the subject tract and stated agreement with the development as he feels it would be an asset to the area.

Mr. Rand stressed concerns as to the noise and pollution from spray that would be coming from the car wash. Mr. Rand asked for permission to request a continuance to the original August 13, 1986 date to allow time for others in the neighborhood who shared these concerns a chance to attend.

In response to this request, Chairman Parmele advised the reason this was being heard today was based on a request from the applicant, who stated there was a purchase contract pending on the property. Mr. Gardner stated the TMAPC continued this case previously to allow the applicant time to file a PUD, and the applicant is not wanting to file a PUD but have the case heard as it is, either for approval or denial.

Chairman Parmele asked if this use fell under Use Unit 17. Mr. Gardner stated CS would not permit a commercial car wash. However, if the use is accessory to a service station, either attached or detached, then it can be permitted as long it is restricted to one bay, and it is not considered a commercial car wash. In this particular instance, a car wash comes with a fill up. Mr. Gardner verified the BOA interpreted this as an accessory use. Mr. VanFossen questioned this and asked for Legal clarification. Mr. Linker stated agreement with Mr. Gardner as to the BOA interpretation. Mr. Gardner added the applicant would probably have to go before the BOA anyway for a setback variance.

Discussion resumed among the Commission as to consideration of continuing this item or taking action this date, either for or against. Mr. Doherty made a motion the application be heard and a continuance request be denied.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-1-1** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Woodard, "aye"; Draughon, "nay"; Selph, "abstaining"; Wilson, Crawford, "absent") to **DENY** a **Continuance on Z-6111 Moore (CEI Inc.)**, and proceed with hearing the application.

Therefore, Chairman Parmele called for any other interested parties or protestants who wished to address the Commission.

Mr. Eden, who has a office across the street from the service station, stated the car wash was not the only issue. Mr. Eden reminded the Commission of the studies done on the 15th and Utica area, and this being the basis for the Staff recommendation for approval, asked the TMAPC to grant approval of this application.

Dr. Trujillo, managing partner of the medical complex north of the subject tract, advised of the specialized magnetic imaging equipment he operated that would be affected by the noise and traffic associated with the car wash. Dr. Trujillo stated he was for anything that would enhance the area, but the location of this particular car wash presented significant problems, as additional steel wall reinforcement would be needed to counteract the operation of the electrical motors at the car wash.

Mr. Paddock stated it was his understanding the applicant would be excavating approximately four feet of ground and would be installing fencing plus a brick wall. As this would cause the site to be below Dr. Trujillo's area, Mr. Paddock asked Dr. Trujillo if this would not diminish the effects on his machinery. Dr. Trujillo agreed they would need more than the current wooden fencing, but the elevation would need to be dropped even more to diminish any effects of the car wash. In reply to Mr. Doherty, Dr. Trujillo explained how the mass of the car wash affects the magnetic field, thus affecting their machinery.

Mr. Fred Patterson, Construction Engineer for Phillips 66, advised the car wash does have a steel interior wall with stone veneer on the outside. Mr. Patterson confirmed that most of the noise of the car wash would be directed toward Utica, where the dryers will be placed, and confirmed (for Mr. Paddock), the car wash would be the same as that at the 31st & Yale Phillips 66.

Mr. Draughon inquired if Stormwater Management would have jurisdiction since there is to be earth changes in regard to the four foot drop in elevation. Mr. Williams advised this particular site does not contain a water course or a floodplain, and any modification of this site would have to go through the usual permitting process.

Applicant's Rebuttal:

Ms. Moore pointed out the precedent already established by the CS zoning across from the subject tract, and advised of studies done by Phillips which indicate the car wash dryers are not any louder than the traffic noise from the Broken Arrow Expressway traffic onto Utica.

Additional Comments and Discussion:

Mr. VanFossen stated he felt the current zoning was appropriate, and after personally viewing the site, he felt the proposal would be detrimental. Therefore, he made a motion for denial of the application.

Mr. Doherty, to Legal, inquired if the addition of the car wash proved disruptive to the operation of the doctor's equipment, what recourse would be available. Mr. Linker stated he was not sure as to the recourse, but he felt the Commission has gotten too far into the specific use. Mr. Linker continued by stating the applicant did not even have to present any plans, and the Commission should be looking at the zoning application as to land use relationships and not one specific use that might, or might not, be put on the property.

Chairman Parmele agreed with Mr. Linker's comments that the TMAPC should determine the zoning based on the surrounding land uses and compatibility, and not a specific use within a CS zoning. Mr. VanFossen stated he felt the OL zoning, as it stands, is appropriate for that location, and the only reason he would have considered CS was because of a specific use. Mr. Doherty commented that, in the absence of a PUD, he would have to concur with Mr. VanFossen.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-3-0** (Doherty, Draughon, Kempe, Selph, VanFossen, Woodard, "aye"; Carnes, Paddock, Parmele, "nay"; no "abstentions"; Wilson, Crawford, "absent") to **DENY Z-6111 Moore (CEI Inc.) for CS.**

ZONING PUBLIC HEARING:

Application No.: **Z-6114** Present Zoning: **IL**
Applicant: **Little (Dow Chemical)** Proposed Zoning: **IM**
Location: **Rockford Avenue & Marshall Street, North to Pine Street**
Size of Tract: **20 acres, approximate**

Date of Hearing: **June 25, 1986**
Presentation to TMAPC by: **L.A. Little, 1150 North Utica (560-2600)**

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity - Industrial and No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IM District **is** in accordance with the Plan Map for the Industrial Portion and **may be found** in accordance with the Plan Map for the No Specific Land Use portion.

Staff Recommendation:

Site Analysis: The subject tract is approximately 20 acres in size and is located at Rockford Avenue and Marshall Street, north to Pine Street. It is nonwooded, flat, contains industrial uses, warehouses, and is partially vacant and zoned IL.

Surrounding Area Analysis: The tract is abutted on the north by U.S. Highway #75, on the east by single-family dwelling units off Rockford and commercial uses off Utica Avenue zoned RM-1 and CH, on the south and west by industrial uses and warehouses zoned IM.

Conclusion: It should be noted, that the area located between the railroad tracks and the Cherokee Expressway and between Utica Avenue and Peoria Avenue is in transition to industrial. The island of residential, blanket zoned RM-1 in 1970, is mostly developed single-family. The requested IM zoning would not be incompatible with existing zoning and land uses and does not differ that significantly in the permitted uses from the IL District. IL zoning is intended for uses which have no objectionable environmental influences. On the other hand, IM zoning is intended for uses which may produce moderately objectionable environmental influences. The eastern boundary of the tract proposed for IM fronts directly into and is across Rockford from an area developed for single-family residential purposes. Staff is supportive of IM on the majority of the tract, except we believe that the portion of the abutting tract along Rockford should remain IL.

Therefore, Staff recommends **APPROVAL** of IM zoning on the subject tract, except a 50' buffer along Rockford which shall remain IL (measured from the centerline of Rockford) for that portion aligning with the IL zoning to the east and extending north to Oklahoma Street.

Note: If the Commission approves the modified legal description for IM zoning, the applicant shall furnish the corrected legal description for publication of the ordinance.

Comments & Discussion:

Mr. Gardner clarified the Staff recommendation for the applicant as to the 50' buffer which is to remain IL. The applicant stated agreement to the Staff recommendation and reviewed the business use on this tract and the reasons for the zoning request.

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughton, Kempe, Paddock, Parmele, Selph, VanFossen, "aye"; no "nays"; no "abstentions"; Wilson, Woodard, Crawford, "absent") to APPROVE Z-6114 Little (Dow Chemical) for IL/IM, as recommended by Staff.

Legal Description:

IM zoning in all of Block 2 and 3, ELM RIDGE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and the East half of Government Lot 1, East of the Santa Fe R/W, less the South 165', Section 31, T-20-N, R-13-E, Tulsa County, State of Oklahoma; and the South 165' of the East half of Government Lot 1, East of the Santa Fe R/w, Section 31, T-20-N, R-13-E, Tulsa, County, State of Oklahoma; and the North half of Government Lot 2, East of the Santa Fe R/W, T-20-N, R-13-E, Tulsa County, State of Oklahoma, LESS AND EXCEPT a 50' buffer along Rockford which shall remain IL, as measured from the centerline of Rockford, for that portion aligning with IL zoning to the east and extending north to Oklahoma Street.

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Application No.: Z-6115
Applicant: Norman (Mims)
Location: NE/c 25th Place & South Sheridan
Size of Tract: 1.04 acres

Present Zoning: RS-1
Proposed Zoning: OL

Date of Hearing: June 25, 1986
Presentation to TMAPC by: Mr. Charles Norman, 909 Kennedy Building (583-7571)

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

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

Staff Recommendation:

Site Analysis: The subject tract is 1.04 acres in size and located at the northeast corner of 25th Place and South Sheridan Road. It is nonwooded, flat, contains a single-family dwelling unit and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwelling units zoned RS-1, on the south by a fire center store zoned CS, and on the west by single-family dwelling units zoned RS-3.

Zoning and BOA Historical Summary: A trend, including the subject tract, has been for nonresidential zoning and uses for lots having direct access to Sheridan Road in the area. It is important to note that the OM zoning to the north was ordered by a District Court appeal from the City Commission enjoining the City of enforcement of office conditions. The subject tract was zoned OL from 1971 to 1979.

Conclusion: Although the requested zoning is not in accordance with the Comprehensive Plan, it is significant that the subject tract was zoned OL in the past, and OL was previously supported by the Staff as an alternative to requested OM zoning which was denied by the City Commission. The subject tract basically fronts into a CS District to the south being used as an auto fire store, and is separated from residential uses to the west of Sheridan by a frontage road.

Therefore, the Staff recommends **APPROVAL** of OL zoning as requested and an amendment to the Comprehensive Plan to Low Intensity - No Specific Land Use.

In the alternative, the applicant has requested a special exception for a home occupation before the Tulsa Board of Adjustment. The request is to allow a landscape company office in the subject dwelling.

Applicant's Comments:

Mr. Norman, representing the owners, submitted a series of photographs of the subject tract and surrounding areas. Mr. Norman reviewed the history of the location and stressed the fact that there are only two lots along Sheridan, between 21st & 31st without a service road, that remain in residential zoning; the subject property being one of the two lots. Mr. Norman advised the Commission that the abutting property owners to the north and east, have stated no objection to this application.

Interested Parties:

Address:

Mr. Dan Butchee	6520 East 24th Street
Ms. Cindy McNeely	7347 East 24th Street
Mr. Ron Starnes	7315 East 24th Street
Mr. Donald Blum	6705 East 25th Place
Mr. John Von Gonten	6548 East 25th Place
Mr. Jack B. English	6730 East 24th Street

Mr. Dan Butchee advised he was protesting the zoning change and submitted a petition that was circulated through Johansen Acres obtaining signatures of other protestants. Mr. Butchee stated concerns as to traffic and potential drainage problems that could be generated from a commercial use. As he felt this would be detrimental to the neighborhood, Mr. Butchee requested denial of this application.

Mr. Draughon asked Mr. Butchee if there was, at present, any drainage problems. Mr. Butchee commented that, on his particular lot, he did have a lot of water on his property. Mr. Draughon requested Mr. Williams of DSM to address this issue. Mr. Williams stated that in this case, the improvements to the projects are looked at, not the zoning. Mr. Williams continued by advising the analysis done by DSM on this case reveals it is on the upper reaches of a start of a watershed (Jones Creek). Downstream there are significant problems as this feeds into Mingo Creek; however, the completed Master Drainage Plan for this particular watershed does not identify any problems at this site. Further, based upon the types of complaints and calls received at DSM, there is no indication there is a major drainage problem at this specific site.

Ms. Cindy McNeely stated opposition to this request because she felt it would adversely affect Johansen Acres. She addressed concerns about property values being affected by an OL zoning and felt encroachment of business into residential would have an adverse effect.

Mr. Ron Starnes also stated protest to this application as he felt if the applicant is granted a variance to pave his back lot area, it would add to drainage problems. Mr. Starnes advised he strongly felt this neighborhood should maintain its residential nature, and requested denial of this application.

Mr. David Blum commented he moved into Johansen Acres in 1985 due to the peaceful and tranquil environment of the neighborhood and he felt the OL zoning would jeopardize that environment.

Mr. John VonGonten asked the TMAPC to consider the previous zoning history on this tract and deny this request.

Mr. Jack English, who has resided in Johansen Acres for over 30 years also submitted strong protest to the request for the OL zoning change.

Mr. Paddock advised letters of protest had been received from the following people:

Ms. Mary Elizabeth Webb	7398 East 24th Place
Mr. Gerald F. Daugherty	7315 East 25th Place
Ms. Marian B. Rourke	7340 East 25th Place
Mrs. Willicene Stover	6536 East 25th Place
Ms. Ann Pryer	7398 East 25th Place
Mr. & Mrs. Michael P. Duke	6541 East 24th Street

Applicant's Rebuttal:

For the benefit of the protestants, Mr. Norman repeated this application was for light office zoning, and under the Zoning Code, the property would be restricted for office use only; would not permit any construction activities, trucks, etc.; and is for the lowest and least dense of the office categories. Mr. Norman added that an OL District is used in several planning cases to solve transition problems along the major streets from the streets to the more protected interior residential lots.

As far as references to the peace and tranquility of the neighborhood, Mr. Norman stated this does not apply to the Mims property, as it abuts a major street and looks into the Goodrich Tire Store and a used car lot. The applicant was aware of these conditions, but it does make the subject tract unique from others in Johansen Acres. In regard to drainage, Mr. Norman commented the original development of this addition, without storm sewers and without curbs and gutters, was largely responsible for any local drainage difficulties that might exist on the interior of the subdivision.

Mr. Norman clarified the application before the BOA was not pave any additional area, but to permit the continued use of the 1-1/2" thick Missouri brown river aggregate behind the residence. The applicant was cited by Code Enforcement because the parking area was not a hard paving surface area. Mr. Norman announced, for those in attendance on this case, there had been an error made in the publication of the BOA notice and the BOA hearing was to be rescheduled to allow time for readvertising.

Mr. Norman reminded that the District Court in 1969 found it unreasonable to restrict the use of tracts to the north of the subject lots to single-family because of conditions that existed, and during original development the lots along Sheridan in Johansen Acres were not restricted to just residential development in the restrictive covenants due to these same conditions.

Additional Comments and Discussion:

Mr. Draughon asked Staff if they were aware the applicant is presently conducting a business in his home. Mr. Gardner stated the Staff has observed the property from the exterior boundaries, but have not been inside the property.

Mr. VanFossen stated this was a unique area due to the heavy traffic along Sheridan, which offers no buffer. He stated he personally thought that, with the existing breakdown on continuity of residential along this strip, it would be difficult to retain these properties as residential, and OL would be a reasonable buffer. Therefore, Mr. VanFossen moved for approval of Staff recommendation.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **7-2-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Woodard, "aye"; Draughon, Selph, "nay"; no "abstentions"; Wilson, Crawford, "absent") to **APPROVE Z-6115 Norman (Mims) for OL**, as recommended by Staff.

Legal Description:

Lot 16, Block 4, of the Amended Plat of JOHANSON ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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Application No.: Z-6116 Present Zoning: RS-2
Applicant: Strange Proposed Zoning: OL or RM-2
Location: South of the SE/c 48th Place & Fulton
Size of Tract: .5 acres, approximate

Date of Hearing: June 25, 1986
Presentation to TMAPC by: Sharon Strange, 1419 East 36th

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .5 acres in size and located south of the southeast corner of 48th Place and Fulton Avenue. It is partially wooded, flat, contains a vacant dwelling unit and a detached accessory building and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by an office building zoned RM-1 and PUD, on the east by a condominium complex zoned RD, on the south by a real estate office zoned OL, and on the west by the Thornton YMCA, zoned RM-3.

Zoning and BOA Historical Summary: Recent action by the TMAPC has allowed office use through a PUD north of the subject tract in an RM-1 District. Office zoning has been approved south of the subject tract to 51st Street.

Conclusion: The requested RM-2 and OL zoning is not in accordance with the Comprehensive Plan and in conflict with zoning patterns of abutting property. Further, the logical point to terminate office zoning in this area would be the south boundary of the subject tract. The depth of this tract would cause office zoning to encroach into the abutting residential area.

Staff would be supportive of RM-1 zoning, which may be found in accordance with the Comprehensive Plan and is consistent with existing zoning patterns. Therefore, Staff recommends DENIAL of OL and RM-2 zoning and APPROVAL of RM-1.

NOTE: If the applicant is seeking office use, this could be requested as a special exception in the RM-1 District, from the BOA, or through a PUD.

Comments & Discussion:

After clarifying the Staff recommendation, Mr. Gardner added that, with the office use/PUD to the north and south of the subject tract, office usage is not a particular question; it is the zoning and where the nonresidential zoning should be stopped. Mr. Paddock commented the Commission should be cognizant of the fact that if they vote for RM, which is the logical recommendation, that they are also voting for office use, assuming the applicant might have that in mind and be willing to go through the BOA process. Chairman Parmele stated agreement with Mr. Paddock.

Applicant's Comments:

Ms. Sharon Strange stressed the amount of OL from 48th Street and Fulton south to 51st Street and the fact that this property is "sandwiched" in with OL on one side and an office PUD (YMCA) on the other. This situation offers minimal privacy for residential use; therefore, Ms. Strange requested approval of OL zoning.

Additional Comments and Discussion:

Mr. Doherty verified that the request for OL would require an amendment to the Comprehensive Plan, and moved for approval of OL on the subject tract and the required amendment to the Comprehensive Plan. Mr. Carnes asked Mr. Doherty why he chose to go direct OL. Mr. Doherty replied it was due to the nature of the uses in the entire area, and he felt it was obvious that this was also going to an office use as it is not appropriate for residential. Mr. Doherty stated he did not feel the applicant should have to go through the time and expense of a BOA application, as it would be an exercise of procedure, not of substance, which would be a waste of both the applicant's time and the BOA's time. Along this line, Mr. VanFossen inquired if the TMAPC had the right to waive fees on zoning and/or BOA, so that the only thing the applicant would be out would be the time element, not the expense. Mr. Gardner stated the TMAPC does not have the jurisdiction on BOA fees, but does have the right on zoning application fees. Mr. VanFossen suggested waiving any additional zoning fees. Staff informed the Commission the estimated amount of fees involved.

As there was no second for the previous motion, discussion continued on options available to the applicant. Ms Kempe moved for approval of the Staff recommendation for RM-1, which offers the BOA option for a special exception, or the option of a PUD. Mr. Paddock stated favor of the Staff recommendation, but also favored, in these circumstances, refunding the fees paid for the zoning application. Ms. Kempe stated she would amend her motion to include this refund. Staff clarified the refund would be waiving the difference between an additional BOA application fee and the zoning fee already paid, but the applicant would be required to pay for a BOA application if she went that route. Mr. Doherty commented he would be

voting for the motion, but he still felt it was a long, drawn out process to go this route. Chairman Parmele stated agreement with Mr. Doherty and Mr. Paddock that it is office use, and why not let it be office.

TMAPC ACTION: 8 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **7-1-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, "aye"; Carnes, "nay"; no "abstentions"; Wilson, Woodard, Crawford, "absent") to **APPROVE Z-6116 Strange for RM-1**, as recommended by Staff, and a refund of fees, the correct amount to be verified by the INCOG staff.

Legal Description:

The South 109' of the North 289' of the West 200' of Lot 14, Block 2, ALLEN'S SUBDIVISION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

DSM COMMENT: Mr. Stan Williams of DSM asked to comment that the applicant should be on notice that there is a severe drainage problem anywhere east of Fulton. Therefore, there are very strict controls on future development in this area, which includes the subject tract. If the tract is left as is, there may not be very much expense involved; however, there could be considerable expense in developing this property to meet the drainage constrictions. While not in a floodplain, it is at the edge of a floodplain although it does not contain a water course and is less than an acre in size. DSM requirements would be applied if there was a plat requirement or a waiver of plat condition. Mr. Gardner added that, if the applicant goes to the BOA, they would also make drainage a condition of approval.

OTHER BUSINESS:

PUD #417 NW/c of South Victor Avenue and East 17th Place

Staff Recommendation: Detail Sign Plan - Development Area I

The subject tract is 1.53 acres in size and is located on the northwest corner of South Victor Avenue and East 17th Place. It has been approved for a maximum of 22,000 square feet of general office use excluding drive-in bank facilities and funeral homes. Detail Site Plan and Detail Landscape Plan for Development Area I were both approved by the TMAPC on June 11, 1986. The applicant is now requesting Detail Sign Plan approval as per original PUD approval. In accordance with TMAPC approval, notice of the application has been given to those interested parties that spoke at the original PUD hearing.

PUD 417 - Cont'd

The applicant has proposed two signs of approximately 28 square feet each, which will be located along South Utica Avenue and East 17th Place. Original PUD 417 allowed two signs not to exceed 6 feet in height and 32 square feet in surface area per sign, to which the applicant has conformed to all conditions. In addition, the proposed signs are architecturally consistent with the proposed structures.

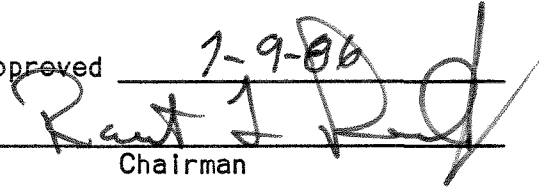
Based on the above, the Staff recommends **APPROVAL** of the Detail Sign Plan for PUD 417, Development Area I.

On **MOTION** of **KEMPE**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, "aye"; no "nays"; no "abstentions"; Selph, Wilson, Woodard, Crawford, "absent") to **APPROVE** the **Detail Sign Plan for PUD 417**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:55 p.m.


Date Approved

7-9-86



Chairman

ATTEST:


Secretary

