

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2075

Wednesday, July 24, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

### Members Present

Boyle  
Dick  
Doherty, 1st Vice Chairman  
Gray  
Horner  
Ledford  
Midget, Mayor's Designee

### Members Absent

Ballard  
Carnes  
Edwards  
Pace

### Staff Present

Almy  
Gardner  
Matthews  
Stump

### Others Present

Romig, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 22, 1996 at 12:33 p.m., in the office of the County Clerk at 1:47 p.m., as well as in the Reception Area of the INCOG offices.

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

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## REPORTS:

### Committee Reports:

#### Comprehensive Plan Committee

Mr. Ledford stated that the Comprehensive Plan Committee has two items, nos. 17 and 18, on the agenda today.

**Director's Report:**

Mr. Gardner presented the Report of TMAPC and BOA receipts for the month of March, 1996.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **APPROVE** the Report of TMAPC and BOA receipts for the month of March, 1996.

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Mr. Gardner pointed out a letter from Councilor Williams has been received requesting continuance of item 15 on the agenda. Mr. Midget stated he has talked with Councilor Williams and due to the scheduling of TMAPC meetings, Mr. Williams asked that his request for continuance be withdrawn to allow due process for the applicant. Mr. Williams also requested a list of the interested parties on this item.

Mr. Gardner reported there are two zoning applications and code amendments to be heard by the City Council on July 25, 1996. Mr. Doherty stated that Mr. Gardner and he will be attending the City Council meeting.

**SUBDIVISIONS:**

**Final Approval:**

**O'REILLY AUTOMOTIVE (2483)**

(PD-18)(CD-8)

East of the southeast corner of East 91st Street South & South Memorial

**Staff Comments:**

Mr. Stump stated that all release letters have been received and staff recommends approval of the final plat.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **APPROVE** the Final Plat for O'Reilly Automotive as recommended by staff.

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**Lot Split for Ratification of Prior Approval:**

**L-18308 Livingston, et al (Sterling House) (1883)**

(PD-18)(CD-8)

8300 South Mingo

**L-18312 Edith Black (494)**

(PD-17)(CD-6)

13536 East 4th Place South

**Staff Comments:**

Mr. Stump informed the Commission that these two lot-splits for ratification of prior approval are in order and meet Subdivision Regulations.

**TMAPC Action; 7 members present:**

On **MOTION** of **DICK**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **APPROVE** the Lot-splits for Ratifications of Prior Approval, finding them in accordance with Subdivision Regulations.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: Z-6054-SP-1**

(PD-18)(CD-8)

(Corridor Site Plan for single-family subdivision)

**Applicant:** Jack Spradling

**Location:** South of southwest corner of 81st Street South and Garnett Road

**Presented to TMAPC:** Jack Spradling

**Staff Recommendation:**

The proposed Corridor Site Plan is for a single-family subdivision with lots meeting RS-3 standards. No Bulk and Area Requirements are proposed. A tract northwest of the site plan is proposed for multifamily with its only access through the entire half-mile of subdivision streets. In staff's opinion the site plan does not provide sufficient access to Garnett Road, especially the western lots. It also does not provide a Corridor collector street to serve the lots and one is needed. The only street proposed with a 60' right-of-way is a new street fronting the Mingo Valley Expressway which does not connect to any other

street not in the Corridor Site Plan. There are also insufficient stub streets to the south side of the property and straight streets which are too long and will encourage high speed traffic.

Finally, no subdivision plat has been filed for this tract and therefore there has been no TAC review of this subdivision. Staff recommends CONTINUING this Corridor Site Plan until the subdivision plat is ready for Final Plat approval.

**Staff Comments:**

Mr. Stump stated that staff is awaiting the submission of a subdivision plat. Staff has not received a request for continuance from the applicant.

**TMAPC Comments:**

Mr. Doherty asked if the applicant was present. Mr. Doherty acknowledged the applicant as not being present. Mr. Doherty stated the only options available at this time are denial or continuance of the request. Mr. Doherty recommended the case be continued for two weeks.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **CONTINUE** the Corridor Site Plan for Z-6054-SP-1 to August 7, 1996.

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**ZONING PUBLIC HEARING:**

**Application No.: PUD-190-35** (PD-18)(CD-8)  
(Minor Amendment to divide a residential lot into two lots)  
**Applicant:** William G. Clement  
**Location:** 7822 South Irvington Avenue  
**Presented to TMAPC:** William G. Clement

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to allow the splitting of a single-family residential lot, creating two separate lots.

Staff has reviewed the request and finds that the existing lot is on the inside of the curve of South Irvington Avenue. The existing frontage is 175.87', the width at the rear lot line is

63.79' and the lot is approximately 220' in length. The proposed split would create two lots with frontage of approximately 81' and a rear dimension of approximately 32'. The two lots are proposed for 12,065.93 sf and 13,339.64 sf in size.

Further staff review indicates that the lots, as proposed, provide adequate width in the building envelope to site a wide variety of residential dwelling types. Review also indicates that the lots as proposed are compatible with the size of lots in the adjacent area and provide sufficient area to comply with the livability requirements of the PUD.

Staff notes that the covenants of this addition state that "No residential structure shall hereafter be erected or placed on any building plot which has an area less than the minimum lot area of any lot shown in the above plat." This statement leaves some room for interpretation as to whether or not there is a private restriction regarding lot-splits. However, the PUD standards do not appear to prohibit a split.

Staff recommends APPROVAL.

Staff also suggests that the applicant clear the split with his association prior to its execution.

#### **Applicant's Comments:**

**William Clement**, Box 630, Fairland, Oklahoma, 74343, stated that the request was presented very well by Mr. Stump. However, Mr. Clement addressed the covenants of Minshall Park III in regards to the restriction on dividing lots. Mr. Clement feels the covenants require the new lots to have more square footage than the smallest existing lot. Mr. Clement stated the splitting of this lot will create two lots with approximately 12,000 or 13,000 square feet and the smallest existing lot has approximately 9,600 square feet. Therefore, the new lots will exceed the requirement by approximately 3,000 square feet.

#### **Interested Parties Comments:**

**John Banks**, 7750 South Granite, 74136, stated he is representing the Minshall Park Homeowners Association. The association consists of approximately 400 members. Mr. Banks stated the association met on July 8 and unanimously passed a resolution to oppose this amendment. The association took this position because of their strong feeling that further increasing the density of homes in Minshall Park will lessen the attractiveness of the area for residential purposes and in turn lessen the property value. The association feels the current plat and the restrictive covenants have been in effect for over fifteen years and any restrictions relating to this lot would have been known about before the lot was purchased. The association sees no compelling reason to approve the amendment. Mr. Banks pointed out that there are other lots in the neighborhood that do not have homes constructed on them. Mr. Banks feels that allowing the split of this lot may encourage others to ask for a similar request and this will cause even more density and decrease in property value.

**Arthur Rasher**, 7755 South Hudson, 74136, stated he opposes the request. Mr. Rasher pointed out that the square footage may meet or exceed the requirement; however, he feels the long, narrow lots will permit the houses to be too close together.

**Applicant's Rebuttal:**

Mr. Clement stated there is not a restriction against the splitting of lots in the covenants. Mr. Clement pointed out there are several lots in the neighborhood on which the front area is less or more narrow and feels this is an existing condition. In regards to the value due to the size of the lot, Mr. Clement feels the demand is for smaller lots.

**TMAPC Comments:**

Mr. Doherty questioned whether this would create more buildable lots than the number of units allowed in a PUD. Mr. Stump replied in the negative and that the developer did not use all of the units when the other portions of the PUD were developed. Mr. Stump stated that this lot is not entitled to one of the unused units unless the Commission agrees to it.

Mr. Boyle questioned where Mr. Clement received the opinion on the splitting of the lots. Mr. Clement replied he received the opinion from Murrel Wilmoth, who had worked with the Planning Commission for many years, and not from an attorney. Mr. Boyle feels the language can be interpreted in different ways and pointed out that if the Commission approves the request, it does not mean the plat is approved.

Mr. Boyle stated he has not seen any compelling reasons not to grant the lot-split which creates a lot that is not outside the bounds of the other lots in the subdivision. Mr. Boyle stated that lower property value was the only argument he has heard today and feels it is not a reason to deny the request.

Mr. Doherty stated there appears to be a drainageway or a common area immediately southwest of the lot which would provide a demarcation between the large lots to the north on Irvington and the small lots on 76th Place. Mr. Boyle pointed out that the lots to the west are smaller lots.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **5-2-0** (Boyle, Dick, Horner, Ledford, Midget "aye"; Doherty, Gray "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent") to **APPROVE** Minor Amendment PUD-190-35 to divide a residential lot into two lots as recommended by staff.

**Legal Description for PUD-190-35:**

Lot 29, Block 10, Minshall Park III, and located at 7822 South Irvington Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6549**  
**Applicant:** Stephen Schuller  
**Location:** 3305 North Garnett Road  
**Presented to TMAPC:** Stephen Schuller

**AG to IM**  
**(PD-16)(CD-6)**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Special District 2.

According to the Comprehensive Plan the requested IM zoning **may be found in** accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 10 acres in size and located south of the southeast corner of East 36th Street North and U.S. Highway 169 North. Actual frontage of the western tract is on North Garnett Road, which serves as an access road from the Mingo Valley Expressway (U.S. Highway 169). It is non-wooded, flat, has several accessory buildings, and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north, south and east by vacant land, zoned IM; to the southwest by an automobile sales business, zoned IM; and to the west by U.S. Highway 169, zoned RS-3.

**Zoning and BOA Historical Summary:** In 1994 the property abutting the subject tract on the southwest was rezoned from AG to IM zoning.

**Conclusion:** This area is primarily planned for industrial uses due to the location in regard to transportation access, soil characteristics, slope and existing land use trends. Staff, therefore, recommends **APPROVAL** of IM zoning for Z-6549.

**Applicant's Comments:**

**Stephen Schuller**, stated he is in agreement with staff's recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **APPROVAL** of IM zoning for Z-6549 as recommended by staff.

**Legal Description for Z-6549:**

The West Half of the Northeast Quarter of Southwest Quarter of Northwest Quarter, (W/2, NE/4, SW/4, NW/4) and West Half of Northwest Quarter of Southwest Quarter of Northwest Quarter (W/2, NW/4, SW/4, NW/4) less South 300' of West 202' thereof and less 0.38 acre tract in Northwest corner thereof, all in Section 20, T-20-N, R-14-E, Tulsa County, Oklahoma.

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**Application No.: Z-6550**

**RS-3 to IM**

**Applicant:** Stephen Schuller

**(PD-3)(CD-3)**

**Location:** East Zion Street; west of North Birmingham Avenue

**Presented to TMAPC:** Stephen Schuller

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - No Specific Land Use - Special District 1.

According to the Comprehensive Plan the requested IM zoning **may be found in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately five acres in size and located on the southeast side of U.S. Highway 75. It is sloping, wooded, has one small storage building and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by the Cherokee Expressway exit ramp and right-of-way, zoned RS-3; to the south and east by the AT & SF railroad right-of-way and single-family dwellings south and east of the railroad, zoned CS; and to the west by a manufacturing company, zoned IM.

In January, 1996, the adjoining tract to the south as well as a tract located west of the northwest corner of East 21st Street South and South Lynn Lane were rezoned from RS-1 to AG.

Zoning and BOA Historical Summary: The subject tract was zoned RS-3 in 1970 and the most recent rezoning in this area was in 1981.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses, and with the existing zoning and development, staff recommends **APPROVAL** of IM zoning for Z-6550.



**Applicant's Comments:**

**Stephen Schuller** pointed out that the map is different from the one submitted with the application in that it excludes the right-of-way for Zion Street. Mr. Schuller feels Zion Street will be closed and vacated. He prefers that the zoning request to include the entire area that was submitted with the application. This would prevent a strip of residentially-zoned property in the center of the industrially-zoned property. Mr. Stump replied that the Zoning Ordinance provides that if the area up to the right-of-way is zoned a certain way then it does extend automatically to the middle of the street. Mr. Schuller stated that would take care of his concerns.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **APPROVAL** of IM zoning for Z-6550 as recommended by staff.

**Legal Description for Z-6550:**

Lots 9 to 16, inclusive, Block 2, and Lots 1 to 6, inclusive, Block 3, Tower Heights Addition, Tulsa County, State of Oklahoma, and located south of the southwest corner of East Apache Street and North Birmingham Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6344-SP-5** (PD-18)(CD-8)

(Corridor Site Plan for an office/warehouse facility)

**Applicant:** Gale Plummer

**Location:** 6215 South 107th East Avenue

**Presented to TMAPC:** Gale Plummer

**Staff Recommendation:**

Staff has reviewed the proposed site plan for office and warehouse space. The size of the building on the plan does not agree with the text that accompanies the plan. Also the plan has fewer trees and one fewer parking space than the ordinance requires.

Therefore, staff recommends **CONTINUANCE** of this item to August 7, 1996 to allow the applicant to modify his proposal.

**Staff Comments:**

Mr. Stump informed the Commission that a revised site plan has been received for approximately 5000 square feet of office and approximately 2000 square feet of warehousing. Mr. Stump stated there is other non-residential development in this area. This use seems to be compatible. Staff recommended an additional tree and parking space. The revised site plan does reflect those additions. Therefore, staff recommends approval of the revised site plan.

**Applicants Comments:**

**Gale Plummer** stated he agrees with staff's recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **APPROVAL** of the Corridor Site Plan for Z-6344-SP-5 for an office and warehouse facility.

**Legal Description for Z-6344-SP-5:**

The North 265' of Lot 2, Block 1, less the North 140' of Lot 2, Block 1, Fred C. Langenkamp Addition to the City of Tulsa, Tulsa County, Oklahoma and located at 6215 South 107th East Avenue, Tulsa, Oklahoma.

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**Application No.: Z-6551**

**AG to RS-1**

**Applicant:** Jeffrey Levinson

**(PD-26)(CD-8)**

**Location:** East of northeast corner South Yale and East 121st Street South

**Presented to TMAPC:** Jeffrey Levinson

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the southwest corner as being Low Intensity - No Specific Land Use, this corner runs from a point approximately 500' north along the west boundary southeasterly to a point that is approximately 1,000 feet on the south boundary; the remaining largest portion of the properties designated by the Comprehensive Plan as Special District 1.

According to the Zoning Matrix the requested RS-1 zoning **may be found in** accordance with the Plan Map on that portion designated Special District 1. The requested RS-1 **is in** accordance with the Plan Map on the portion of the subject tract designated Low Intensity - No Specific Land Use.

**Staff Comments:**

Site Analysis: The subject property is approximately 40 acres in size and located east of the northeast corner of East 21st Street South and South Yale Avenue. It is wooded, steeply sloping, vacant and zoned AG.

Surrounding Area Analysis: The tract is abutted on the north and south by vacant property, zoned AG; to the east by a single-family dwelling, zoned AG; and to the west by single-family dwellings, zoned RS-1.

Zoning and BOA Historical Summary: Past zoning actions in this area have established single-family development to the west and east.

**Applicant's Comments:**

**Jeffrey Levinson** stated he had nothing further to add to staff's recommendation.

**Interested Parties Comments:**

**Bill Ramsey**, P. O. Box 40, Bixby, Oklahoma, 74008, stated he does not object to the zoning. However, he expressed concern for flooding problems due to the additional housing.

**TMAPC Comments:**

Mr. Doherty stated that flooding and drainage issues should be addressed during the platting stage.

Mr. Dick advised Mr. Ramsey to contact him during that time because Ray Jordan and he deal with the run-off in that county district.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **APPROVAL** of RS-1 zoning for Z-6551 as recommended by staff.

**Legal Description for Z-6551:**

The Southeast Quarter of the Southwest Quarter of Section 34, T-18-N, R-13-E of the Indian Base and Meridian, situated in Tulsa county, State of Oklahoma, according to the U. S. Government survey thereof, and located east of the northeast corner of South Yale Avenue and East 121st Street South, Tulsa, Oklahoma.

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**Application No.: Z-6552**

**Applicant:** J. Edwin Poston

**Location:** 4940 South Columbia Avenue

**Presented to TMAPC:** J. Edwin Poston

**RS-1 to OM**  
**(PD-6)(CD-9)**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

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

According to the Comprehensive Plan the requested OM zoning **is not in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 134' x 299' in size and located on the north side of the Skelly By-pass and north of the northwest corner of South Columbia and I-44 access road. It is flat, non-wooded, contains a single-family dwelling, and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling, zoned RS-1; to the west by single-family homes, zoned RS-3; and to the south and east by offices, zoned OL and OM.

Zoning and BOA Historical Summary: There has not been any recent rezoning activity on the north side of I-44 Expressway.

Conclusion: The subject property is identified as being designated as Low Intensity - No Specific Land Use and the requested OM zoning is not compatible with the Comprehensive Plan. Although the adjacent property to the south is zoned OL and the tracts to the east are zoned OM with office uses, single-family dwellings north and west are still viable. Therefore, staff recommends **DENIAL** of OM zoning and **APPROVAL** of OL zoning to align with the OM zoning to the east to serve as a buffer for the residential uses to the north and west.

**Applicant's Comments:**

**Ed Poston**, 1515 East 71st, Suite 302, stated this is a piece of residential property which contains an existing structure that he believes cannot be used for a residence. The sub-floor, plumbing and electric service are nearly gone. Mr. Poston feels the structure will have to be razed regardless if the zoning is approved or not. Mr. Poston stated he is in agreement with OL zoning. Mr. Poston pointed out that there are some questions as to whether or not this property will be used for anything other than an extension of the Skelly By-pass. The property is located in an area where it could possibly be subjected to condemnation at a future date. Mr. Poston stated he does not have any information in regards to the Department of Transportation's plans.

Mr. Poston stated the property cannot be sold as residential. Mr. Poston informed the Commission that the owner of the property is in a nursing home and his wife is deceased. The owner's daughter has attempted to sell the property as residential and finds it not sellable under those circumstances. Mr. Poston is not proposing any platting requirements, just the change in zoning for selling purposes.

**Interested Parties Comments:**

**Sue Wilson**, 3434 South Columbia, expressed she has major concerns over the traffic problems. Ms. Wilson has worked to get stop signs placed in this area. Ms. Wilson reported that in January 1994 there were 920 cars on this street, with 30% of them speeding. After the installation of two stop signs, in April 1994, the count dropped to 750 with a 7% reduction of speeding vehicles. Ms. Wilson feels it does not matter what is done with the lot because any changes will increase the traffic. Ms. Wilson stated if the property is zoned for office the traffic will only increase in the neighborhood. Ms. Wilson feels it is time to stop the intrusion into the neighborhood.

**Cathy Newsome**, 4616 South Columbia, stated she is here as a concerned citizen. Ms. Newsome informed the Commission that she is a member of the Tulsa School Board and she has a history of safety concerns as a school board member. Ms. Newsome's main concern is the increased traffic on a residential street. Ms. Newsome pointed out that Columbia Avenue is the only north/south street that runs from 41st to the I-44 access road.

Ms. Newsome feels the neighborhood has changed over the past few years in that younger families with children are moving in and causing an increase in the number of children in the area. Ms. Newsome reminded the Commission that Edison High and Middle School is located near the intersection of 41st and Columbia. Even though the schools are located within one building, there are still the children and traffic from two schools to be considered. Ms. Newsome stated there is also a private school, Betty Rowen's Nursery School, located on the access road toward Lewis Avenue. Ms. Newsome feels Columbia is used as a short-cut to the schools.

Ms. Newsome is concerned with the safety of children playing in front yards. The two stop signs that were installed have reduced the speed of traffic but not the amount of traffic. She feels the change in zoning will increase traffic, impact the quality of life for people on the street and poses an increased hazard for children living on Columbia. Ms. Newsome asked the Commission to deny the request.

**Richard Gilmore**, 4573 South Columbia, stated he sent a letter with a map attached outlining the traffic problem. Mr. Gilmore re-enforced Ms. Newsome's concerns for increased traffic and safety. Mr. Gilmore stated that he helped with obtaining signatures for a petition consisting of sixty names which was forwarded to the Planning Commission. Mr. Gilmore reminded the Commission that at the time the by-pass was constructed, the neighborhood was promised that all office and commercial business would be located on 51st Street or the south side of Skelly Drive. Mr. Gilmore asked the Commission to deny the request and stop the intrusion into the neighborhood.

**Fred Wagner**, 4454 South Columbia, stated he has additional comments in regards to the traffic. Mr. Wagner feels that the traffic is from adults going south in the morning and north in the evenings. Mr. Wagner pointed out that 49th Street, 47th Place, 45th Street and 45th Place are the only streets that feed onto Columbia, which is the only north/south street in the mile section. Mr. Wagner stated it took three years of hard work to get the stop signs installed. The motorcycle division of the Police Department has been very cooperative in providing coverage at times.

Mr. Wagner asked what the requirements are for office light zoning. Mr. Gardner stated that OL requirements include a one-story building that is permitted to cover 30 percent of the property. Approximately 10 percent would have to be landscaped area. Mr. Gardner indicated a building in the size of 12-15,000 square feet could be placed on a 40,000 square feet of property. Mr. Wagner inquired as to the number of parking spaces required. Mr. Doherty replied one space per 300 square feet. Mr. Doherty feels the limiting factor on the size of the building under an office zoning would be the parking requirement rather than the floor area ratio.

**Nicholas Krull**, 4118 South Columbia, stated he is the property owner of 4925, 4927 and 4929. Mr. Krull pointed out that the cul-de-sac is made up of single-story duplexes and is a residential area. Mr. Krull feels he has to object to the office medium zoning. However, he feels the OL zoning would be compatible with the property to the west.

**Chris Heroux**, 4611 South Columbia, stated he sent a letter opposing the request due to the traffic concerns which have been expressed today. Without sidewalks in the neighborhood, Mr. Heroux expressed concern for his children and other children's safety due to the traffic. Mr. Heroux cannot support any development that would increase the traffic flow into the neighborhood. Mr. Heroux stated that Columbia is being used as an arterial street. Mr. Heroux provided some traffic counts. Mr. Heroux pointed out, for Mr. Poston's benefit, there is a potential buyer for the residential property.

**Gary Maddux**, 4930 South Columbia, stated he lives in the house immediately to the north of the subject property. Mr. Maddux stated he is also present on behalf of Marilyn Morris, 2533 Skelly Drive, and Quanita Camp, who own the residences immediately adjacent to the subject property. Mr. Maddux questioned the reason the building was considered uninhabitable. Mr. Maddux feels there may be structural damage, but it is inhabitable. Mr. Maddux stated that the owner has not attempted to sell the building because there has never been a realtor's sign at the location. He stated the only sign at the location is the "for sale" sign that states it is OL zoned. Mr. Maddux pointed out that there are drainage problems in an area.

Mr. Maddux stated if the zoning is approved, it will affect three homes directly and the entire neighborhood indirectly. Approval will allow further intrusion into the neighborhood. Mr. Maddux feels that OL will also permit signage on the property.

**Applicant's Rebuttal:**

Mr. Poston stated he understands the traffic problem but feels it is created by the manner in which the access roads for Skelly Drive were laid out. Mr. Poston feels that OL zoning will not affect the traffic problem. Mr. Poston pointed out the OM zoning directly across the street. Based on the shape of the lot, Mr. Poston feels that the concerns of the interested parties would be better addressed during the platting stage of the property.

**TMAPC Comments:**

Mr. Boyle questioned whether Mr. Poston feels OL will increase the traffic use. Mr. Poston replied he feels the access to this property would be from the service road of the Skelly Bypass. Mr. Boyle questioned whether Mr. Poston feels OL will increase the traffic, but not on Columbia. Mr. Poston replied he feels it will not increase traffic on Columbia significantly.

Mr. Boyle asked Mr. Poston to respond to the statement from resident who indicated that he has not tried to sell the property as residential. Mr. Poston responded that the property has been on the market for months and at the request of the owner's daughter, no "for sale" sign was placed in the yard to prevent vandalism. Mr. Boyle questioned if there is a "for sale" sign at the location indicating OL zoning. Mr. Poston replied he had no idea; however, there is the required posting sign for the proposed change in zoning. Mr. Doherty stated that the sign may be confusing to adjacent property owners.

Ms. Gray questioned the possibility of selling the property for duplexes. Mr. Poston feels duplexes would increase the densities. Mr. Midget questioned the maximum if zoned for duplexes. Mr. Stump replied four duplexes or eight units. Mr. Midget questioned the effect duplexes would have on the density compared to office. Mr. Stump stated it would depend on the type of office.

Mr. Boyle asked Legal Counselor Romig if the TMAPC falls under Title 19 guidelines. Mr. Romig stated that the zoning authority does fall under the statute. Mr. Boyle asked how to determine if the percentages required on protested cases have been met. Mr. Doherty replied that this statute applies to the municipal governing body, the City Council. Mr. Gardner stated that Council would have to determine the percentage by the protest petition. Mr. Doherty stated that a protest petition has been submitted. Mr. Doherty stated the petition is a notice and will be included in the minutes.

Mr. Boyle stated he has serious concerns on the traffic issue. He stated this is a residential neighborhood and OL zoning would allow further intrusion into the neighborhood. With additional office use at the end of a major north/south street of a neighborhood, Mr. Boyle feels traffic is of great concern.

Mr. Doherty stated that Columbia is a collector. He pointed out where Pittsburg intersects 31st Street there is a funeral home on one side and an office on the other. Mr. Doherty feels the timing of the traffic is as crucial as the nature of the traffic. Mr. Doherty does not see an office use increasing rush-hour traffic, but providing more continuous traffic during the day.

Mr. Ledford questioned what the trip generation is on duplexes. Mr. Stump replied eight trips per dwelling unit. Mr. Ledford questioned what the trip generation is on offices. Mr. Stump replied it would vary depending on the type of office. Mr. Gardner stated an average range based on square footage would be 15 to 30 trips per thousand square feet.

Mr. Boyle again expressed his concerns with the traffic problems in a residential neighborhood with children.

Mr. Stump pointed out that during work on subdivision regulations, it was noted that other residential collectors are carrying between 1500 and 3000 trips per day. Over 3000 is obviously overloaded and not appropriate. But the debate is what number between 1500 and 3000 is too many for residential collectors.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **4-3-0** (Boyle, Gray, Ledford, Midget "aye"; Dick, Doherty, Horner "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **DENIAL** of OM zoning for Z-6552 as recommended by staff and **DENIAL** of OL zoning for Z-6552.

**Legal Description for Z-6552:**

Lot 4, Block 2, South Lewis View Addition, Tulsa County, State of Oklahoma, and located at 4940 South Columbia Avenue, Tulsa, Oklahoma.

\* \* \* \* \*

**Application No.: Z-6553**

**Applicant:** H. M. Anderson

**Location:** South of southeast corner E. 36th St. N. and N. Cincinnati Ave.

**Presented to TMAPC:** H. M. Anderson

**RS-3 to RM-1**

**(PD-25)(CD-1)**

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the west 300' of the subject property as Medium Intensity - Development Incentive Area 5 with the balance of the property designated as Low Intensity Residential and Development Sensitive on the northeast quarter.

According to the Comprehensive Plan the requested RM-1 zoning **may be found in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 12 acres in size and located south of the southeast corner of East 36th Street North and North Cincinnati Avenue. It is sloping, wooded, vacant and zoned RS-3.



Surrounding Area Analysis: The tract is abutted on the north by vacant property, zoned RS-3; to the east by vacant land, zoned AG; to the southeast are apartments, zoned RM-1; to the south is vacant property, zoned OL and AG and to the west by a church, zoned AG.

Zoning and BOA Historical Summary: There have been no recent rezoning actions in this area.

Conclusion: The Comprehensive Plan designates the west 300' of the subject property as Medium Intensity as well as including this area as being within Development Incentive Area 5. The Comprehensive Plan Guidelines for Planning District 25 encourage the development of high-quality, unsubsidized apartments appropriately located near arterial streets. The requested RM-1 zoning would be compatible with the Comprehensive Plan and existing zoning patterns and developments. Therefore, staff recommends **APPROVAL** of the requested RM-1 zoning for Z-6553.

#### **Applicant's Comments:**

**Harold M. Anderson** stated he is the pastor of the New Faith Baptist Church and this is a church project. Mr. Anderson stated the project proposes to build senior citizen apartments wrapped around the church similar to the development at Jordan Plaza. Mr. Anderson feels this will be the best facility on the north side. Mr. Anderson gave a brief description of the facility.

#### **Interested Parties Comments:**

**Maxine B. Johnson**, 345 East 36th Place, stated she is the Chair for Planning District 25. Ms. Johnson expressed concerns with Mr. Anderson's proposal. The proposal she received was titled "American Young Adults Against Drug Abuse," that Ms. Johnson stated he was using in the area. The facility is proposed as a recreational center sponsored by the different churches which will provide various social and physical activities on a daily basis. In addition, counseling, parenting skills education and transportation will be provided on an as-needed basis. The proposal states that these activities will be in a secured environment which will be monitored by off-duty police officers and video surveillance. Ms. Johnson questioned as to what type of facility the zoning would allow. Mr. Doherty stated what Ms. Johnson was describing could not be permitted under the RM-1 zoning, but would be allowed under use unit 2 which would required BOA action regardless of the zoning.

Ms. Johnson stated that Planning District 25 needs economic development and not more rental property or centers. Ms. Johnson stated the Planning District 25 is planning for the district and the district needs economic development. Ms. Johnson is opposed to multifamily or apartment zoning.

**Algerita Brooks**, 4726 North Frankfort, waived her comments.

**Johnie Asbury**, 2726 North Main Street, stated the area needs economic development. There are shelters for the abused and too many churches in the area. Mr. Asbury feels the area does not need what Mr. Anderson is proposing.

**Alfreda Shaw**, 2745 North Cincinnati, stated she appreciates Mr. Anderson's efforts in trying to develop this area. However, the Vernon Manor Apartments are located behind the proposed development and she feels it would cause more congestion. Ms. Shaw stated she opposes the change in zoning.

**Rev. A. L. Conley**, 852 North Vancouver, feels that Mr. Anderson has always made plans for future development of the City and asked the Commission to approve the request.

**Leon Edd**, 2511 East 29th Place South, stated he is trying to observe everything that is being said in regards to Mr. Anderson's request. Mr. Edd's opinion is that one can not do wrong when trying to do something good, like the church and senior citizen's apartments, no matter where the facility is located. Mr. Edd feels there is a need for more senior citizens' apartments. Mr. Edd stated he is in support of the project.

**Veretta Carter**, 502 South Main, Suite 304, stated she is the assistant director for Neighborhood Housing Services and lives within Planning District 25. Ms. Carter requested the Commission to deny the zoning based on the abundance of subsidized multifamily units in the area and several Housing Authority homes that are used for Section 8. She feels this area is already heavily subsidized. She expressed the need for more commercial activities in the areas. Mr. Doherty informed Ms. Carter that the source of income to construct a project is something the Planning Commission may not consider. The Planning Commission has to consider whether the multifamily or apartment use is an appropriate land use in the area.

Ms. Carter questioned if the zoning was approved would the neighborhood be guaranteed the senior citizen center. Mr. Doherty replied in the negative. Mr. Midget stated that a site plan would have to be brought back before the Planning Commission for approval. This is a type of safeguard on the development of the property. However, that would not guarantee a senior citizen center. Ms. Carter stated she read a planning book she received from INCOG and understood it to say that further multifamily units would be discouraged in this district. Mr. Doherty replied that a statement in the Comprehensive Plan guidelines for Planning District 25 "encourages the development of high quality, unsubsidized apartments, appropriately located near arterial streets." Ms. Matthews stated that Ms. Carter may be referring to the "draft" of the District 25 Plan update, but it has not been presented or approved at this time.

#### **Applicant's Rebuttal:**

Mr. Anderson expressed that the proposal will unite the churches and the police. Mr. Anderson stated this is a different type of center from Jordan Plaza and Vernon Manor. This is a retirement home, a different type of facility altogether. He feels the request should be approved and asked the Commission for their consideration.

**TMAPC Comments:**

Mr. Doherty stated the subject zoning would leave a tract of RS-3 between the CS and RM-1. Mr. Doherty feels this would not be an appropriate zoning pattern under most conditions. However, there are substantial differences in elevations in this area. Mr. Doherty questioned what effect this would have on development in the area and the Comprehensive Plan. Mr. Stump replied that when the owner is ready to develop the other tract, the owner would develop at a higher density than the RS-3.

Mr. Midget stated that he is familiar with Mr. Anderson's proposal. Mr. Midget does not feel it is an inappropriate request for the area. He feels with the project being residential it is duplex in nature and feels it is in accordance with the Comprehensive Plan. Mr. Midget noted the previous request for this area was a half-way house/treatment center which consisted of different activities. He disagreed with that request. That was heard by the Board of Adjustment (BOA). Mr. Midget stated Mr. Anderson's request for quality housing for senior citizens would be appropriate in this location. Mr. Midget would support this request.

Mr. Doherty clarified the application is for multifamily housing on this site. Any proposal for a treatment or recreational facility must go before the BOA.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-1-0** (Boyle, Dick, Doherty, Horner, Ledford, Midget "aye"; Gray "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **APPROVAL** of the requested RM-1 zoning for Z-6553 as recommended by staff.

**Legal Description for Z-6553:**

The South Half of the Northwest Quarter of the Northwest Quarter, less the North 330' of the West 1,068', Section 24, T-20-N, R-12-E, Tulsa County, Oklahoma, and located south of the southeast corner of East 36th Street North and North Cincinnati Avenue, Tulsa, Oklahoma.

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**Application No.: PUD-411-7/PUD-411D-1/Z-5842-SP-2a/Z-5842-SP-6a**

(Minor Amendment and Amended Corridor Site Plan to transfer building floor area within the PUD for a 2100 sf addition to Fred Jones Ford)

**Applicant:** Charles Norman (PD-26)(CD-8)

**Location:** Northeast corner East 98th Street South and South Memorial

**Presented to TMAPC:** Charles Norman

**Staff Recommendation:**

The applicant, Fred Jones Ford, is requesting Minor Amendment and Corridor Site Plan revision to permit the construction of a two-story office addition to the existing building. The construction of this facility requires the transfer of 2100 sf of approved floor area from lots 2 and 3.

Staff has reviewed the request and finds the following:

Lots 1, 2 and 3 of Block 1 make up Development Area 3 of the PUD. All of the area included in lots 1, 2 and 3 is in common ownership. Fred Jones Lincoln Mercury is located on lots 2 and 3 with Fred Jones Ford located on lot 1.

The maximum floor area allowed on lot 1 is 32,704 sf per minor amendment 411-2 which is the extent of the exiting structure.

The maximum floor area allowed on lots 2 and 3 is 104,500 sf per major amendment 411-D. Existing structures on lots 2 and 3 have a total floor area of 37,997 sf leaving 66,503 sf available.

The applicant wishes to transfer 2,100 sf from lots 2 and 3 to lot 1. The allowed floor area on lot 1 would become 34,804 and the allowed floor area on lots 2 and 3 would be 102,400 sf, leaving 64,403 sf available.

The plan as shown complies with the landscape area and parking requirements of the PUD.

Staff recommends **APPROVAL** subject to the following:

Height of the proposed structure shall not exceed 35'.

**Applicant's Comments:**

**Charles Norman** stated he is in agreement with staff's recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **APPROVE** the Minor Amendment and Amended Corridor Site Plan to transfer building floor area within the PUD for a 2100 sf addition to Fred Jones Ford subject to the height of the proposed structure not exceeding 35' as recommended by staff.

**Legal Description for PUD-411-7/PUD-411D-1/Z-5842-SP-2a/Z-5842-SP-6a:**

Lot 14, Block 3, Ridge Point Addition and located on the southeast corner of E. 99th Street South and S. 87th East Avenue, Tulsa, Oklahoma.

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**PUBLIC HEARING TO AMEND THE COMPREHENSIVE PLAN:**

**Consider amendments to the District 10 Plan Map and Text to reflect portions of the Charles Page Boulevard Area Neighborhood Revitalization Planning Program.**

**Staff Comments:**

Mr. Marvin Cooke, Urban Development Department, requested continuance of this item to August 28, 1996.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to recommend **CONTINUANCE** of the Public Hearing to amend the Comprehensive Plan.

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**OTHER BUSINESS:**

**Resolution No. 2075:779 to amend Major Street & Highway Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area to reflect redesignations of Archer and Brady, East of 41st Street, West 71st Street, 15th Street, and Garnett Road as approved by the TMAPC on July 17, 1996.**

**Staff Comments:**

Mr. Stump stated this is the resolution implementing the motion on July 17, 1996.

**TMAPC Action; 7 members present:**

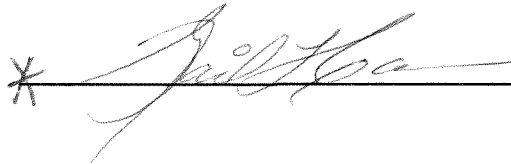
On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Edwards, Pace "absent ") to **APPROVE** Resolution No. 2075:779.


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Mr. Palmer requested to speak to the Commission in regards to an upcoming agenda item. Mr. Romig, Legal Council, advised the Commission that since this is not a posted item and under the open meeting act it would not be appropriate to hear any information on this item. Mr. Doherty denied Mr. Palmer's request.

There being no further business, the 1st Vice Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: August 7, 1996

\*  Chairman

ATTEST:   
Secretary