

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1462
 Wednesday, June 29, 1983, at 1:30 p.m.
 Langenheim Auditorium, City Hall
 Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 10:40 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:35 p.m.

REPORTS:

Report of Receipts and Deposits:

The Staff advised the Commission this report is in order.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Hinkle, Higgins, Inhofe, "absent") to approve the report of receipts and deposits for the month ending May 30, 1983.

Chairman's Report:

Chairman Kempe introduced Mr. Dan Flick, who will be taking Mr. John Benjamin's place on the Commission.

She explained there are two subcommittees for the Commission and appointed Mr. Flick to the Rules and Regulations Committee.

Rules and Regulations Committee:

Mr. Gardner advised the Commission that the meeting previously scheduled for July 6 has been postponed until July 13 and will be held in Room 213 at 12:00 Noon.

Director's Report:

Mr. Gardner submitted two letters. The first letter (Exhibit "A-1") is from property owners within the Brookside area requesting a special study for the area between 31st and 41st Streets to provide off-street parking for the businesses in the area. This will be placed on the agenda for consideration and copies were provided for the Commissioners.

The second letter (Exhibit "A-2") is from John Moody concerning the procedure of referring zoning items to the district planning teams. He suggested this be sent to the Rules and Regulations Committee for further study.

CONTINUED ZONING PUBLIC HEARING:

Application No. PUD 326 Present Zoning: (RD)
Applicant: Cox (Barnes)
Location: East of the SE corner of 15th Street and 77th East Avenue

Date of Application: April 14, 1983
Date of Hearing: June 29, 1983
Size of Tract: 2.3179 acres

Presentation to TMAPC by: Ken Cox Phone: 588-4068
Address: 4100 Bank of Oklahoma Tower

Staff Recommendation:

Planned Unit Development No. 326 is located south and west of the southwest corner of 15th Street and South 79th East Avenue. The subject tract is vacant, has RD underlying zoning, and the applicant is now requesting PUD supplemental zoning to allow 22 patio-lot detached single-family dwellings.

The Staff has reviewed the submitted Outline Development Plan and find that we can support the concept of the plan, given the approved RD underlying zoning. However, we question the access and internal circulation shown on the submitted plat.

We find the proposed design to be extremely compact, making turning very difficult. In addition, once a vehicle has entered the development the only means of exiting is by several backing maneuvers or using private drives. Also, the private drive in the southern portion of the tract creates double-frontage lots and places what the Staff sees as being a street adjacent to the rear yards of the existing duplexes on the north.

We feel the best solution to this problem is to provide access points on both 15th Street and 79th East Avenue with short, private drives off this through street to serve small groups of dwelling units. However, there could be a number of possible alternatives to solve the problem (see Staff alternatives).

Therefore, the Staff recommends APPROVAL of PUD #326, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval, unless modified herein.
- (2) That a revised Development Plan meeting the requirements of the TMAPC be made a part of the file.

(3) Development Standards:

Land Area (Gross):	2.46 acres
(Net):	2.31 acres
Permitted Uses:	Single-family detached patio homes and accessory uses.
Maximum Number of Units:	22 units
Maximum Height:	35 feet
Minimum Livability Space:	44,000 square feet
Minimum Parking Spaces:	2 per unit

6.29.83:1462(2)

PUD #326 (continued)

Minimum Building Setbacks:

From 15th Street:	20 feet
From East, West and South Property Lines:	5 feet
Between Buildings:	6 feet

- (4) That one sign meeting the requirements of Section 420.2 (d) (2) be permitted along the 15th Street frontage.
- (5) That a Homeowner's Association be established to maintain all common paved and open space areas.
- (6) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of any Building Permits.
- (7) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy, including sign location and design and location of any screening fences.
- (8) 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.

The Staff displayed 3 alternatives for this plan. It is their opinion that alternative "A" is the best solution because it provides a through tract. Alternative "B" shows a cul-de-sac and alternative "C" would provide a "hammer head" turn around.

Applicant's Comments:

Mr. Ken Cox represented Mr. David Barnes, the developer of this project. He submitted copies of the development text (Exhibit "B-1") and explained the surrounding uses. It is the developer's intention to erect a 6-foot privacy fence around the exterior of the property. There is an existing fence in the bend of the "L" along the existing duplex units.

There is a 30' wide handle off the southeast corner of the property which creates a problem with the Staff Alternative "A". Mr. Barnes currently has an option to purchase this property. However, one of the stipulations of that contract and covenant is that this handle be used for emergency access only. Due to the restrictive covenants contained in the transaction for this property, Mr. Barnes would be unable to dedicate this land for permanent use.

The RD zoning on this property is pending before the City Commission. However, the Planning Commission has recommended approval. The property is adequately served by the proper utilities. The property slopes and the drainage was taken into account in the layout of the streets and the placing of the units on the site plan.

Under the existing zoning of RD, 25 units would be allowed and this proposal is for 22 units. He has met with the Staff on several occasions and wished to express his appreciation for their assistance. Mr. Barnes

originally planned to have 24 units on the property. As a result of the meetings, the application was reworked and the architects redrew the plans. The initial site plan was reviewed by the Technical Advisory Committee and the circulation and street layout did not seem to be a problem. Therefore, he does not think the layout presented creates traffic problems.

The plan was designed by Mr. Ralph Bender, who is a well-known landscape and urban designer in San Antonio. One of the primary goals of this development is to provide affordable housing in the area. The additional cost from reworking the plans would make the houses more expensive. This project has standardized floor plans, which takes into account the angles the buildings face, solar alignment, etc. Some of these plans would require a revision to that standardized floor plan if the site plan is altered and this would also increase the cost of the home.

Mr. Cox did not feel this plan created double frontage because that only occurs when the property is abutted on two sides by public streets. What the Staff is calling a street is an alley. The duplex units that would be affected on the other side are on a cul-de-sac and not a through street; also, there are only 2 duplexes that are actually affected by the plan presented.

Mr. Cox felt that problems should have been addressed at the initial T.A.C. meeting, if the T.A.C. members had felt it necessary. These questions were not raised until this week. Mr. Cox feels the submitted plan is a fine one, although tight and is quite workable and will be a very pleasant addition to the neighborhood.

Commissioner C. Young wondered where the open space would be. Mr. Barnes explained the livability space requirement is 2,000 square feet per unit. This site plan meets this requirement and affords him a footprint of 1,140 square feet, which will include a two-car garage. They would be 1 1/2 story in height.

Commissioner C. Young wondered why the applicant could not accept either alternative "B" or "C", since contractual agreements would not allow alternative "A". Mr. Cox explained they have not rejected these two alternatives. However, Mr. Barnes has a strong preference for his plan and feels it is workable. The appropriate people have reviewed the plan and they have no problems with it. He is willing to work with the Staff, but this will be an additional cost.

Commissioner T. Young was concerned about the alley and Mr. Cox explained this is intended for access to the individual homes only, rather than a street for circulation purposes. It would not meet the standards of a dedicated street, as pointed out by Chairman Kempe.

In response to a question raised by Commissioner Flick, Mr. Cox explained no units would be lost if alternative "B" were used. All of the site plans included 22 units.

Mr. Barnes commented that zero lot line homes have historically been designed with a street scape of garage doors. The houses as proposed are all rear alley access to the garages. The project is designed to afford the best possible views to each home to get away from the rows of garage doors.

PUD #326 (continued)

thence South $89^{\circ}-49'-16''$ West along the Southerly line of the N/2 of the S/2 of the NW/4 of the SE/4 of Section 11 for 321.00' to a point on the Easterly line of "Moeller Heights Second Addition", an Addition to the City of Tulsa, Tulsa County, Oklahoma; thence North $0^{\circ}-01'-43''$ West along Said Easterly line for 455.08'; thence North $89^{\circ}-49'-25''$ East and parallel to the Northerly line of the SE/4 of Section 11, for 150' "to the Point of Beginning" of Said tract of land.

Application PUD #131-C
Applicant: Murphy (Carney, McGraw)
Location: NW corner of 14th Street and Garnett Road

Present Zoning: (CS, RM-1, OL)

Date of Application: April 14, 1983
Date of Hearing: June 29, 1983
Size of Tract: 4.6305 acres

Presentation to TMAPC by: Charles Murphy
Address: 9930 East 21st Street

Phone: 663-3858

Staff Recommendation:

Planned Unit Development No. 131-C is located at the southwest corner of Skelly Drive and South Garnett Road. The tract is vacant, mostly flat, and zoned a combination of CS, OL and RM-1. It is abutted on the north by Skelly Drive and a service drive, on the east by a convenience store zoned CS, on the south by single-family zoned RS and on the west by multi-family under the control of PUD #131 with an underlying zoning of RM-1.

The Staff has reviewed the Outline Development Plan and find the proposal is: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #131-C, subject to the following conditions:

- (1) The applicant's Outline Development Plan be made a condition of approval as being representative of the proposed development.
- (2) Development Standards:

Development Parcel 1

Gross Area Land Area:	.712 acres
Permitted Uses:	All uses permitted within an OL District.
Maximum Building Area Allowed (proposed):	7,200 square feet
Maximum Land Coverage of Buildings:	23%
Maximum Building Height:	35 feet
Maximum Number of Stories	2 stories
Minimum Building Setback From Centerline Abutting Public Street on East:	75 feet
Minimum Building Setback From Centerline Abutting Public Street on South:	50 feet
Minimum Building Setback From Property Boundaries:	From the west boundary lot line - 15' From the north boundary lot line - 12'
Off-Street Parking Required:	1 space per 300 square feet of floor area.

6.29.83:1462(7)

PUD #131-C (continued)

Development Parcel 2

Gross Area Land Area	2.606 acres
Permitted Uses:	Uses permitted under Use Units 12, 13, 14 and 15.
Maximum Building Area Allowed (proposed):	43,000 square feet
Maximum Land Coverage of Buildings:	37.8%
Maximum Building Height:	35 feet
Maximum Number of Stories:	2 stories
Minimum Building Setback From Centerline Abutting Public Street on East:	100 feet.
Minimum Building Setback From Property Boundaries:	0 feet
Off-Street Parking Required:	1 space per 225 square feet for office portion of building and 1 space per 2,000 square feet of storage portion of building.

Development Parcel 3

Gross Area Land Area:	1.569 acres
Permitted Uses:	All uses permitted within a CS District.
Maximum Building Area Allowed (proposed):	22,000 square feet
Maximum Land Coverage of Buildings:	32.2%
Maximum Building Height:	none
Maximum Number of Stories	6 stories
Minimum Building Setback From Centerline Abutting Public Street on East:	100 feet
Minimum Building Setback From Property line on North:	50 feet
Minimum Building Setback From Property Boundaries:	0 feet
Off-Street Parking Required:	1 space per 225 square feet.

Development Parcel 4

Gross Area Land Area:	2.068 acres
Permitted Uses:	Uses permitted within Use Units 12, 13, 14 and 15.
Maximum Building Area Allowed (proposed):	25,600 square feet
Maximum Land Coverage of Buildings:	28.4%
Maximum Building Height:	35 feet

PUD #131-C (continued)

Maximum Number of Stories:	2 stories
Minimum Building Setback From North Property Line:	50 feet
Minimum Building Setback From Property Boundaries:	0 feet
Off-Street Parking Required:	1 space per 225 square feet for office portion of building and 1 space per 2,000 square feet of storage portion of building.

Development Parcel 5

Gross Area Land Area:	0.604 acres
Permitted Uses:	All uses permitted within an OL District.
Maximum Building Area Allowed (proposed):	6,400 square feet
Maximum Land Coverage of Buildings:	24.3%
Maximum Building Height:	35 feet
Maximum Number of Stories:	2 stories
Minimum Building Setback From North Property Line:	50 feet
Minimum Building Setback From Property Boundaries:	From the east boundary lot line - 12' From the north boundary - 25' From the west and south boundary lot line - 20'
Off-Street Parking Required:	1 space per 300 square feet of floor area.

Development Parcel 6

Gross Area Land Area	0.881 acres
Permitted Uses:	All uses permitted within an RM-1 District.
Maximum Number of Dwelling Units:	22 units
Minimum Livability Space Required per Dwelling Unit:	600 square feet
Maximum Land Coverage of Buildings:	25%
Maximum Building Height:	35 feet
Maximum Number of Stories:	2 stories
Minimum Separation Between Buildings:	12 feet
Minimum Building Setback From Centerline Abutting Public Street:	50 feet

PUD #131-C (continued)

Minimum Building Setback From Property Boundaries:

From the east boundary lot line - 15'
From the north boundary - 15'
From the west boundary lot line - 15'

Off-Street Parking Required:

2 spaces per dwelling unit for two bedroom units and 1.5 spaces per unit for 1 bedroom or less.

- (3) That all signs shall meet the requirements of Section 1130.2 (b) of the Tulsa Zoning Code.
- (4) That no building permit shall be issued for the construction of buildings until a Detail Site Plan of each Development Parcel has been submitted to and approved by the TMAPC.
- (5) That prior to occupancy a Detail Landscape Plan shall be submitted for each Development Parcel and approved by the TMAPC.
- (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 and PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Applicant's Comments:

Mr. Charles Murphy of Murphy Properties stated he is willing to go along with the Staff Recommendation and will exceed the conditions where possible. He feels the plan speaks for itself. He has met with residents of Pheasant Run to explain the proposal; and, as far as he knows, there are no protestants.

Protestants: None.

Instruments Submitted: Letter of Support from Blythe Carney (Exhibit "C-1")

TMAPC Action: 6 members present.

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

TRACT I: A tract of land lying in Lots 1 and 2, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof being more particularly described as follows, to wit:

Beginning at a point on the East line of said Lot 1, 80.00 feet South of the Southeast corner of Said Lot 2; thence North 00°-28'-30" West along the East line of Lots 1 and 2 a distance of 240.00 feet to a point; thence North 41°-25'-30" West along the Northeasterly line of Said Lot 2 a distance of 38.96 feet to the most Northerly corner of Said Lot 2; thence South 48°-34'-30" West along the Northwesterly line

PUD #131-C (continued)

of Said Lot 2 a distance of 266.00 feet to the Northwest corner of Said Lot 2; thence South $45^{\circ}-42'-12''$ East along the Southwesterly line of Said Lot 2 a distance of 20.35 feet to a point; thence South $00^{\circ}-28'-30''$ East parallel to the East lines of said Lots 1 and 2 a distance of 78.99 feet to a point; thence due East a distance of 211.99 feet to the point of beginning, containing 0.9565 acres, more or less.

TRACT 2: A tract of land lying in Lot 1, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof being more particularly described as follows, to wit:

Beginning the most Westerly corner of Lot 2, Block 2; thence South $48^{\circ}-34'-30''$ West along the Northwesterly line of Said Lot 1 a distance of 44.00 feet to a point; thence North $41^{\circ}-25'-30''$ West continuing along the Northwesterly line of Said Lot 1 a distance of 25.00 feet to a point; thence South $55^{\circ}-42'-00''$ West continuing along the Northwesterly line of Said Lot 1 a distance of 201.56 feet to a point; thence South $48^{\circ}-34'-30''$ West continuing along the Northwesterly line of Said Lot 1 a distance of 94.00 feet to a point; thence South $41^{\circ}-25'-30''$ East a distance of 200.00 feet to a point; thence North $52^{\circ}-02'-52''$ East a distance of 178.22 feet to a point; thence North $89^{\circ}-31'-30''$ East a distance of 30.00 feet to a point; thence North $00^{\circ}-28'-30''$ West parallel to the East line of Said Lot 1, a distance of 212.04 feet to a point on the Southwesterly line of Lot 2, Block 2; thence North $45^{\circ}-42'-12''$ West along the Southwesterly line of Said Lot 2, Block 2, a distance of 20.35 feet to the point of beginning, containing 1.3234 acres, more or less.

TRACT 3: A tract of land lying in Lot 1, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, being more particularly described as follows, to wit:

Commencing at the most Westerly corner of Lot 2, Block 2; thence South $48^{\circ}-34'-30''$ West along the Northwesterly line of Said Lot 1 a distance of 44.00 feet to a point; thence North $41^{\circ}-25'-30''$ West continuing along the Northwesterly line of Lot 1, a distance of 25.00 feet to a point; thence South $55^{\circ}-42'-00''$ West continuing along the Northwesterly line of Said Lot 1 a distance of 201.56 feet to a point; thence South $48^{\circ}-34'-30''$ West continuing along the Northwesterly line of said Lot 1 a distance of 94.00 feet to the point of beginning; thence continuing South $48^{\circ}-34'-30''$ West along the Northwesterly line of Said Lot 1 a distance of 90.00 feet to a point; thence South $47^{\circ}-48'-35''$ East a distance of 132.26 feet to a point; thence South $61^{\circ}-46'-37''$ East a distance of 69.82 feet to a point; thence North $52^{\circ}-02'-52''$ East a distance of 51.10 feet to a point; thence North $41^{\circ}-25'-30''$ West a distance of 200.00 feet to the point of beginning, containing 0.3461 acres, more or less.

TRACT 4: A tract of land in Lot 1, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and being more particularly described as follows, to wit:

Commencing at the Southeast corner of Said Lot 1; thence due West along the North line of East 14th Street South a distance of 211.00 feet to the point of beginning; thence continuing due West along a projection

PUD #131-C (continued)

of the North line of East 14th Street South a distance of 30.23 feet to a point on the centerline of vacated South 112th East Avenue; thence Northwesterly along said centerline on a curve to the left having a radius of 335.00 feet and a central angle of $12^{\circ}-52'-30''$ a distance of 75.28 feet to a point of tangency; thence North $20^{\circ}-04'-39''$ West continuing along said centerline a distance of 115.00 feet to a point; thence North $61^{\circ}-46'-37''$ West a distance of 143.73 feet to a point; thence North $52^{\circ}-02'-52''$ East a distance of 229.32 feet to a point; thence North $89^{\circ}-31'-30''$ East a distance of 30.00 feet to a point; thence South $00^{\circ}-28'-30''$ East parallel to the East line of Said Lot 1, a distance of 390.29 feet to the point of beginning, containing 0.8521 acres, more or less.

TRACT 5: A tract of land lying in Lots 1 and 2, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof being more particularly described as follows, to wit:

Beginning at a point on the east line of Said Lot 1, 90.00 feet North of the Southeast corner thereof; thence North $00^{\circ}-28'-30''$ North along the East line of Lot 1 a distance of 433.33 feet to a point; thence due West a distance of 211.99 feet to a point; thence South $00^{\circ}-28'-30''$ East parallel to the East line of said Lot 1 a distance of 433.33 feet to a point; thence due East a distance of 211.99 feet to the point of beginning; containing 2.1089 acres, more or less.

TRACT 6: A tract of land lying in Lot 1, Block 2, Pheasant Run, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof being more particularly described as follows, to wit:

Beginning at the Southeast corner of Said Lot 1; thence North $00^{\circ}-28'-30''$ West along the east line of Said Lot 1 a distance of 90.00 feet to a point; thence due West a distance of 211.99 feet to a point; thence South $00^{\circ}-28'-30''$ East parallel to the East line of Said Lot 1 a distance of 90.00 feet to a point on the North line of East 14th Street South, said point also being on the East line of vacated South 112th East Avenue; thence due East along the North line of Said East 14th Street South a distance of 211.99 feet to the point of beginning, containing 0.438 acres, more or less.

Z-5837 Sanders (Anderson Development Co.) SE corner of 71st Street South and
Mingo Road OL to CS

A letter was presented from Mr. Dave Sanders, Jr., requesting this item be withdrawn (Exhibit "D-1").

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Hinkle, Higgins, Inhofe, "absent") that Z-5837 be withdrawn.

Application No. Z-5838 Present Zoning: OM
Applicant: Sanders (Anderson Development Co.) Proposed Zoning: CS
Location: NW corner of 83rd Street and Lewis Avenue

Date of Application: May 2, 1983
Date of Hearing: June 29, 1983
Size of Tract: 305' x 384'

Presentation to TMAPC by: Dave Sanders, Jr.
Address: 5932 East Skelly Drive - 74135 Phone: 672-2444

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan: Z-5838

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

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 305' x 384' in size and located on the northwest corner of 83rd Street and Lewis Avenue. It is partially wooded, gently sloping, vacant and zoned OM (Office Medium).

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned CS, on the east by the City of Faith zoned IR, on the south by vacant property zoned OM and CS and on the west by Riverbend Apartments zoned RM-1.

Zoning and BOA Historical Summary -- Zoning in the area, along with the Board case on the subject tract, has allowed medium intensity uses in the area.

Conclusion -- Based on the existing zoning and development in the area and the Comprehensive Plan, the Staff recommends APPROVAL of the requested CS zoning.

Applicant's Comments:

Mr. Dave Sanders, Jr., represented the owner of the property, which was acquired in August of 1981, in order to build a high-rise office building. Plans were developed for 72,000 square feet; however, due to the saturation of the area, there was not enough interest in such a building. There have been several inquiries for a shopping center. Other shopping centers in the area seem to be occupied. A shopping center could be built with 34,800 square feet and would be different from the services provided in the other centers.

Protestants: None.

TMAPC Action: 6 members present.

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

6.29.83:1462(14)

Z-5838 (continued)

Lot 7, Block 2, Riverbend Addition, an Addition to the City and County of Tulsa, State of Oklahoma, according to the Recorded Plat thereof.

Application No. CZ-82 Present Zoning: AG
Applicant: Stuber (Guest) Proposed Zoning: IL
Location: SW corner of 27th West Avenue and 111th Street

Date of Application: May 5, 1983
Date of Hearing: June 29, 1983
Size of Tract: 24 acres

Presentation to TMAPC by: Clyde Hamm c/o Steve Sherment
Address: 2311 East 161st Street - Bixby, 74008 Phone: 582-0122

Relationship to the Comprehensive Plan: CZ-82

The District 22 Plan (Jenks), a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Suburban.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 24 acres in size and located approximately 1/2 mile east of the Tulsa County line south of 11th Street. It is non-wooded, rolling, vacant and zoned AG (Agriculture).

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling and mobile home zoned RS, on the east by vacant property zoned AG, on the south by scattered single-family dwellings zoned AG and on the west by vacant property zoned AG. The requested IL zoning therefore represents spot zoning.

Zoning and BOA Historical Summary -- There have been no zoning or Board of Adjustment approvals in the area that would support any land use other than low intensity residential.

Conclusion -- Due to the Comprehensive Plan designation, surrounding zoning and present land uses, the Staff cannot support Industrial zoning, and therefore, recommend DENIAL of the requested IL zoning.

NOTE: Recommendation from the City of Jenks is forthcoming.

Applicant's Comments:

Chairman Kempe read a letter submitted by the Jenks planner, stating this application was denied by the Jenks Council (Exhibit "E-1").

Mr. Clyde Hamm represented Mr. Steve Sherment. It is their plan to put in an office and shop-type building.

Protestants: John Umholtz Addresses: Rt. 3, Box 248-Sapulpa
Bill Walker Rt. 3, Box 241-Sapulpa

Protestants' Comments:

Mr. John Umholtz circulated a petition, which was presented to the Commission with the letter from the Jenks planner and contained 114 signatures. The residents in the area bought property to be in the country and the tract is surrounded by residential lots. There is no industrial zoning adjacent to the area. South 126th West Avenue is a one lane road and is

CZ-82 (continued)

not improved. Industrial zoning would draw traffic to the area and would endanger the lives of the children when they get on and off the school bus.

There is also a drainage problem. The residents were told the applicant merely wanted to build a structure to house equipment for a road repair business. Mr. Umholtz did not think 24 acres of industrial zoning were needed for one building. Mr. Umholtz speaks for all the signers of the petition.

Mr. Bill Walker lives immediately to the south of the subject tract. If the entire 24 acres is rezoned and the property is sold, other uses could be imposed on the neighborhood.

Applicant's Comments:

The applicant had no further comments.

Instruments submitted: Letter from Jenks Planner and Petition containing
114 signatures (Exhibit "E-1")

TMAPC Action: 6 members present.

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

The East 794.3 feet of the Northeast Quarter of the Northwest Quarter of Section 34, Township 18 North, Range 12 East of the IBM, containing 24 acres.

CZ-84

Applicant: Boyle

Location: NW corner of 209th West Avenue and West 21st Street South

Present Zoning: AG

Proposed Zoning: AG-R

Date of Application: May 5, 1983

Date of Hearing: June 29, 1983

Size of Tract: 20 acres

Presentation to TMAPC by: Guy Boyle

Address: P. O. Box 1213 - Sand Springs (74063)

Phone: 245-1375

Relationship to the Comprehensive Plan: CZ-84

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract. However, the Development Guidelines would identify the area of the subject tract as being a part of the subdistrict.

The requested AG-R District is in accordance with the Development Guidelines.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 20 acres in size and located west of the intersection of Highway #51 (West 21st Street) and Campbell Creek Road. It is wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by the Burlington Northern Railroad and Arkansas River zoned AG, on the east by vacant property zoned AG, on the south by vacant property with scattered single-family dwellings zoned AG and on the west by scattered mobile homes and single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- RS zoning with a PUD to allow mobile homes was recently approved located south of the southeast corner of Highway #51 and Campbell Creek Road.

Conclusion -- Due to the current type and density of development in the area, the Staff feels AG-R zoning would be appropriate for the area and in conformance with the Development Guidelines. Therefore, the Staff recommends APPROVAL of the requested AG-R zoning.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Hinkle, Higgins, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned AG-R:

The E/2 of the SE/4 of the SE/4 of Section 10, Township 19 North, Range 10 East, Tulsa County, Oklahoma.

CZ-84

Applicant: Boyle

Location: NW corner of 209th West Avenue and West 21st Street South

Present Zoning: AG

Proposed Zoning: AG-R

Date of Application: May 5, 1983

Date of Hearing: June 29, 1983

Size of Tract: 20 acres

Presentation to TMAPC by: Guy Boyle

Address: P. O. Box 1213 - Sand Springs (74063)

Phone: 245-1375

Relationship to the Comprehensive Plan: CZ-84

The District 23 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, does not cover the subject tract. However, the Development Guidelines would identify the area of the subject tract as being a part of the subdistrict.

The requested AG-R District is in accordance with the Development Guidelines.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 20 acres in size and located west of the intersection of Highway #51 (West 21st Street) and Campbell Creek Road. It is wooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by the Burlington Northern Railroad and Arkansas River zoned AG, on the east by vacant property zoned AG, on the south by vacant property with scattered single-family dwellings zoned AG and on the west by scattered mobile homes and single-family dwellings zoned AG.

Zoning and BOA Historical Summary -- RS zoning with a PUD to allow mobile homes was recently approved located south of the southeast corner of Highway #51 and Campbell Creek Road.

Conclusion -- Due to the current type and density of development in the area, the Staff feels AG-R zoning would be appropriate for the area and in conformance with the Development Guidelines. Therefore, the Staff recommends APPROVAL of the requested AG-R zoning.

Applicant's Comments:

The applicant was present but had no comments.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Gardner, Hinkle, Higgins, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned AG-R:

The E/2 of the SE/4 of the SE/4 of Section 10, Township 19 North, Range 10 East, Tulsa County, Oklahoma.

Application No. Z-5843 Present Zoning: RS-2
Applicant: Blackwell, Crockett Proposed Zoning: OL
Location: East of the NE corner of 57th Street and South Lewis Avenue

Date of Application: May 11, 1983
Date of Hearing: June 29, 1983
Size of Tract: .7199 acre

Presentation to TMAPC by: Ted Blackwell and John Sublett
Address: 2250 East 73rd Street, Suite 510 Phone: 492-6419

Relationship to the Comprehensive Plan: Z-5843

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately .7 acre in size and located at the northeast corner of 57th Street and South Lewis Avenue. It is partially wooded, flat, contains one single-family dwelling on the western portion of the tract and is zoned a combination of OL and RS-2.

Surrounding Area Analysis -- The tract is abutted on the north, east and south by an established single-family neighborhood zoned RS-2 and on the west by a commercial shopping center zoned CS.

Zoning and BOA Historically Summary -- Past zoning actions have established an OL buffer along the east side of Lewis Avenue and denied OL on the east portion of the subject tract (Z-4332).

Conclusion -- Based upon past zoning decisions, existing land use patterns and surrounding zoning patterns, the Staff sees this request as an unwarranted intrusion of nonresidential zoning into the interior of a single-family area. If approved, single-family homes would front directly into an office use as opposed to siding or backing to office which is the preferred land use relationship. Accordingly, the Staff recommends DENIAL of the requested zoning change.

Applicant's Comments:

Mr. Ted Blackwell explained the lot under application has been under one ownership for about 50 years, but has recently been split by zoning. There is a vacant house on the lot. Mr. Blackwell plans to situate the entire tract so it may feasibly be sold to a buyer that wishes to renovate the house and use it for an office. Within 300 feet of this tract is OL zoning. The orientation of that tract into the residential neighborhood is practically identical to the subject tract. Proposals for future development along Lewis were for light intensity development. The split in zoning on this tract has hurt the feasibility of any type of development.

Commissioner T. Young asked Mr. Crockett if he had considered combining the existing OL and RS-2 with a PUD to satisfy his development purpose. Mr. Crockett did not believe this would be feasible, but had not considered a PUD.

Protestant: Jane Gibson Address: 2422 East 57th Street

Protestant's Comments:

Mrs. Jane Gibson spoke for the neighborhood. This is a residential neighborhood and there are 15 children living within a 3-house radius of this property. Several of these are preschoolers, so the residents are concerned about more traffic in the neighborhood. When the OL zoning was approved on 56th Place, the residents did notice an increase in traffic, which ran through the neighborhood instead of trying to get out on Lewis Avenue. The zoning on the corner does not cause any problems.

It was Mrs. Gibson's understanding, after talking with Mr. Blackwell, that the property was to be sold and used for an office with no change in the zoning. OM zoning has been approved behind Mrs. Gibson's house, and, if this application is approved, there will be OL zoning fronting her home. The neighborhood realizes this property will be more than residential. However, their concern is the rezoning of this entire tract to OL for the sake of uniformity of the zoning on the property. Rezoning of the entire tract would leave the neighborhood vulnerable for resale and Mrs. Gibson would prefer a PUD to be presented in order to give the residents some assurance.

Applicant's Comments:

Mr. John Sublett was present to represent the applicant. There are several rental houses in the neighborhood and he felt the neighborhood is in transition. This property will never develop as single-family. The house has been repeatedly vandalized and any use would be an improvement to the neighborhood. The sewer is located on the extreme east end of the property. There has been some discussion to erect townhouses on a part of the tract, if the Commission would consider RM-0 zoning. The existing zoning lines are not consistent with the zoning pattern in the neighborhood.

Mr. Sublett submitted a letter from adjacent property owners Mr. and Mrs. Brown, who supported the submitted rezoning (Exhibit "F-1").

The property lines up with OL zoning on 56th Street and feels the requested OL is consistent with the plan for the area.

Commissioner Flick asked if the applicant could point out the houses that are rental units, which was done. Mr. Blackwell explained the only homeowner who resides in his house was Mr. Brown, who submitted a letter of support.

Commissioner C. Young asked if the protestant would point out the houses that are rental units and she did so. She stated there are only two rent houses in this immediate area.

Mr. Gardner pointed out that the subject property has been before the Commission previously and the east part of the property was denied. The Staff has never taken the position that a PUD might not be an appropriate use. There is more floor area footage potential with a PUD than straight OL zoning on the entire tract. Similar treatment was given to the lot to the north and this tract will be before the Commission in a few weeks for a PUD. The Staff feels this is the appropriate way to handle the tract. The lots on the south side of 57th Street that front directly into the subject property have no value for nonresidential use. There is no footage on a major street. The access can be controlled on the subject

Z-5843 (continued)

property with a PUD, which is a big concern for the Staff.

Commissioner Petty wondered if a PUD would be applicable, since he is going to merely remodel the existing house. Mr. Gardner explained the front building could be refurbished and additional parking could be acquired through the Board of Adjustment and conditions could also be imposed. The only reason for zoning the entire tract is for a project that might utilize the entire ground and he does not feel the existing building is the value of the property. However, the Board of Adjustment would require a proven hardship, whereas a PUD does not require one.

Special Discussion for the Record:

Commissioner C. Young felt the Commission should either deny the request or continue the case for a few weeks to allow the applicant time to file a PUD on the existing zoning.

MOTION was made by C. YOUNG, second by T. YOUNG to deny the requested rezoning.

Commissioner T. Young felt the sentiment of the Commission and Staff is to preserve the zoning line and feels there needs to be a distinction between the development of the property and the preservation of the line. This is important for the future of the neighborhood. He agreed that a PUD would be appropriate in order to impose conditions.

Commissioner Petty did not feel the PUD would be much help. He has no problem with the rezoning as requested because it lines up with the zoning to the north and this area already has a heavy traffic count.

Instruments Submitted: Letter of support from Mr. and Mrs. Brown, area residents
(Exhibit "F-1")

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 4-2-0 (Draughon, Kempe, C. Young, T. Young, "aye"; Flick, Petty, "nay"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") to DENY the requested OL zoning on the following described property:

A tract of land, containing 0.7199 acres, that is part of the N/2 of the S/2 of the NW/4 of the SW/4 of Section 32, Township 19 North, Range 13 East, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: "Beginning at a point" on the Northerly line of said N/2 of the S/2 of the NW/4 of the SW/4, said point being 40.00' Easterly of the Westerly line of Section 32; thence Easterly along said Northerly line for 224.00'; thence Southerly along a deflection angle to the right of 90°-04'-42" for 140.00'; thence Westerly along a deflection angle to the right of 89°-55'-18" for 224.00' to a point that is 40.00' Easterly of the Westerly line of Section 32; thence Northerly along a deflection angle to the right of 90°-04'-42" for 140.00' to the "point of beginning of said tract of land.

Application No. Z-5844

Present Zoning: RS-3

Applicant: Baker

Proposed Zoning: IL

Location: West of the NW corner of 36th Street North and Sheridan Road

Date of Application: May 11, 1983

Date of Hearing: June 29, 1983

Size of Tract: 2.52 acres

Presentation to TMAPC by: Mr. Baker

Address: 6405 East 36th Street North - 74115

Phone: 838-8536

Relationship to the Comprehensive Plan: Z-5844

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2.5 acres in size and located north of the Port Road and west of Sheridan Road. It is partially wooded, gently sloping, undeveloped and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by A. T. & S. F. Railroad and Mohawk Park zoned RS-3, on the east by the Port Road zoned RS-3, on the south by scattered single-family dwellings and vacant property zoned IL and on the west by mostly vacant property zoned RS-3.

Zoning and BOA Historical Summary -- A rezoning case in 1979 allowed IL zoning south of the subject tract for a used tire business and open storage. The Staff notes that this area is in a transition from single-family to industrial and public uses.

Conclusion -- The Comprehensive Plan calls for the area to be medium intensity and the IL District is not strictly in accordance with the Plan Map; however, it may be found in accordance if the surrounding land uses support industrial development on this tract. South of 36th Street and adjacent to the airport the land uses are changing from residential to industrial; but, north of 36th Street the major land use is public (Mohawk Park and Zoo). The properties fronting Sheridan Road are developing in airport-related uses; however, the 36th Street frontages remain residential except for the tire storage. The Staff has stated several times in the past that opposite sides of a street do not have to be mirror images. We cannot support an application simply because similar zoning exists across the street.

Based upon this review, the Staff feels the best use of this tract is to provide a front door to the Park and would suggest the City investigate purchasing the tract. We could also support a light commercial use which would be in accordance with the Comprehensive Plan and might complement the Park entrance.

Therefore, the Staff recommends DENIAL of IL zoning and recommends a continuance of this application to allow the City an opportunity to negotiate purchase of the tract or for the applicant to readvertise for CS commercial shopping zoning.

6.29.83:1462(22)

Z-5844 (continued)

Mr. Gardner advised the Commission he has been in contact with a representative from the Park Department and their Board has discussed the possibility of purchasing this property. Under the Plan, the Staff could support commercial, whether or not the Park Department might purchase the land. Industrial zoning would invite open storage, at the front door to Mohawk Park.

Commissioner T. Young felt this is a highly unusual set of considerations. The City could purchase the property no matter what the zoning and did not feel that is a proper consideration. Along the railroad track with surrounding IL property seems to be an ideal tract for IL. Mr. Gardner explained the recommendation was not based on what the City might do. If the applicant had consulted with the Staff, he would have been advised to advertise in the alternative so the Commission could have a choice.

Applicant's Comments:

Mr. Baker is requesting this zoning for his own personal use in order to park his equipment on the property. This is a valuable piece of property and represents a lot of work. Dirt was taken off this property for building the highway. Trash was subsequently dumped on the property and Mr. Baker has filled it in. He is afraid the City will use condemnation to take the property away from him. This property is surrounded by other IL-zoned properties, as well as property owned by the airport.

Commissioner Petty agreed with Commissioner T. Young that this property is ideally located for IL zoning.

Protestants: None.

TMAPC Action: 6 members present.

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

Part of the SE/4 of the SE/4; beginning 60 feet North of the Southwest corner of the SE/4 of the SE/4; thence Northeast 397.44 feet, Northeast 415.98 feet Southwesterly on South Line Railroad Right-of-Way to West line of the SE/4 of the SE/4; thence South to Point of beginning, Section 15, Township 20 North, Range 13 East.

Application No. Z-5845

Applicant: Snow

Location: NE corner of 14th Street and 83rd East Avenue

Present Zoning: RS-1

Proposed Zoning: RS-3

Date of Application: May 11, 1983

Date of Hearing: June 29, 1983

Size to Tract: 203' x 305'

Presentation to TMAPC by: Ken Cox

Address: 4100 Bank of Oklahoma Tower

Phone: 588-2651

Relationship to the Comprehensive Plan: Z-5845

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 RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.4 acres in size and located at the NE corner of 83rd East Avenue and 14th Street. It is non-wooded, flat, vacant and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on all sides by existing single-family dwellings zoned RS-1.

Zoning and BOA Historical Summary -- Past zoning actions have maintained the area as low density residential. There was a request for RS-3 in 1979, with TMAPC sending no recommendation to City Commission (4-4-0 vote).

Conclusion -- The area surrounding the subject tract is zoned RS-1 which allows 3 units per acre; however, in this case the area is actually developed at approximately 1.2 units per acre. The requested RS-3 would allow a density as high as 5.2 units per acre, which the Staff feels is excessive and inconsistent with the existing development. The Staff, in 1979, recommended RS-2 zoning which would allow up to 4 units per acre and aid in the "in-filling" of an area that now has sanitary sewer but developed initially under septic systems.

The Staff still feels that "in-fill" is a good planning practice to bring about a more efficient development of urban land while utilizing existing public improvements, but would only recommend APPROVAL of RS-2. We strongly feel that RS-3 is spot zoning and would be inconsistent with the surrounding area.

Applicant's Comments:

Mr. Ken Cox represented the applicant. He submitted a colored map of the tract and surrounding area (Exhibit "G-1"). Mr. Cox also submitted pictures of the surrounding area (Exhibit "G-2"). The requested zoning is in accordance with the Comprehensive Plan. This is currently a vacant lot and the requested rezoning represents a proper development of the area. One of the concerns of the neighborhood seemed to be the drainage. Approximately 300 square feet of the extreme northwest corner of this property is located in the floodplain. As a result, earth change permits and floodplain permits will be required to comply with the City Engineering Department's requirements. Therefore, the concerns about flooding are properly addressed in
6.29.83:1462(24)

Z-5845 (continued)

the City Ordinances and floodplain development permits. This is not a relevant concern to zoning because Mr. Snow will not be able to develop anything that will have an adverse effect on the area.

There is a great deal of development along Memorial and Mr. Cox does not feel this request is spot zoning. He feels the request is compatible and the Plan states the requested rezoning is in accordance. Mr. Cox met with the Staff and was informed that 6 units could be obtained with RS-2 zoning under a PUD. However, he feels this area could appropriately be rezoned RS-3. This property is located close to tracts that have been rezoned, RD, RM-1 RS-3 and RS-2 and is at the intersection of 14th Street and 83rd East Avenue. Therefore, he does not think the request would be spot zoning. Commissioner C. Young disagreed.

Commissioner T. Young wondered what RS-3 zoning would allow and Mr. Gardner explained the number of units would depend on how much room would be available. There might be enough room north and south to squeeze another lot, making the total 7 lots.

Mr. Compton explained he had discussed this project with Mr. Cox and determined the tract could contain 7 lots. The recommended RS-2 zoning with a PUD would allow 6.89 lots.

Mr. Gerald Snow, the applicant is a builder in the Tulsa Area. The floor plan considered is a standard one he has been using for several years. These will be affordable homes. He uses older lots and the houses sell before the construction is complete. There is no "cheap" housing in Tulsa or cheap lots. About \$15,000 will have to be spent on sewer lines.

Commissioner Flick did not feel the requested zoning is compatible with the surrounding land uses, since the lots in the area are large.

<u>Protestants:</u>	Randy Smith	Addresses:	8335 East 14th Street
	Lois Heinz		8337 East 14th Street
	Frances Anderson		8936 East 14th Street
	Barry Moydell		8324 East 13th Street

(The following were present at the previous Commission meeting when this case was continued and wished to be listed as protestants:)

Mrs. Sherman Adams	Addresses:	8316 East 14th Street
William Cobb		8328 East 13th Street
F. H. Cehak		8905 East 14th Street

Protestants' Comments:

Mr. Randy Smith indicated that the number one problem in the area is water runoff. His property is within the flood zone. There are two bridges out that would cause traffic problems, one on 81st Street and one on 13th St. All of the lots in the area are 3/4 acre to 5 acres in size and he feels this will be too many houses on one lot. The homeowners on 14th Street are presently on septic systems and bringing in a sewer line will force these residents to hook on to the line.

Commissioner C. Young asked how many houses could be built on this lot under the existing RS-1 zoning and Mr. Gardner replied four houses could be constructed.

Z-5845 (continued)

Mrs. Lois Heinz explained this is an old, established neighborhood. The streets are very narrow and it is difficult at times to get out of the area because of the vehicles parked on the side of the road. This is also in a floodplain and the soil does not absorb water because of a high water table.

Mrs. Frances Anderson understood that part of the lot cannot be built on and the rezoning will place the units close together. The bridge is permanently closed. The only access off Memorial is 14th Street. This makes the area isolated and anything east of 83rd Street affects these residents.

Mr. Barry Moydell was additionally concerned about the creek because it causes the land to be swampy. A lot of that water comes off the subject tract. Some improvements have been made to the channel, but the bridges are still out. The residents prefer the larger lots and the existing quality.

Applicant's Comments:

Mr. Cox pointed out that 5,000 square feet of livability space is required for each unit under RS-2 zoning and 4,000 square feet is required for RS-3 zoning. The lots will not be paved because of those requirements. With the present zoning of RS-1, it would be possible to build 4 units. If the RS-2 would allow 6 units, the applicant could agree to a modification.

Special Discussion for the Record:

Commissioner T. Young was not persuaded that an increase to even RS-2 zoning is appropriate in this location. The physical way the area has developed overrides the Comprehensive Plan's designation. The four units would be adequate.

MOTION was made by T. Young, second by DRAUGHON to deny the application.

Commissioner Petty did not agree and could vote to approve RS-2. Commissioner Flick concurred this is compatible. He felt Tulsa had a great need for affordable housing and did not think the neighborhood would be dramatically affected.

Commissioner T. Young agreed there is a need for infill development; however, the area immediately across Memorial is already zoned RS-3. The applicant could find other large lots in this area to develop.

Commissioner Petty did not feel the Commission would be inconsistent by approving this application because there are several places in the area where RS-2 zoning is surrounded by RS-1 zoning.

Commissioner C. Young was concerned about the commercial along Memorial. The rest of the area could be approved for RS-2 and he felt approval of RS-2 would be as much spot zoning as RS-3.

Chairman Kempe noted in view of the existing RS-2 in the area and the Staff recommendation, she could support the RS-2 on the subject lot, even if the entire area would become RS-2 zoning because it is still low density residential.

Commissioner T. Young felt if a two or three block area were under application for a subdivision, the outlook would be different.

Z-5845 (continued)

Instruments Submitted: Colored map of the tract and surrounding uses (Exhibit "G-1")
Pictures of the surrounding area (Exhibit "G-2")

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 3-3-0 (Draughon, C. Young, T. Young, "aye"; Flick, Kempe, Petty, "nay"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") that this application be forwarded to the Board of City Commissioners with no recommendation for rezoning on the following described property:

Lot 7, Block 7, Forest Acres Addition to Tulsa County, Oklahoma.

Application No. Z-5846
Applicant: Jones (Sanditen)
Location: NE corner of 71st Street and Mingo Road

Present Zoning: OL, AG
Proposed Zoning: CO

Date of Application: May 12, 1983
Date of Hearing: June 29, 1983
Size of Tract: 30 acres

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

Phone: 581-8200

Relationship to the Comprehensive Plan: Z-5846

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

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 30 acres in size and located north of the NE corner of 71st Street and Mingo Road with ponds. It is partially wooded, rolling, mostly vacant and zoned AG and OL.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, on the east by mostly vacant property with scattered dwellings along 71st Street zoned OL and CS, on the south by scattered dwellings zoned CO and on the west by vacant property zoned AG.

Zoning and BOA Historical Summary -- Several zoning cases in the area have allowed medium intensity uses and CO zoning due to the proximity of the Mingo Valley Expressway which is to be extended to 71st Street in the very near future.

Conclusion -- With frontage on a primary arterial, secondary arterial and located within 1/4 mile of a proposed expressway, the subject tract qualifies for corridor zoning. The Staff recommends APPROVAL of the requested CO zoning due to the above mentioned facts.

Applicant's Comments:

Mr. Bill Jones was present but had no comment.

Protestants: None.

TMAPC Action: 6 members present.

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

All of Lot 7, Section 6, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, LESS and EXCEPT that portion thereof, more particularly described as follows: Beginning at the Southwest corner of said Section 6; thence North along the West line of 6.29.83:1462(28)

Z-5846 (continued)

said Section 6 a distance of 560' to a point; thence East parallel to the South line of said Section 6 a distance of 560' to a point; thence South parallel to the West line of said Section 6 to a point on the South line of said Section 6; thence West along the South line of said Section 6 to the Point of Beginning.

Application No. PUD 329

Present Zoning: (RS-1)

Applicant: Jones (Burlison)

Location: 7400 Block South Lewis Avenue, East side of Street

Date of Application: May 12, 1983

Date of Hearing: June 29, 1983

Size of Tract: 1.5 acre

Presentation to TMAPC by: Bill Jones

Address: 201 West 5th Street

Phone: 581-8200

Staff Comments:

Commissioner C. Young inquired about the underlying zoning on the PUD. Mr. Compton explained that RS-1 zoning is on the tract. Commissioner T. Young questioned the pending of the zoning action before the City Commission; the recommendation of the Planning Commission of OL or the original request for OM. Commissioner C. Young asked if the PUD should be heard before the zoning has been decided upon. Mr. Gardner explained that the Planning Commission has acted on the zoning and the Staff recommendation on the PUD is to develop it with OL in a PUD. Both items will be heard together at the City. The OL is preferred by the Staff because it would not require a change in the Comprehensive Plan to medium intensity. There is no disagreement as to the proposed three-story structure. OL was recommended previously by the Planning Commission.

Staff Recommendation:

Planned Unit Development No. 329 is located just north of the northeast corner of 75th Street and South Lewis Avenue. It is slightly over 1-acre in size and presently zoned RS-1. The applicant brought to the TMAPC on March 23, 1983 an application for OM zoning. The Planning Commission recommended the property be rezoned OL, which was consistent with the Comprehensive Plan designation of Low Intensity; but would have required a Plan Map amendment to delete a Residential designation. On May 3, 1983, a public hearing on the subject zoning application was conducted by the Board of City Commissioners. The majority of those present could support OM zoning if it were under the protection of a PUD and specific conditions. They requested that Mr. Latch proceed with a PUD application before the Planning Commission and pending receipt of the PUD and the recommendations of the Planning Commission thereon, it was determined to continue any action on the zoning application.

The Staff has reviewed the Outline Development Plan and find the following:

- (1) That the gross land area is 65,340 square feet and the net land area is 52,965 square feet. This amount of area would allow a one-story 13,241 square-foot office building under straight OL zoning and a 26,136 square-foot multi-story building with protective conditions under an OL/PUD. If zoned conventional OM, it would allow 26,483 square feet of multi-story office building and under the conditions of OM/PUD zoning a multi-story office building up to 32,670 square feet. The applicant is proposing a 31,200 square-foot, three-story office building which is only 1,470 square feet below the maximum allowed if zoned OM and the bonus of floor area attributed from the Lewis Avenue right-of-way.
- (2) That the applicant is proposing 94 parking spaces; however, we are in the process of amending the Zoning Code to require 1 space

PUD #329 (continued)

for each 300 square feet of floor area. If applied only to the proposed leasable space (28,515 sq. ft.) the 250 square-foot standard would require 113 spaces. The 250 square-foot figure is derived from current, lending institute requirements. If we use the current PUD office parking requirement of 1/300 sq. ft., the minimum number of spaces required would be 95 spaces.

- (3) That all but the two handicapped parking spaces are shown to be 9 feet by 18 feet or smaller. The Code requires 75% of the parking spaces to be 9 feet by 20 feet.
- (4) That the 2 feet of grassed area around the border of the entire area is actually the 2 feet of automobile front overhang needed for the parking spaces.
- (5) That the building is proposed to be set back 98 feet from the centerline of Lewis Avenue, 64 feet from commercial use on the north, 64 feet from the fire station on the south, but only 48 feet from the low intensity -- residential on the east.

Based upon the above review, the Staff feels the applicant is using the PUD to receive the maximum floor area without providing the necessary site design to make the use consistent with the Code or compatible with the surrounding land uses.

The Staff feels the maximum floor area developable on this tract is 26,136 square feet. This can be accomplished in one of two ways: OM zoning without a PUD or OL zoning with a PUD. Since the OL zoning and PUD would be more consistent with the Comprehensive Plan and previous recommendations, the Staff would recommend that alternative.

Therefore, the Staff recommends APPROVAL of PUD #329, subject to the following conditions:

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

- (2) Development Standards:

Land Area (Gross):	65,340 sq. ft.
(Net):	52,965 sq. ft.
Permitted Uses:	Principal and accessory uses permitted as a matter of right in an OL District.
Maximum Building Floor Area:	26,136 sq. ft.
Maximum Building Height:	36 feet
Minimum Off-Street Parking:	95 spaces
Minimum Building Setback:	
From centerline of Lewis Avenue:	103 feet
From North Property Line:	55 feet
From East Property Line:	80 feet
From South Property Line:	55 feet

- (3) That signs shall meet the requirements of Section 1130.2 (b).
- (4) That a Detail Site Plan be submitted to and approved by TMAPC prior to issuance of a building permit. This Plan should reflect the recommended changes.

- (5) That a Detail Landscape Plan be submitted to and approved by the TMAPC prior to occupancy, including screening proposals and sign design and location.
- (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:

Mr. Bill Jones explained why this case is being heard at the Planning Commission again. The Staff and Planning Commission recommended OL zoning. The City Commission had no problem with the OM zoning, but questioned if Mr. Jones would have a problem with holding the OM zoning application and returning to the Planning Commission with a PUD so that they could exercise control on the OM development. Mr. Jones felt he has come back to the Planning Commission to see what they would recommend on the assumption that the City is going to grant the OM zoning. He further feels that the Staff is trying to tie him back down to the OL underlying zoning. The PUD has been redesigned based upon the City's statement that there is no problem with the OM zoning. Mr. Jones subjected the property to a PUD so the people in the neighborhood would know that a ten-story building was not going to be built, but one with certain heights and dimensions, in a certain method with parking, exits, entrances, landscaping, etc. The PUD was redesigned to meet the OM standards and now the Staff wants to stay with the recommended OL.

Commissioner C. Young suggested sending the PUD with the two different recommendations: one with OL and one with OM. Mr. Jones agreed to this decision. Further discussion among the Commissioners included the suggestion of showing which one of the recommendations the Planning Commission could support if two recommendations were given to the City. The zoning is not being considered for recommendation again; it is the PUD that is being questioned here. There is no point in going with a PUD and OL zoning if the underlying zoning is OM. Commissioner C. Young questioned if the Planning Commission could act on the Staff recommendation, as though that was the way they were supporting the Staff, and then state in the alternative, if this was zoned OM by the City, then this would be their recommendation. The Staff saw no problem with this; however, Commissioner T. Young said this step was not required. He felt the Commission should make their recommendation as such and the City will decide on these two points after they decide the zoning. Commissioner C. Young was concerned that the PUD would be returned to the Planning Commission if the City decided to change the zoning to OM. The City can make a decision on both the zoning and PUD without recommendation when reviewing the application.

Commissioner T. Young felt the Planning Commission should be consistent with the previous hearing. Mr. Jones stated that their plan is less than the maximum under the PUD with underlying OM zoning. The final decision would be based on whether or not 4,600 square feet more should be allowed in this building. The applicant is requesting 31,200 and the Staff is recommending 26,300.

Mr. Jones explained about the parking provided. He has 18 feet instead of 20 feet saved for parking, but the planner included two feet of grass as

PUD #329 (continued)

the overhang, the reason being to give more space on the drive-thru. It will also allow a pretty good size overhang to make it look a lot nicer.

Commissioner T. Young asked for clarification on the two east property line setback recommendations. The text states 48 feet and the Staff recommendation is for 80 feet. Assuming that the Planning Commission gave the square-footage requested by the applicant, Commissioner T. Young wondered if a setback of that amount would include the structure containing that square-footage within the maximum height and would an 80-foot setback still allow the square-footage to be made in only three stories. Mr. Gardner replied that the building would still be able to fit. Mr. Jones stated they would have to redesign the building.

Protestant: Mrs. Varley Taylor Address: 2434 East 72nd Street

Protestant's Comments:

Mrs. Varley Taylor from Esplanade Condominiums stated that on the east side of Lewis all the way from 71st to 75th the buildings are one-story and it extends all the way back up to Harvard Avenue. At 74th Street there are some two-story buildings, which are also set back off the street. The traffic is exceedingly heavy along that street.

Mrs. Taylor attended the previous meeting for zoning and she did not understand that the Commission approved zoning for office medium. She and other residents agreed to support office light, but they did not want a high-rise next to their condominiums. She was under the impression that office light would restrict the building to one-story and a PUD would allow him to go as high as three stories.

Applicant's Comments:

Mr. Latch is concerned that the setback requirements suggested by the Staff would cause their building to be redesigned and it would look like all other buildings--a rectangle. They would do this if so required; however, the building was prepared to be an attractive building.

Mr. Jones stated Mrs. Taylor accurately described the area on the east side, but there is OM zoning on a 40-acre tract directly down from the applicant's land, which would be built right on Lewis. Oral Roberts also has several high-rises.

Commissioner C. Young made a motion to support the Staff recommendation to the extent that the City Commission tends to support OM zoning, and that the following conditions apply: That instead of 26,163 square feet of floor area, it should be 31,100; the 95 parking spaces be reduced to 94; also the setbacks, instead of being 103 feet from Lewis, would be 98, leaving a 5-foot difference; from the north, instead of 55 feet, it would be 52.5, a 2.5 foot difference; from the east would be 80 feet to 48 feet; 55 feet from the south would be changed to 52.5. These conditions would apply if the City intended to support OM, but the Planning Commission would be supportive of the OL and the Staff recommendation.

Commissioner Petty had no problem with the motion made by Commissioner C. Young, but he saw no problem with the OM zoning; however, that is not the issue. The prime consideration is that they have already limited themselves to three stories. The motion of C. Young was seconded by Art Draughon. Commissioner T. Young started out in agreement with Commissioner

PUD #329 (continued)

C. Young's motion, but upon recalling the previous hearing, it was clearly the height of the structure that was the main concern. He has no trouble accepting the PUD as submitted with the exception of the parking spaces, which should be changed to be 95.

Commissioner T. Young made a substitute motion to support the applicant's submitted text of the PUD with the change to 95 parking spaces. Commissioner Petty seconded the substitute motion.

Instruments Submitted: Development Text for PUD #329 (Exhibit "H-1")

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, 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 applicant's text with an increase of parking spaces from 94 spaces to 95 spaces, including the Staff conditions 3, 4, 5, and 6 and eliminating the last sentence of the Staff's condition #4, on the following described property:

A tract of land located in the NW/4, SW/4, NW/4 of Section 8, Township 18 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beginning at the Northwest corner of the NW/4, SW/4, NW/4 of said Section 8; thence due South along the West line of said Section 8, a distance of 247.50 feet to a point; thence due East a distance of 264.00 feet to a point; thence due North a distance of 247.50 feet to a point; thence due West a distance of 264.00 feet to the point of beginning, containing 1.50 acres, more or less.

Application PUD #330

Present Zoning: (RM-3)

Applicant: Johnsen (L.C.M. Partnership)

Location: NW corner of Riverside Drive and Denver Avenue

Date of Application: May 12, 1983

Date of Hearing: June 29, 1983

Size of Tract: 3.88 acres

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Staff Recommendation:

Planned Unit Development No. 330 is located at the northwest corner of Denver Avenue and Riverside Drive. It is approximately 4 acres in size, contains two existing apartment complexes and is zoned RM-3. The applicant is requesting PUD supplemental zoning to allow the development of two multi-story structures. One structure will be an office building containing not more than 158,580 square feet of floor area and the second will be a residential building containing no more than 115 dwelling units.

The subject tract is abutted on the west by an existing multifamily complex also zoned RM-3; on the north by a mixture of office and residential uses zoned OL and RM-2; on the east by University Towers and a mixture of office and residential zoned a combination of OH, OM and RM-2 and on the southwest by the River Park.

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

Therefore, the Staff recommends APPROVAL of PUD #330, subject to the following conditions:

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

(2) Development Standards:

Land Area (Gross): 4.00 acres
(Net): 2.91 acres

Permitted Uses: Use Units 8 and 11 and accessory uses as identified in Section 420 and 620 of the Zoning Code.

Maximum Office Floor Area: 158,580 square feet

Maximum Residential Floor Area: 174,000 square feet

Maximum Number of Dwelling Units: 115 units

Maximum Building Height: (above grade) 12 stories

Minimum Building Setbacks:

From Denver Avenue, existing right-of-way, 35 feet

6.29.83:1462(35)

PUD #330 (continued)

From 17th Street Existing Right-of-Way,	25 feet
From West Property Line,	25 feet
From Riverside Drive Existing Right-of-way.	20 feet
Minimum Off-Street Parking - Residential:	1.5 spaces per 1 bedroom or efficiency units, 2 spaces per 2 or more bedroom units.
Office:	1 space per 300 square feet of floor area.*

- (3) Signage shall meet the requirements of Section 1130.2 (b).
- (4) No Building Permit shall be issued until a Detail Site Plan has been submitted to and approved by the TMAPC.
- (5) A Detail Landscape Plan shall be submitted to and approved by the TMAPC prior to occupancy.
- (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.

*This Ordinance permits one space per 400 square feet of office space; however, this section of the Code is to be amended to 1 space per 300 square feet of floor area.

Applicant's Comments:

Mr. Roy Johnsen represented the owner of the property. The property is currently zoned RM-3, which is the highest multifamily classification and permits office use by exception. This PUD is based on the underlying zoning and there is no application to change the zoning. High-rise is also a permitted use with the zoning.

It is the intent of the developer to remove the existing multifamily complex. Two towers would be constructed with the northern one to be used for offices intended for condominium ownership and the other tower would be a residential tower containing approximately 115 dwelling units. Surface parking and access drives would serve both buildings and there is connection to open spaces at the ground level. The parking for the office is to be four levels under the building. The parking area would not be seen from Denver and on-site grade changes lend to structured parking, giving the opportunity to have different levels of parking exiting and entering from adjoining streets. The residential tower is a 12-story building with a parking structure of three levels. From 17th Street, the upper level of the office parking can be reached and from Riverside Drive, the entrance would be at the second and lower level.

Mr. Johnsen noted there is OH zoning across the street from this tract that contains the University Club Towers, which is a 32-story structure.

To the north of University Club Towers is Mansion House, which is approximately 11 stories in height. The Staff Recommendation has covered all the key matters, as far as consistency with the plan and consistency with the standards of the PUD Ordinance; and, the Staff has reached the conclusion that the project is an appropriate one, given the physical facts of this site. All of the conditions recommended are acceptable to the applicant, with one exception. The Staff recommended, in regard to the office, one parking space per 300 square feet of floor area. On the residential, the Staff recommended 1.5 spaces per one bedroom or efficiency and two spaces per two or more bedroom units. The text differs in the office parking, requiring 1 space per 400 square feet of office floor area and agrees with the recommendation for the residential parking. One parking space per 400 square feet of office floor area is all that is required in the Code at the present time. The Staff will be recommending a change to the Ordinance at a later date, but is imposing this more restrictive standard on this application because it is a PUD. The plan was designed per the Code and would even exceed the requirements.

A project of this type is materially different from a suburban office complex. This is a mixed use complex and there is the potential that persons might live in the complex as well as work in the office tower, possibly even own one of the offices. Also, since this is an extension of the downtown area, there is an opportunity for transit that would not exist in suburban areas. There are a number of buses that pass this site. The two parking structures have a common accessway. Some parking spaces would probably be assigned with approximately 47 spaces unassigned to a particular tenant. Those spaces would be available for both the office and the residential patrons. This is also true of the surface parking. After analyzing the plan, Mr. Johnsen calculated there are a total of 479 parking spaces proposed. This places them 49 spaces below the Staff recommendation and converts to a ratio of one space per 332 square feet of floor area. The office would be in use during the day and demand for parking within the residential area would mainly be at night, allowing joint use of parking. If additional parking is required, another level would have to be added because there is not enough surface area. Such an addition would cost approximately another quarter of a million dollars. In order to meet a requirement that is not in the Code at this moment substantially alters the economics of this project. He requested the Commission consider these concepts.

Mr. Johnsen concluded by stating this is a unique tract that should be developed in a manner that is proposed and does include the PUD technique with appropriate conditions and safeguards.

<u>Protestants:</u>	Ward Miller	Addresses:	1412 South New Haven Avenue
	Audra Roop		1632 South Denver Avenue
	Steve Holzell		89 Bay Ave., Bloomfield, N. J.
	Norma Turnbaugh		1822 South Cheyenne Avenue

Protestants' Comments:

Mr. Ward Miller represented a resident of University Club Tower apartments. It is a general concern that the top of the proposed development is level with the floor of the first living areas in University Club Tower apartments, blocking their view of the river. He requested the Commission be sensitive to the river vista issue in all developments along the river corridor. Commissioner C. Young informed Mr. Miller this point was brought up during the zoning hearing. The Commission considered that issue at the time.

Mrs. Audra Roop was concerned about the statement contained in the notice mailed to the area residents regarding commercial uses. There is no existing commercial zoning south of 15th Street on Denver Avenue. Mr. Gardner explained this is accessory commercial, such as a restaurant that is usually found in a high-rise residential or high-rise office building. This is not the typical free-standing retail shops. Mrs. Roop was opposed to any convenience-type store and was afraid commercial in this area would open up for commercial zoning from 15th Street to Riverside Drive on Denver. She felt this is a very nice plan; however, the buses running past this tract do not stop because they are express buses. Also, there are numerous apartment buildings and office buildings in the downtown area that are vacant and she wondered if there is a need for more spaces.

The Staff and Commissioners did not think a convenience store would be feasible in this complex because such permitted use would be accessory for the offices and could only be open during office hours. A restaurant would fit in nicely with the project, but parking would be a problem if the restaurant were very big or had a private club included. The property owners will have to be selective.

Mr. Steve Holzell is the general partner (owner-manager) of University Club Tower. He has an office and apartment in the University Club Tower, although he is not in town that often. Other people have spoken for him during the zoning hearing and the comments expressed are not what he meant to project. He realizes that property owners have the right to build on either side of his building and the blocking of view is not a legitimate complaint. However, he does have some problems with the proposed project. He personally believes it is a mistake to start high-rise building on Riverside Drive. People go to the park to get away from the City, not to be surrounded by high-rise buildings. Traffic is another concern. He did not think access should be approved onto Denver.

Mr. Holzell was relieved to hear the Staff and Commissioners are considering an increase in the required parking. He hires security guards to keep unauthorized people from parking in his lot, especially during special events at the park. Office parking would require more spaces than just for employees.

Mrs. Norma Turnbaugh agreed with the previous protestant concerning high-rise development along Riverside and the parking problem. There is presently a lot of cars being parked on her street and people are walking downtown.

Applicant's Comments:

Mr. Johnsen felt it was an error to advertise commercial zoning in the notice sent to area property owners. Any commercial proposed is of a limited nature, must be located within a principal building and cannot occupy more than 15% of the floor area of that building.

The protest concerning view of the river does not seem valid because University Club Tower is a high-rise and blocks others view. The way this project is designed will not materially block their view. The various zoning districts approved in this general vicinity all would permit high-rise without a zoning hearing.

The access points for this project have been reviewed by the Technical Advisory Committee, which includes a representative from the Traffic Engineering Department. It was their opinion the access points were good

PUD #330 (continued)

because of the variety of accesses to Denver, Riverside Drive and 17th Street. All three of these streets have been employed to disperse traffic to the various levels of parking within the complex. Concerns about access have been reached and addressed by the professionals involved.

The Zoning Code presently stated that 1 parking space per 400 square feet of floor area is adequate parking. This plan exceeds the requirement. The Staff says 1 parking space per 300 square feet of floor area would be a good standard throughout the community and this plan is very close to that standard. This project is a unique project of having two uses permitting an opportunity for shared parking. If the entire project was residential, guest parking would be a consideration. One of the advantages of mixed uses is that a lot of the office spaces will be available for guest parking for the residential use in off-peak hours. This would be particularly true for the surface parking. Security will be needed to protect their parking spaces, but it is not this property owner's responsibility to provide parking spaces for other uses in the area, such as special events at the park.

Special Discussion For The Record:

After studying the displayed configuration, Commissioner T. Young wondered if Elwood Avenue would be extended to Riverside Drive or if this is a driveway. Mr. Johnsen explained this is a driveway. Elwood Avenue has been vacated. Commissioner T. Young felt the most severe traffic problem would be on Elwood Avenue. There are cars parked on both sides of the street. He wondered if most of the traffic would exit onto Riverside Drive. Mr. Johnsen stated it is the opinion of the traffic experts that it is better to have the traffic dispersed to different access points than to have all the traffic dump onto Denver or Riverside. Commissioner T. Young still felt traffic would continue through the residential areas in order to reach Riverside.

Commissioner C. Young wondered if lanes could be installed where the traffic must flow in a certain direction when coming out of the project. Commissioner T. Young thought this was a good idea; and, since Mr. Johnsen advised a detail site plan is required, he requested this suggestion be considered at that time.

Commissioner C. Young felt parking was the main concern and agreed Mr. Johnsen has been very cooperative in finding solutions. He felt the 1 parking space per 330 square feet of floor area is supportable. Commissioner Kempe agreed. Concerning the commercial use, Mr. Gardner explained the proposed use could be reviewed in the detail site plan review. Mr. Johnsen agreed this could be done. Commissioner C. Young wished to make this one of the conditions. Commissioner Petty thought everyone would agree with this condition, but he did not think it was necessary because the owners will police themselves. He does not see the commercial use as a problem.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to (1) parking requirements be changed to one space per 330 square feet of floor area in the office portion of the project and (2) accessory commercial plans be submitted at the time of the detail site plan review, subject to all other conditions in the Staff Recommendation:

6.29.83:1462(39)

The following described real estate situated in the County of Tulsa, State of Oklahoma, to wit: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 13, Stonebraker Heights Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, and all of Lots 1, 2 and 3, Block 3, Buena Vista Park Addition to the City of Tulsa, State of Oklahoma, according to the recorded Plat thereof, and a strip of land between said Additions, described as follows, to wit: Beginning at the intersection of the Easterly line of Riverside Drive with the South line of Block 13, Stonebraker Heights Addition; thence East along the South line of Block 13 to the southeast corner of Block 13; thence Southeasterly for 30.675' to a point, said point being 30' South and 5.2' East of the Southeast corner of Block 13; thence West parallel to the 30' South of the South line of Block 13 to the Easterly line of Riverside Drive; thence Northwesterly along the Easterly line of Riverside Drive to its intersection with the South line of Block 13, and the point of beginning; and also, all of the vacated alley in Block 13, Stonebraker Heights Addition; and all of the S/2 of vacated 17th Place adjacent to said Lot 1, Block 3, Buena Vista Addition, and that portion of the E/2 of vacated Elwood Avenue adjacent to Block 13, Stonebraker Heights Addition, LESS and EXCEPT that portion of Lot 7, Block 13, Stonebraker Heights Addition described as follows: Beginning at the Southwest corner of said Lot 7; thence East 27.65' to the East boundary of the right-of-way designated as Riverside Drive; thence Northwesterly along the Easterly boundary of said right-of-way to the West boundary of said Block 13; thence South to the point of beginning; LESS and EXCEPT that part of Lot 3, Block 3, Buena Vista Park Addition, described as follows: Beginning at the Southwest corner of Lot 3; thence Northwesterly along the Westerly line of said Lot a distance of 36.3'; thence Southeasterly on a curve line to the left, whose radius is 21' to a point on the East line of said Lot 3, said point being 19.9' North of the Southeast corner; thence South on said East line to the said Southeast corner; thence Southwesterly along the South line of said Lot 3, a distance of 12.85' to the point of beginning.

Application No. Z-5847 and PUD #331
Applicant: Harkreader (Leighty)
Location: 55th Street at Delaware Avenue

Present Zoning: RS-2
Proposed Zoning: RS-3

Date of Application: May 12, 1983
Date of Hearing: June 29, 1983
Size of Tract: 2 acres (Z-5847)
2.05 acres (PUD #331)

Presentation to TMAPC by: Kevin Coutant
Address: Atlas Life Building

Phone: 582-1211

Relationship to the Comprehensive Plan: Z-5847

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 RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 2 acres in size and located on either side of 56th Place, just west of what would be Delaware Avenue. It is wooded, rolling, contains two single-family dwellings and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north, south and west by a single-family neighborhood zoned RS-2 and on the east by vacant land zoned RS-2.

Zoning and BOA Historical Summary -- Past zoning actions have denied RS-3 on the subject tract and maintained the interior neighborhood as RS-2.

Conclusion -- Given the past denial of RS-3 on the tract and the fact that nothing on the tract or within the surrounding area has physically changed; plus, the density requested would be in excess of the existing development in the area, the Staff recommends DENIAL of the requested RS-3 zoning.

Staff Recommendation: PUD #331

The Staff cannot support the increased density requested under the accompanying RS-3 zoning case (Z-5847) and the applicant under this PUD application is requesting to use the increased density of the RS-3 Duplex Exception. Since the Staff cannot support the 5.2 density of RS-3, it is obvious that we also cannot support the 8.7 density of the RS-3 Duplex Exception based upon the same reasoning that the proposed density is not compatible with the surrounding development.

Therefore, the Staff would recommend a reduction of the maximum number to 10 dwelling units and a continuance to allow the applicant time to revise his plan. We would also point out that the Staff has some concerns about access and circulation on the present plan that might require additional modification.

Applicant's Comments:

Mr. Kevin Coutant represented the applicant and displayed a map showing the surrounding areas. Also submitted was a copy of the Development Text

(Exhibit "I-1"). Fifty-Fifth Place is a collector street. There is one duplex use in the area and also a townhouse use surrounded by single-family. This is essentially a triangular-shaped property. There is a creek running through the east boundary. Development would be only on the northern portion of the property. The creek is important for aesthetics, as well as demography. There is a great deal of foliage. This is an unusual parcel because it is not platted and is not particularly susceptible to conventional development with lots and single-family development. Access is exclusively from 55th Place, which is a collector. It is unusual that a parcel is left undeveloped in this part of town and Mr. Coutant believes the parcel requires a creative use. There was an application 12 years ago for RS-3 with duplex exception. He was aware of this project and went to a lot of effort to find out the problems with the previous application. Review of the records showed the neighbors were opposed to the project and a petition was submitted, which vigorously protested the development. This was a conventional, duplex project and were to be rental units on one side with the owner living in the other. The neighborhood was concerned about that factor, as well as the fact that a number of trees would be sacrificed.

This new plan shows more regard for the concerns expressed previously. All of the sizeable trees have been retained. Access does not cause concern for the people to the north because 55th Street, on the north, is not a full, two-lane street. It has been dedicated, but only the northerly half has been paved. Also, the previous application included 5 acres, whereas the present application is only for 2 acres.

Another concern expressed by the residents was property devaluation. This development will be attuned to that concern and will provide maintenance for the common areas, such as the creek and street.

Mr. Coutant has been encouraged by the response from the neighborhood and hopes he has taken care of their concerns. A letter was submitted, signed by adjacent home owners, recommending approval of the project as shown in the PUD Text, which would include approval of the zoning (Exhibit "I-2"). These are the owners who would be most affected and they are enthused by the development. This evidences the fact that the project is well-conceived and takes advantage of the natural aesthetics. This project represents a nice, reasonable development that is compatible with the surrounding area.

To the south is Joe Creek. The only property looking into the subject property would be the house located just south of 55th Place, across from the proposed entrance. That property owner has signed the letter of support. There will be landscaping at the entrance with screening on the west and around the boundary. There is one exception on the north end regarding screening. It would be proposed to leave the existing vegetation within right-of-way area that has not been utilized by the City. A berm will be used across the north end. Trees are a natural view blocker and the development will not be a major intrusion to the people living to the north.

The PUD asks for 15 units, which is materially less than permitted under RS-3 zoning with duplex exception. The livability space in the development standards is in excess of the Code requirements. This will be a pleasant place to live and the neighbors agree with the project, which would increase the value of their property. Mr. Coutant believes this is a different project from the previous application and requests that the Commission not dismiss it simply because they have seen the property before.

Z-5847 & PUD #331 (continued)

This project is more sensitive to the needs of the surrounding neighborhood and does not unnecessarily disrupt surrounding uses.

Commissioner Flick wished to know the square-footage of the units proposed and was informed the units will be from 1,000 to 1,200 square feet and will range in price from the high \$70,000's to the low \$80,000's. There is quite a variety of housing prices in the area, so this will be compatible. The higher-valued homes are generally to the north and the lesser valued ones are to the east and west. Across the creek, the values climb rapidly.

Commissioner T. Young was concerned that the vacant tract included in the previous application, upon development of this tract, it could be assumed that the property owner may choose to develop in a similar fashion. He wondered what the options are for the other tract. Mr. Gardner explained that access would be on the north property line to Columbia and that tract has access on the north end. Mr. Coutant added that the road only becomes single lane at the property line between the vacant tract and this tract. There is a good reason for not extending the street over to the north of this property and that is a culvert would be needed over the bridge, which would be expensive and really is not needed.

<u>Protestants:</u>	Paul McGinnis	Addresses:	5312 S. Columbia Avenue
	Jim Hildebrand		5514 S. Delaware Place
	Ollie Fouch		5504 S. Delaware Place
	Don Partridge		5534 S. Delaware Place

Protestants' Comments:

Mr. Paul McGinnis is a home owner in the area as well as a sector representative for District 18. The District Planning Team has not held a meeting to discuss this matter because District 18 is in the process of reorganizing. However, Mr. McGinnis has talked to as many residents as he could and he also talked to the applicant at some length.

As a representative for the district, Mr. McGinnis would tend to support the Staff recommendation. It is a bad precedent to establish relatively high intensity in the interior of property. In addition, other problems exist in that area with the surrounding uses. The applicant has mentioned apartments in the area. Both of these complexes are vacant and there are apparently no takers.

There is a difference in character use of the land on either side of 55th Street. To the south are similar homes in a different price range. There is a massive influx of young families. The average stay of a house on the market is about 10 days. Since there are townhouses vacant in the area and houses selling within one week, Mr. McGinnis questioned if the use is appropriate. Rental might be necessitated rather than owner-occupied.

Mr. McGinnis complimented the applicant on this project. It is carefully designed and the applicant made an outstanding effort to contact the residents to discuss the project. The applicant indicated an interest in buying the other tract, which is owned by the Penningtons. They have owned this property for 20 to 30 years and a portion was sold to other parties when the previous application was heard. The reason why both tracts were not in this application was the desire by the applicant to not get involved in such a big project. If the development goes in as planned without the other lot, this would set a precedent which would allow another developer to

Z-5847 and PUD #331: (continued)

come in with a far less attractive project. Mr. McGinnis disagreed with the density and felt more units could be taken out. He would prefer a less dense PUD that would cover both tracts of land. If the RS-3 zoning with duplex approval and PUD were withdrawn, the RS-3 zoning would stand.

In addition to speaking for himself and as a district representative, Mr. McGinnis was authorized to speak for the other 3 protestants listed.

Applicant's Comments:

Mr. Terry Ash of Glen Turner and Associates is responsible for the design. In order to consider the zoning, Mr. Ash felt it would be helpful to hear the thoughts that were put into the design of the project. It must be realized from the start that the site is located close to the center of the section. Fifty-fifth Street provides access to Lewis and there is development on either side of that street. The main access is off of 55th Place and gives an opportunity to get out to Lewis Avenue without disruption to the neighborhood.

The creek is heavily wooded and screens the site. It is their intention to try and retain that natural appearance. The property to the east is not under his control. Mr. Ash believes this is one of the best site plans he has designed. The location of the buildings was given much consideration, since they are trying to have single-family, attached homes with individual rear patios. There are no units fronting into each other. There are two, large oak trees at the entrance. He has tried to consider all the different parameters of the site.

Other developers in Tulsa have higher density in the middle of the projects, mostly due to the proper access and circulation. There are higher density houses on the interior of the sections and there will not be any traffic by this site except on 55th Street. Basically, it is now a jogging path to Manion Park and he would like to retain it as a low-key access point. Mr. Ash has discussed this project with the Fire Marshall and apparently there are not problems with access and circulation.

The zoning requested would allow only 7 more dwelling units, but will enable the developer to make the units more affordable. The creek runs along the south side of the property and is nondevelopable.

In regards to the vacant lot, Mr. Coutant stated he has talked with the owners who told him they were not interested in developing and a commitment cannot be made that the parcel will develop along these lines. If an opportunity develops, he will try; however, this concern is minimized by the fact this project will set a standard for quality in the area and the developer will have to pay the price.

Commissioner T. Young asked if the eastern boundary is the creek and Mr. Coutant explained it is in the creek, but the legal description does not follow the creek. This is not Joe Creek but a creek that empties into it.

Commissioner T. Young wondered if they could develop 12 or more units under RS-2 zoning. Mr. Garnder stated a good portion of the tract cannot be developed because of the creek. With RS-2 zoning and a PUD, the applicant could possibly construct 10 units. Commissioner T. Young was opposed to RS-3 zoning due to the tract's configuration. He wondered if a line could be drawn from the south end at 56th Street to the Joe Creek Channel,

rezoning that portion RS-3 with the remaining portion left RS-2, if this would allow 12 to 15 dwelling units. Mr. Gardner calculated this should be 8.2 units with RS-2 zoning and a PUD. The Commission would almost have to rezone the entire property RS-3 to allow 12 units.

Commissioner C. Young did not want to deny the entire application, but could agree with approval of a lesser density. Commissioner Flick felt the developer is offering a quality project that is of a similar price range and would fit into the area. There are signatures from residents saying they are satisfied and he could support the project. Commissioner C. Young would also like to see only enough RS-3 to allow 12 units and requested this be continued one week so the area could be calculated. Commissioner T. Young agreed the zoning is the problem and would prefer to see a PUD application to include the property to the east, belonging to the Penningtons. This would give the Commission an opportunity to consider the entire area, as opposed to only this portion. Mr. Compton advised such an application would require readvertising and the Penningtons would have to agree.

Mr. Harkreader, the applicant, advised he has talked to 38 of the surrounding homeowners and one of the main concerns in the last application was rental property, density with no plan and no regard for the amenities. Not one objection was heard as to the density of this development. Everyone expects development to happen and the question is quality. If this were developed under conventional, RS-2 zoning, the quality of the houses would be affected. The proposed project enables the developer to dilute the cost and put more money into the dwellings. This will be a first-quality development. The alternative is single-family houses that will not enhance the value of the neighborhood.

Mr. McGinnis was recognized and agreed this is a beautiful development. However, as a district representative, he feels the suggestion that this should have been brought in as a complete PUD with both tracts is valid, since these are the only vacant tracts in the area and a PUD on both tracts would avoid a precedent problem.

Commissioner C. Young felt the Commission had three alternatives: vote to deny the application; vote to reduce the number of units to 12 with enough RS-3 to accomplish this; or, continue the application for a month or five weeks and allow the applicant to negotiate with the owners of the tract to the east to see if they would make a joint application.

Mr. Coutant noted if the other lot is taken into a PUD, they will lose density because this development will take units from the other tract.

Commissioner Petty thought the zoning on its own merits would be objectionable, but to have the zoning with a PUD is not a bad situation. He could support the project with the underlying zoning and PUD and would agree with the 12 units suggested. However, this might not be profitable for the developer.

Mr. Coutant stated there are contractual obligations and did not know if it would be economically feasible with only 12 units.

When asked the dimensions needed for enough RS-3 zoning to allow 12 units, Mr. Compton advised the Commission he did not have the proper information to make a calculation at this time. Commissioner C. Young suggested approval of enough RS-3 zoning from the south to the north to allow 12 townhouses and approval of the PUD to be structured around that number

Z-5847 and PUD #331: (continued)

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Z-5847 and PUD #331: (continued)

of units, with the PUD conditions to be based on the submitted text scaled to 12 units.

Instruments Submitted: Development Text (Exhibit "I-1")
Letter of Support Signed by Area Residents (Exhibit "I-2")

TMAPC Action: 6 members present (Z-5847).

On MOTION of C. YOUNG, the Planning Commission voted 5-0-1 (Draughon, Flick, Kempe, Petty, C. Young, "aye"; no "nays"; T. Young, "abstaining"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3:

LEGAL PER NOTICE:

Part of the W/2 of Section 32, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof, being more particularly described as follows, to wit: Commencing at the Northeast corner of the S/2 of the SE/4 of the NW/4 of said Section 32; thence due West along the North line of the S/2 of the SE/4 of the NW/4 of said Section 32, a distance of 135.65' to the point of beginning; thence South 7 degrees, 33 minutes, 27 seconds West a distance of 754.11' to a point; thence due West a distance of 50.00' to a point; thence North 0 degrees, 00 minutes, 58 seconds West a distance of 417.89' to a point; thence due West a distance of 44.90' to a point; thence North 0 degrees, 00 minutes, 58 seconds West a distance of 329.67' to a point on the North line of the S/2 of the SE/4 of the NW/4 of said Section 32; thence due East along the North line of the S/2 of the SE/4 of the NW/4 of said Section 32, a distance of 194.30' to the point of beginning, containing 2.05 acres.

RS-3 - REVISED LEGAL PER PLANNING COMMISSION ACTION:

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TMAPC Action: 6 members present (PUD #331):

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval as being representative of the proposed development with the exception of the number of units being reduced to a total of 12.
- (2) That minimum livability space meet the requirement of the Code based on the recommended zoning.
- (3) That a Homeowner's Association be established to maintain all common areas.
- (4) That a Detail Landscape Plan and Sign Plan be submitted to and approved by the TMAPC prior to occupancy.
- (5) That a Detail Site Plan be submitted to and approved by the TMAPC prior to the issuance of a building permit.
- (6) That no building permit shall be issued until the property has satisfied the requirements of Section 260 of the Zoning Code, 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.

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LOT-SPLITS:

For Ratification of Prior Approval:

L-15714	(193)	Jack I. Postelwait
15847	(1692)	Clyde Butler
15859	(983)	Edward Cohlma
15861	(2903)	David D. Sellers
15863	(1293)	LaJolla Realty Investors, Ltd.
15864	(2703)	Bill Winders
15865	(283)	Horizon Investment Properties, Inc.
15866	(1292)	Alah Kincaid/Norman McCain

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

OTHER BUSINESS:

PUD #207 Robert Faircloth Lot 23, Block 4, Mill Creek Pond Addition

Staff Recommendation - Minor Amendment

The subject tract is located at 6232 East 98th Place and is a part of the Mill Creek Pond PUD. As a part of the approved conditions, zero lot-line development was allowed; however, it was also required that there be a minimum of 10 feet separation between buildings. The applicant is requesting to reduce that 10-foot separation requirement to 3.5 feet.

The Staff has field checked the subject tract and identified that the proposed residence is under construction and that there are no physical features unique to this tract requiring the structure be placed where it presently exists. Contacts with the Building Inspector's Office confirmed that a "Stop Order" has been issued on the project and a registered survey shows the existing edge of the foundation to be slightly more than 3.5 feet from the property line and approximately 4 1/2 feet between structures.

A review of the file shows there have been several minor amendments applied for and granted in this PUD because large homes are being constructed on small lots. Among these requests were some for reductions in the side yard requirement; however, the greater reduction identified was down to a 7-foot separation between buildings. In addition, the Building Code requires that a single-family residential structure have a one-hour fire rated wall if they are closer than 3 feet from the property line. If two structures are each 3 feet from a common property line, the total distance separating those structures would be 6 feet. The Staff has used this figure in other PUDs as an absolute minimum building separation. In this case, the burden of the responsibility for maintaining the building separation falls on the applicant, since the abutting structure was constructed first and meets the requirements of the PUD.

A further review of the survey indicates that what appears to be a 24-foot garage in the portion of the structure encroaching. The Staff feels that reducing the width of the garage to 22 feet would maintain a two-car garage and provide a building separation of

PUD #207 (continued)

approximately 6.5 feet. This would result in a 3.5 foot reduction of the 10-foot building separation, which the Staff would consider to be minor in nature because substantial compliance of the PUD provisions have been maintained.

Therefore, the Staff recommends APPROVAL of a 6.5 foot building separation on Lot 23, Block 4, Mill Creek Pond Addition, subject to no roof overhang on this side.

In addition, while reviewing the previous problem, the Staff noticed that a small portion of the front of the structure is encroaching .6 of a foot into the 20-foot building setback. For mortgage purposes, this will eventually need to be corrected. The Staff considers this to be minor and would also recommend APPROVAL of a reduction of the 20-foot building line to 19 feet, per plat of survey, on Lot 23, Block 4, Mill Creek Pond Addition.

A letter was submitted from Mr. D. J. Howerton, President of Mill Creek Pond Homeowners Association (Exhibit "J-1").

Applicant's Comments:

Mr. Ken Williams, attorney, represented the applicant. He explained that the applicant obtained a surveyor to set the corners of the building and even had a soil analysis made. However, during the foundation work, a problem was discovered with the soil. An adjustment was made by the foundation contractor to correct the problem and the foundation was moved over. It should be taken into account that the adjacent property owner had taken advantage of the zero lot line and is only 8' from the lot line. Mr. Williams' client would be agreeable and would comply with the Staff recommendation.

Commissioner T. Young was concerned about the number of requests the Commission has recently received for variance of the setbacks. He feels the builders are trying to get around the regulations. He wondered if the applicant had legal recourse against the contractor who put the foundation in the wrong place.

Mr. Williams agreed there is legal recourse, but the fact is the building has been started. This is not a house being built for resale but a personal home. Apparently, there is a requirement in this development that there be an 18' garage door. If the width of the garage is reduced, it will not meet that standard. The Staff recommendation seems the best compromise in order to meet the necessary regulations.

Protestant's Comments:

Ms. Phyllis Wade is the attorney for the Mill Creek Pond Homeowners Association. One of the first considerations is that no notice was given concerning this hearing. The Homeowners Association has an architectural review committee. There is already one house, on Lot 22, that is falling in because of underground springs. The committee is aware of this problem and asks builders to submit plans because of the status of the soil. The applicant submitted plans last week, but the committee has not had time to meet and consider these. The requirement that the committee approve the plans is for the home builders' protection. The Association is opposed to the fact that the

PUD #207 (continued)

property owners are violating the covenants. A property owner can have zero lot line, but must still have 10 feet between the other structures. Those permitted have been minimal. One of the reasons for the 10-foot requirement is due to the fact these are private streets and are narrower than most. Another requirement is for wood shingle roofs and the setbacks are necessary due to fire hazard. The Association is trying to maintain the integrity of the addition.

Commissioner Flick asked if Ms. Wade was familiar with other encroachments in the area, especially on the side lot lines. She replied there is one that has about a 6' side yard, but there is no overhang and it is not a serious problem. She is concerned about this request because it is in the area of the underground spring and the house might start tilting. The covenants have been sent to every homeowner in the addition, so the applicant should be aware of the conditions.

Applicant's Comments:

Mr. Williams did not feel the covenants were the issue today. The applicant has tried to meet with the architectural review committee for two months in order for the plans to be reviewed. There has been a mistake made on the side yard requirements and he feels the Staff has come up with a workable solution.

TMAPC Action: 6 members present.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Draughon, Flick, Kempe, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Higgins, Hinkle, Miller, Inhofe, "absent") to approve the requested 6.5 foot building separation on Lot 23, Block 4, Mill Creek Pond Addition, subject to no roof overhang on this side and approval of a reduction of the 20-foot front building line to 19 feet, all subject to the plan submitted (Exhibit "J-2").

There being no further business, the Chair adjourned the meeting at 7:30 p.m.

Date Approved

July 20, 1983

Cherry Kempe
Chairman

ATTEST:

Marilyn Liddle
Secretary