TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1328
Wednesday, September 24, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey	Holliday	Alberty	Jackere, Legal Department
Eller	Inhofe	Connelly	
Gardner	Parmele	Howell	
Keleher, 2nd Vice Chairman	Petty		
Kempe, Secretary			
C. Young, 1st Vice Chairman			
T. Young			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, September 23, 1980, at 10:35 a.m., as well as in the Reception Area of the TMAPC Offices.

First Vice Chairman, Carl Young, called the meeting to order at 1:40 p.m. and declared a quorum present.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to approve the Minutes of September 10, 1980 (No. 1326) and September 17, 1980 (No. 1327).

REPORTS:

TMAPC Claims:
On MOTION of GARDNER, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to approve the 1979-1980 and 1980-1981 TMAPC Claims (attached).

DIRECTOR'S REPORT:

Personnel Actions:
On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to approve the Personnel Actions (Exhibit "A-1") submitted this date.

A-95 Review: U. S. Army Corps of Engineers:
Mr. Alberty advised that the General Services Administration is considering a lease of 21,900 square feet of office space in a building which is planned for a site in Downtown Tulsa. This space is intended to accommodate the U. S. Army Corps of Engineer's offices which currently are located in One Williams Center. The Staff noted that this is not only in conformance with the adopted Comprehensive Plan policies, but also is supported by the current proposed plan for Downtown Tulsa. This appears to be an excellent use for the site as it is adjacent to the "Government Center" area as defined in the proposed plan. The Staff recommended approval of the A-95.

A-95 Review: U. S. Army Corps of Engineers: (continued)

On MOTION of KEMPE, the Planning Commission voted 6-1-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young "aye"; T. Young "nay"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to accept the Staff review of A-95: U. S. Army Corps of Engineers.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to reconsider approval of the A-95: U. S. Army Corps of Engineers.

Commissioner Terry Young noted the high rental rates expended by the Corps presently for their offices in the Williams Center. He questioned if the proposed center will be available at a reasonable square footage rental rate. Mr. Young advised that he would rescind his dissenting vote for the A-95 approval provided the Staff Recommendation included an addendum noting the Planning Commission's concern over the rental rates to be charged the Corps in the new building. It was agreed that this addendum would become a part of the recommendation.

1979-1980 Auditor's Report:

Auditor Larry Beaubien presented the audit for the fiscal year ended June 30, 1980. Mr. Beaubien advised that the financial statements of the TMAPC had been examined, as they have the past 15 years, and the report was found to be in order. He commended the Staff, stating that this is one of the finest set of books that he has the privilege of reviewing.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to accept the 1979-1980 Auditor's Report.

COMMITTEE REPORTS:

Comprehensive Plan Committee:

Chairman Cherry Kempe advised that the Committee had met to consider the Open Space Plan; however, there was not a quorum present and no action was taken. The Open Space Plan will be presented at this meeting.

Rules and Regulations Committee:

In regard to the merger of the TMAPC and INCOG, effective October 1, 1980, Chairman Keleher recommended that all agenda of future TMAPC meetings be approved by the Chairman or Vice Chairman of the Commission on Tuesday preceeding the Wednesday meeting. Only items authorized by the Chairman or Vice Chairman will be placed on the agenda for consideration.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") that the agenda of the TMAPC will be approved by the Chairman or Vice Chairman of the Commission by 10:00 a.m. on Tuesday preceeding the meeting.

Commissioner Keleher also pointed out that arrangements will need to be made to have at least one telephone line which is defined as TMAPC to alleviate public confusion concerning the merger.

Rules and Regulations Committee: (continued)

Terry Young questioned if it would be appropriate for the fees collected for zoning and various other services, which are divided equally between the City and the County, to be used to cover the costs of telephone listings for TMAPC and the Board of Adjustment. Commissioner Young asked if this would be a specific budget appropriation.

Assistant City Attorney, Alan Jackere, stated he would take these questions under consideration and return to the Commission October 1, 1980, with a recommendation.

Commissioner Keleher stated that, as a duly constituted Board, a budget must be defined.

Mr. Jackere advised that he felt it would be appropriate for the Commission to submit a budgetary request to the City and County as in the past.

PUBLIC HEARING:

PUBLIC HEARING TO CONSIDER ADOPTING THE OPEN SPACE PLAN AS AN AMENDMENT TO THE OFFICIAL COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA

Pat Connelly, TMAPC Planner, advised that the major thrust of the Open Space Plan was to tie the individual District Plans, adopted in the 1970's, together and consider the regional problems concerning open space and address them on a metropolitan-wide level.

The goals of the Open Space Plan were developed from three major concerns: (1) Provision of adequate amounts of open space in the highly urbanized area of the City of Tulsa and to an extent in Broken Arrow; (2) protection of existing open space areas that are unsuited for development in a period of rapid growth; and (3) development and maintenance of open space links and other pedestrian and bicycle connections among residential neighborhoods, schools, activity centers, and open space areas.

The first goal is to keep areas that are inherently unsuitable for urbanization as open space; i.e., the 100-year floodplain, areas with steep topography, clear zoned around the airport and areas that are heavily vegetated. Together with these areas, a trail system will be developed throughout the metropolitan area using the Arkansas River, Mingo Creek, Bird Creek and the tributaries to connect those areas.

Steep slopes, in excess of 20%, would remain open or lightly developed. These areas would be used as scenic vistas, to be acquired by the public, to provide views of the downtown area and other dynamic views in the metropolitan area.

Mr. Connelly advised that an analysis had been completed, based on the growth planning projections of future population locations, the existing park land and where future parks will be needed. The major conclusion was that there are two or three major park needs in the County at this time. One need is a large area park on the east side of the County near the A. B. Jewell Treatment Plant - the Staff felt that a 300-acre or larger park is needed to serve the people of east Tulsa County. Another major park need would be near Haikey Creek Park. Based on population projections, the standards show that the existing park will not be adequate to serve the population and an additional 200-300 acres are needed. The existing

population in south Tulsa is currently not adequately served by LaFortune Park and additional park land will be needed. The Master Drainage Plan of Vensel Creek includes a 160-acre community or area park and the Staff advocates purchase of that land for park use.

The Staff determined that three systems, pedestrian, bicycle and open space areas, could be used to connect the parks and the unique open space areas in the Metropolitan Tulsa area. The corridor network was divided into four components: (1) A primary loop that provides a continuous open space corridor around a significant portion of the TMA; (2) open space links between the Tulsa CBD and the nearby open space areas and activity centers; (3) various arterials which will be designated as pedestrian and bicycle ways; and (4) open space corridors that link the urban areas in the TMA to regional open space and recreational areas.

Mr. Connelly advised that the goals, objectives and policies, set forth in Chapter IV of the Open Space Plan, have been developed to guide open space planning on the metropolitan scale. They are based on the general principles that hold open space to be not only desirable, but just as necessary as water, sewer and streets to a well-functioning urban area. Mr. Connelly recommended adoption of this portion of the Open Space Plan as an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area.

The Park Board has reviewed the Open Space Plan and recommended that it be adopted by the City Commission. In addition, a letter was received from George Phillips, Tulsa County Park Department recommending adoption by the Tulsa County Commission.

Commissioner T. Young expressed interest in the consolidation of the three Park Departments, the City, County and the River Parks Authority, which would provide for some economy and efficiency in the operation of the various open spaces. He questioned if this had been a consideration in the development of the proposed plan.

Mr. Connely advised that the Staff had dealt primarily with land use and this particular objective was not in the original document. However, it was mentioned, in connection with the Haikey Creek Basin, that some type of joint park would be needed to serve that area. He stated that this question could be addressed in the Park Plan which is in the work program at INCOG.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to close the Public Hearing and direct the Staff to prepare a Resolution adopting the Open Space Plan as an amendment to the official Comprehensive Plan for the Tulsa Metropolitan Area, contingent upon approval of the Plan by the City Legal Attorney and to continue the Open Space Plan to October 8, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5444 Present Zoning: CS
Applicant: John Moody (Williams Realty Co.) Proposed Zoning: CO
Location: SW corner of East 41st Street and South Garnett Road

Date of Application: August 11, 1980
Date of Hearing: September 24, 1980
Size of Tract: 27 acres, plus or minus

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower Phone: 588-2651

Applicant's Comments:

John Moody, in response to Commissioner T. Young's question concerning the similarities or differences with this application and the Corridor District which was requested at 49th Street and Harvard Avenue, pointed out the subject tract is adjacent to Garnett Road and to 41st Street which are arterial Streets. Also, the subject tract does not face single-family residential zoning, is not adjacent to single-family zoning and is not in a residential neighborhood. The subject tract is located in an area which is recognized in the Comprehensive Plan as a Corridor District.

Protestants: None.

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use, and Corridor.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested CO zoning for the following reasons:

The subject property is located on the southwest corner of the intersection of 41st Street and Garnett Road. The property is zoned CS commercial shopping center and is undeveloped. The applicant is requesting CO Corridor zoning to permit mixed-use development.

The subject property, which is part of an area bounded by the Mingo Valley Expressway, the Broken Arrow Expressway, 41st Street and Garnett Road, was recognized as a potential corridor. Corridor zoning has not been sought until this time, but development within this parcel of land has approximated corridor intensity. The Staff considers the CO District appropriate on the subject tract based upon the surrounding zoning and development and the Plan Map designation. The CO zoning does require a second step approval which is the Corridor Site Plan. Although the Corridor District provides for a wide range of uses and intensities, the actual development is not determined until site plan review and approval. During the review of the Site Plan, adjacent development and zoning will be taken into consideration in the review and approval of the Site Plan.

For these reasons, the Staff recommends APPROVAL of the requested CO zoning.

Z-5444 (continued)

TMAPC Action: 7 members present.

On MOTION of T. Young, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO:

A part of the NE/4 of Section 30, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit:

Beginning at a point 50' South and 50' West of the NE corner of said Section 30; thence South 00°-08'-29" West parallel to the East line of said NE/4 a distance of 1,300.00' to a point; thence North 89°-57'-04" West a distance of 700.85' to a point; thence North 00°-08'-28" East a distance of 720.00' to a point; thence North 89°-57'-04" West a distance of 534.15' to a point; thence North 00°-08'-29" East a distance of 180.00' to a point; thence North 89°-57'-04" West a distance of 350.00' to a point; thence Northeasterly on a curve to the right whose tangent bearing is North 00°-08'-29" East and whose radius is 115.70' a distance of 103.64' to a point; thence North 55°-23'-25" East a distance of 219.64' to a point; thence Northerly on a curve to the left, whose tangent bearing is North 51°-27'-51" East and, whose radius is 211.21', a distance of 189.49' to a point; thence North 00°-03'-32" East a distance of 20.00' to a point; said point being on the South right-of-way line of East 41st Street; thence South 89°-56'-28" East and parallel to the North line of said NE/4 a distance of 1,281.95' to a point; said point being a point of beginning.

Application No. Z-5445 Present Zoning: RS-2
Applicant: Charles Norman (Catholic Bishop of the Diocese of Tulsa) Proposed Zoning: OM
Location: North and East of 41st Street and Hudson Avenue

Date of Application: August 11, 1980
Date of Hearing: September 24, 1980
Size of Tract: 2.3 acres

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

Applicant's Comments:

Charles Norman appeared on behalf of the Service Corporation of Tulsa which has contracted to purchase the two subject parcels from the Catholic Diocese. Development of the subject tract would enable the Corporation to become a part of the Mid-America Federal Savings & Loan Association headquarters office complex which is located on the site.

Protestants: None.

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designated the subject property Low Intensity -- Residential.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested OM zoning for the following reasons:

The subject properties are located north and east of the northeast corner of 41st Street and Hudson Avenue. The properties are zoned RS-2, are vacant and a part of the Bishop Kelly High School campus. The applicant is requesting OM zoning to permit office development.

The northeast corner of the intersection of 41st Street and Hudson Avenue, although denied by the City Commission in 1977, was permitted office and commercial use through the District Court (C-78-163). The District Court in hearing an appeal on Zoning Case No. Z-5065 enjoined the City from interferring with the property owner's right to develop within the OM and CS zoning categories. The Court in its ruling, found that limiting the subject property to RS-2 zoning, with commercial and industrial zoning, on both sides of 41st Street, to the east and west of the subject property was arbitrary and capricious.

The Staff in its recommendation for Z-5065 pointed out that "to maintain that the property should develop in a low intensity residential category, with the adjacent development and zoning, would not be consistent with good planning principles." The Court affirmed our opinion. The subject properties are adjacent to the property in Case No. Z-5065. The northern portion of the subject application is south of the main entrance to Bishop Kelly and south of the CS zoning line on the west side of Hudson Avenue. The east portion of the subject tract has its entire frontage on the I-44 service road and is abutted by office development and Bishop Kelly School on the north, east and west. The Staff finds that these properties merit

consideration for medium intensity development and that OM zoning is an appropriate zoning category on the subject property. The Staff also believes that OM Zoning on the subject property is within the guidelines established by the Court decision.

For these reasons, the Staff recommends APPROVAL of OM zoning for the subject property.

TMAPC Action: 7 members present.

On MOTION of KELEHER, the Planning Commission voted 6-1-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young "aye"; T. Young "nay"; Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM:

All that part of the SW/4 of the SE/4, Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof; more particularly described as follows, to-wit: Commencing at the SW corner of said SW/4, SE/4; thence North 0°-32'-11" West along the Westerly boundary of said SW/4, SE/4, a distance of 624.75'; thence North 89°-27'-00" East parallel to the Southerly boundary of said SW/4, SE/4, a distance of 30.00' to the point of beginning; (which point is the Northwesterly corner of Lot 2, Block 1, Mid-America Office Park, an addition in the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat thereof); thence North 0°-32'-11" West parallel to the Westerly boundary of said SW/4, SE/4, a distance of 50.00'; thence North 89°-27'-00" East parallel to the Southerly boundary of said SW/4, SE/4, a distance of 360.00'; thence South 0°-32'-11" East parallel to the Westerly boundary of said SW/4, SE/4, a distance of 200.00' to a point in the Northerly line of Lot 3, Block 1, Mid-America Office Park, 340.00' from the Northeasterly corner thereof; thence South 89°-27'-00" West along the Northerly line of Lot 3, Block 1, Mid-America Office Park a distance of 60.00' to a point 15.00' from the Northwesterly corner of Lot 3, Block 1, Mid-America Office Park; thence North 0°-32'-11" West along the Easterly line of Lot 2, Block 1, Mid-America Office Park a distance of 150.00' to the Northeasterly corner thereof; thence South 89°-27'-00" West along the Northerly line of Lot 2, Block 1, Mid-America Office Park a distance of 300.00' to the point of beginning, containing 27,000 square feet, or 0.61983 acres; and all that part of the SW/4 of the SE/4 of Section 22, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa, Tulsa County, Oklahoma, according to the official U. S. Government Survey thereof, more particularly described as follows, to-wit: Commencing at a point in the South boundary of said SW/4, SE/4 785.00' from the SW corner thereof; thence North 0°-32'-11" West a distance of 24.75' to the point of beginning; thence North 0°-32'-11" West along the Easterly boundary of Lot 3, Block 1, Mid-America Office Park, an addition in Tulsa, Tulsa County, Oklahoma, according to the official recorded Plat, a distance of 325.00' to a point 125.00' from the NE corner of Lot 3, Block 1, Mid-America Office Park; thence North 89°-27'-49" East a distance of 352.24'; thence South 40°-52'-11" East a distance of 99.17' to a point in the Northwesterly right-of-way line of the service road (Interstate #44, Skelly Drive) as follows: The South 48°-34'-30" West a distance of 108.53'; thence North 41°-25'-30" West a distance of 75.00'; thence South 48°-34'-30" West a distance of 358.70'; thence South 0°-33'-00" East a distance of 0.25' to a point 24.75' from

the South boundary of said SW/4, SE/4; thence South 89°-27'-00" West and parallel to the South boundary of said SW/4, SE/4 a distance of 14.11' to the point of beginning; containing 73,311 square feet, or 1.68299 acres.

Application No. Z-5446 Present Zoning: RS-3
Applicant: C. H. March (Brookside State Bank) Proposed Zoning: CH
Location: East side of Peoria, between 32nd Place and 33rd Street

Date of Application: August 13, 1980
Date of Hearing: September 24, 1980
Size of Tract: 95' x 182'

Presentation to TMAPC by: C. H. March
Address: 4510 East 31st Street Phone: 749-9331

Applicant's Comments:

C. H. March stated that the proposed change was to allow extension of the building to accommodate one more drive-in parking stall for the north lobby. This addition will be for the convenience of the customers after hours. Mr. March noted that this proposed addition will not increase the traffic in the area, but would serve to alleviate the existing traffic. There is access to the subject property from 33rd Street and also an entrance and exit on Peoria Avenue; however, there will not be any access to 32nd Place.

Mr. March also requested a waiver of plat to correct an omission in zoning, since the bank already has part of its building on the lot.

Protestants: William Harrington Address: 1108 Thompson Building

Protestant's Comments:

William Harrington presented a Protest Petition (Exhibit "B-1") bearing 14 signatures of residents of an area near the Brookside State Bank. The protestants opposed the rezoning, since it will create a use for the property that will create more traffic in a single-family residential area and will reduce the value of the property adjacent to the subject tract. Another concern of the residents was that CH zoning would permit commercial use including high-rise buildings with an intense situation of commercial use within the area.

Mr. Harrington advised the Commission that he felt the Staff Recommendation for OL zoning, except on the north 5 feet, would meet with the approval of the residents in the area.

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

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

Staff Recommendation:

The Staff recommends DENIAL of the requested CH zoning and APPROVAL of OL zoning, except on the north 5 feet, for the following reasons:

The subject property is located east of the southeast corner of 32nd Place and Peoria Avenue. The property is zoned RS-3 single-family residential and is used for off-street parking. The applicant has requested CH commercial high intensity zoning, to permit off-street parking and a drive-in bank.

Z-5446 (continued)

Although the subject property abuts CH commercial high intensity zoning, the policy of the Commission has been not to approve CH zoning outside of areas that are designated for high intensity commercial use. With only a few exceptions, the commercial high intensity areas are limited to the Central Business District. The primary planning concern with CH zoning, in areas not designated for high intensity commercial use, is the lack of controls in the CH District. In the Staff's opinion CH zoning is not appropriate on the subject tract. The subject tract, however, due to the fact it is adjacent to CH zoning and with its current use, does merit consideration for a zoning category that would be compatible with the adjacent single-family homes. One-story professional office zoning or off-street parking zoning are zoning categories that are considered appropriate adjacent to single-family residential properties. The Staff is vitally concerned with maintaining the integrity of the single-family homes located on 32nd Place. Under the present development configuration on the subject tract which limits access to Peoria and restricts any access to 32nd Place, the integrity of these single-family homes is protected. The Staff feels that maintaining the present development configuration on the subject tract is a primary concern in the consideration of any zoning change on the subject tract.

For these reasons, the Staff recommends APPROVAL of OL, except on the north 5 feet to prevent any access to 32nd Place, and to maintain a landscaped buffer along the south side of 32nd Place.

For the record, the drive-in bank facility is a use that requires Board of Adjustment approval in an OL District. This would allow for a public hearing and the Board could impose conditions necessary to maintain compatibility with adjacent residences.

Special Discussion for the Record:

Commissioner T. Young questioned why there would need to be a zoning change to accommodate this small construction.

Mr. Alberty stated that the portion of the tract where the proposed addition will be built is zoned RS-3 which will not permit any office structure.

Mr. March advised that the drive-in window, No. 1, is located in an RS-3 zoned area; this was due to an error at the time the building was first constructed.

The applicant stated that he would accept the Staff Recommendation for OL zoning, except on the north 5 feet.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to approve the waiver of the plat on the West 95' of Lot 2, Rogers Resubdivision of Block 1, Cedar Haven Addition, Z-5446.

On MOTION of Gardner, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL, except on the north 5 feet to prevent any access to 32nd Place

and to maintain a landscaped buffer along the south side of 32nd Place.

The West 95' of Lot 2, Rogers Resubdivision of Block 1, Cedar Haven Addition, to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5447 Present Zoning: RS-2
Applicant: Gino Coccioli Proposed Zoning: CG
Location: North of the NW corner of 11th Street and 129th East Avenue

Date of Application: August 13, 1980
Date of Hearing: September 24, 1980
Size of Tract: 2½ acres

Presentation to TMAPC by: Gino Coccioli
Address: 940 South 129th East Avenue Phone: 438-1376

Applicant's Comments:

Gino Coccioli, owner of the subject tract, stated that he was seeking the CG zoning because he had an interested party who would like to purchase the tract and construct a garage. Mr. Coccioli advised that 129th East Avenue from 11th Street to Admiral was a very busy Street with considerable truck and commercial vehicle traffic. He would like to do something with the property; however, the applicant did not feel that the subject tract would be suitable for a residence.

Protestant: Ollie Hill Address: Broken Arrow, Oklahoma

Protestant's Comments:

Ollie Hill, speaking on behalf of his grandmother who lives near the subject tract, advised that the existing area is an old residential community. He stated that he would like to see the area remain residential as it has been since the time his grandmother moved there in 1929.

Interested Party: Neil Cullison Address: 950 South 129th East Avenue

Interested Party's Comments:

Neil Cullison advised that he lives just to the south of the subject tract and his property is zoned CS. He noted that he lives in an existing house on the tract and had no objections to the proposed zoning change. It was Mr. Cullison's contention that 129th East Avenue is destined to become totally commercial property. Mr. Cullison stated that it was his understanding that the property to the north of the subject tract is already zoned for a shopping center, on both the east and west sides of 129th East Avenue. There is some type of business - repairing of large trucks, which is presently operating at approximately 600 South 129th East Avenue. Across the street from this business there is a company which makes guages. At the corner of 11th Street and 129th East Avenue, which is zoned commercial, there is a used truck tire business which deals with large trucks, dump trucks and tractor trailer trucks who drive in for tire changes, etc. Just to the west of that location is an auction company.

Mr. Cullison suggested that the applicant might want to consider reducing his zoning request from a CG to a CS zoned property. He stated that the subject tract would not be suitable for a residence and he would like to see the subject tract rezoned.

Relationship to the Comprehensive Plan:

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

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

Z-5447 (continued)

Staff Recommendation:

The Staff recommends DENIAL of the requested CG zoning for the following reasons:

The subject property is located north of the NW corner of 11th Street and 129th East Avenue. The tract is zoned RS-2, contains a single-family dwelling and the applicant is requesting CG general commercial zoning.

The subject property was a part of a recent application (Z-5248) for a change to CS commercial shopping center zoning. The south 180 feet of this application, which is south of the subject tract, was approved for commercial zoning. The subject tract was recommended for denial. The Staff can find no changes in the physical facts since the previous application, or no reason to change the recommendation of the previous application. The Staff feels the issue is still strip commercial zoning north on 129th Street. The commercial zoning has been limited to the intersection corner, the subject tract is north of that established line. Approval of commercial zoning on the subject tract would extend commercial zoning north of the established commercial line and would lead to commercial zoning on the remaining frontage tracts north of 11th Street.

For these reasons, the Staff recommends DENIAL of the requested CG zoning, or any other commercial zoning category.

Special Discussion for the Record:

Wayne Alberty advised the Commission that he felt at least two of the uses which Mr. Cullison had mentioned in the area were illegal uses. He noted that there was a nonconforming use where the truck rebuilding business is located which was allowed to be changed to something other than what it is today and the use has also expanded onto adjacent properties. He suggested this could best be handled through the Building Inspector.

Mr. Coccioli felt that Mr. Alberty had a good point; however, he reiterated that 129th East Avenue is a very busy street and no one would chose to build a house there. The applicant advised that he would like to utilize his property and make some money.

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Avey, Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be denied:

Remarks:

Following the consideration of Application No. Z-5447, Commissioner Terry Young requested the Staff notify the Building Inspector concerning possible zoning violations by businesses currently in operation between 11th Street, Admiral and 129th East Avenue.

The NE/4 of the SE/4 of the SE/4 of the SE/4 in Section 5, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

Application No. Z-5449 Present Zoning: RM-2
Applicant: Jerry Champion Proposed Zoning: OM
Location: East of the NE corner of ~~16th Street and Denver Avenue~~ 61st and Mingo 10-14-80

Date of Application: August 15, 1980
Date of Hearing: September 24, 1980
Size of Tract: 100' x 431'

Presentation to TMAPC by: Jerry Champion
Address: 9721 East 61st Street Phone: 492-1400

The applicant was present, but did not wish to comment.

Protestants: None.

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 -- Industrial.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested IL zoning for the following reasons:

The subject property is located on the north side of 61st Street, east of Mingo Road. The property is zoned RS-3, contains a single-family dwelling and the applicant is requesting IL light industrial zoning to permit an office-warehouse.

The entire section north of 61st Street and east of Mingo Road has been designated for industrial development or redevelopment by the Comprehensive Plan. The primary concern in redevelopment of these properties has been the protection of the existing single-family homes within this area, and not to isolate any single-family homes through rezoning. Several properties within the immediate area of the subject tract have been rezoned IL. The Staff feels that the primary requisite for IL zoning is access to the arterial street without passing through residential development. Also, consideration must be given to adjacent parcels as to the effect that a rezoning would have on their current use. The subject property does have access to 61st Street, and rezoning to IL would not isolate or surround residential properties that are not similarly situated and could not be given similar treatment. The Staff recognizes that the property immediately to the west is maintained as a residnece, however, the property to the east is in a nonresidential use. Industrial zoning on the subject property would not, in the Staff's opinion, detrimentally affect either of these properties. There is protection within the Zoning Code for setbacks and screening which would allow these properties to maintain residential use until such time as they were ready to convert to industrial use.

Based upon the recent zoning changes on surrounding properties, and that the subject tract is within an area that is recognized by the Comprehensive Plan for industrial development and that the subject tract has its only access to 61st Street, an arterial street, the Staff recommends APPROVAL of the requested IL zoning.

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Z-5449 (continued)

For the record, if IL zoning is approved on the subject tract additional buildings cannot be built without a variance of the 75-foot setback from adjacent R zoned properties. Also, a screening fence would be required on the west, north, and east boundaries of the subject tract.

TMAPC Action: 7 members present.

On MOTION of ELLER, the Planning Commission voted 6-0-1 (Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; Avey "abstaining"; Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

The West 100' of the East 190' of the East 406.6' of the South 431' of the W/2 of Lot 4, Section 31, Township 19 North, Range 14 East of the Indian Base and Meridian, to the City of Tulsa, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Application No. Z-5450 Present Zoning: RM-2
Applicant: Beverly Carson Proposed Zoning: OM
Location: East of the NE corner of 16th Street and Denver Avenue

Date of Application: August 19, 1980
Date of Hearing: September 24, 1980
Size of Tract: 55' x 135'

Presentation to TMAPC by: Beverly Carson
Address: 239 West 16th Place Phone: 583-0135

Applicant's Comments:

Beverly Carson advised that the subject tract is across from the University Club Towers, a very heavy office use and the property on each side of the subject tract is zoned OM. Therefore, the applicant felt she would be entitled to OM zoning on her property.

Protestant: Jennifer Taylor Address: 1512 South Denver Avenue

Protestant's Comments:

Jennifer Taylor stating that she was not speaking in opposition of office use, advised that she was opposed to the requested OM zoning. Carson & Carson Law Firm has been located in this area for many years and has not been a detriment to the neighborhood; however, Ms. Taylor felt that OM zoning would not be appropriate.

Ms. Taylor presented a letter of protest (Exhibit "C-1") from Dwight and Wanda Kertzman. The Kertzman noted that OL zoning would be compatible with families living in the area, but any changes to OM zoning would prove to be destructive to the residential neighborhood.

Instruments Submitted: Protest Letter from the Kertmans (Exhibit "C-1")

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity -- Office/ Residential.

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

Staff Recommendation:

The Staff recommends APPROVAL of the requested OM zoning for the following reasons:

The subject property is located on the north side of 16th Place, east of Denver Avenue. The property is zoned RM-2 medium density multifamily, contains a single-family residence and the applicant is requesting OM medium intensity office.

The subject property is in an area that has been recognized for either medium intensity office or medium intensity residential uses. The property is abutted on two sides by OM zoning, and to the south is OH zoning.

Based upon the Comprehensive Plan designation and the abutting zoning, OM zoning is merited and reasonable on the subject tract. Therefore, the Staff recommends APPROVAL of the requested OM zoning.

Z-5450 (continued)

TMAPC Action: 7 members present.

On MOTION of GARDNER, the Planning Commission voted 6-1-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young "aye"; T. Young "nay"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OM:

Lot 11, Block 6, Stonebraker Heights, Tulsa, Tulsa County, Okla.

Z-5451 Sam Chandler East of the SE corner of 177th East Avenue and Admiral RS-1 to IL

A letter (Exhibit "D-1") was received from Paul Vestal, attorney for the applicant, requesting a continuance of this application to October 8, 1980.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to continue application Z-5451 to October 8, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5452 Roy Johnsen (Dr. James Torchia) SE corner of East 101st Street and South Yale Avenue AG to CS and RM-0

PUD 245 Roy Johnsen (Dr. James Torchia) SE corner of East 101st Street and South Yale Avenue (AG and RS-2)

Z-5453 Charles Norman (Lincoln Properties Company) NE corner of East 101st Street and South Yale Avenue AG to CS and RM-0

Z-5454 Charles Norman (Watson) NW corner of East 101st Street and South Yale Avenue AG to CS

Z-5455 Charles Norman (Solliday) SW corner of East 101st Street and South Yale Avenue AG and RS-2 to CS, RM-0 and RS-2

A letter (Exhibit "E-1") was presented from Charles Norman, attorney for the applicants of rezoning Cases Z-5453, Z-5454 and Z-5455, requesting these applications be continued to October 15, 1980, so they might be heard in conjunction with Applications Z-5452 and PUD #245.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty "absent") to continue Applications Z-5452, PUD #245, Z-5453, Z-5454 and Z-5455 to October 15, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

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

Date Approved Oct 8, 1980

Ralph S. Parmele
Chairman

ATTEST:

Cleary D. Kempe
Secretary

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