

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of MEETING No. 1330
Wednesday, October 8, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, October 7, 1980, at 11:30 a.m., as well as in the Reception Area of the TMAPC Offices.

Chairman Parmele called the meeting to order at 1:35 p.m. and declared a quorum present.

MINUTES:

On MOTION of PETTY, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young, "absent") to approve the Minutes of September 24, 1980 (No. 1328).

REPORTS:

TMAPC Claims:

On MOTION of HOLLIDAY, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young, "absent") to approve the 1979-1980 and 1980-1981 TMAPC Claims (attached).

Report of Receipts and Deposits:

On MOTION of HOLLIDAY, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young, "aye"; no "nays"; no "abstentions"; Inhofe, C. Young, "absent") to accept the Report of Receipts and Deposits for the Month ended September 30, 1980 (Exhibit "A-1").

DIRECTOR'S REPORT:

Mr. Lasker informed the Commission that the elevator in the Center Office Building will be out of service for approximately five weeks. This will allow modernization and upgrading of the existing elevator. Therefore, the Staff has been involved in rearranging offices and attempting to complete the move while the elevator is still in operation.

Director's Report: (continued)

In order to serve those patrons who find it difficult or impossible to reach the zoning offices on the 5th floor of the building, the Staff will provide a special service on the 3rd floor during the time the elevator is out of order.

The Director also advised that the City Planner of Glenpool, Roger Miner, will be vacating that position soon. Consideration is being given to expanding the service in that area into Creek County.

Commissioner T. Young questioned if there would still be a subcommittee of the TMAPC to review personnel policies. Mr. Lasker advised that the matters would be considered by the Executive Committee; however, the Chairman of the TMAPC would be a member of that Committee. It was agreed that the Chairman of the TMAPC would report to the Commissioners concerning items discussed in the Executive Committee meetings.

PUBLIC HEARINGS:

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

Staff member Jim Bourey made a slide presentation of the historical development of downtown and the existing conditions, as well as projections on future development.

Mr. Bourey advised that the District One Plan is intended to provide the framework for a successful public-private partnership in the future of downtown Tulsa. District One, consisting of the area within the freeway loop referred to as the Inner Dispersal Loop or IDL, is downtown Tulsa and will be the last City District to have an adopted plan.

The District One planning process began with the District One Planning Team, a group of interested downtown business representatives, land owners, residents and public officials, who met from April to November, 1979, and produced a set of preliminary planning recommendations. The second step in the process occurred in late November, 1979, when about 60 members of the downtown community participated in a take-part workshop. Following this workshop a draft document was compiled which was then reviewed by the Planning Team.

Mr. Bourey pointed out that most of the present downtown area was developed by 1910 and many structures of historical or architectural significance remain. A dramatic revitalization of the downtown area has occurred - this has included significant building renovations. As a result of this past development, the downtown has a variety of structures developed during different time periods. A study of the existing land use shows that a large area, approximately 533 acres, is devoted to transportation, most of which is automobile circulation and parking. A dramatic growth in office use and substantial increase in downtown employment was also indicated. The dominance of the center area, which has over 26,000 employees, is fairly evident. Although residential use has declined over the last two decades, there are still about 1,800 dwelling units in downtown and over 4,000 people living in the area.

PUBLIC HEARING: (continued)

The community facilities in District One include many significant churches, the Performing Arts Center, Assembly Center and valuable open spaces. The proximity to River Parks and other nearby open space is also considered particularly important.

Industrial use is another significant land use activity. The transportation facilities include those serving automobile, bus, truck, train and pedestrian movement. The streets and highways providing access to downtown are largely in place at this time. There are approximately 32,000 parking spaces in the downtown area. A recent parking study indicated a surplus of 12,000 parking spaces; however, based on an analysis of different zones, there is a shortage of spaces in certain local areas, particularly those in the center of downtown. A tremendous resource for downtown delivery of goods is provided by the existing systems of alleys.

Mr. Bourey advised that a range of alternative growth scenarios have been modeled listing the following major implications: 1) All scenarios show a strong growth in downtown employment with projected employees in the year 2000 to be 58,000 to 68,000; and 2) projections for downtown housing show a gradual increase in the number of housing units to about 4,000 dwelling units in the year 2000.

One concept of the Plan contains the idea that the downtown should continue to serve as a multi-purpose regional center characterized by an intensely developed diversified physical environment. In order to fulfill this role the central area should have an increase in mixed land use activity with an emphasis on office, residential, hotel, retail and restaurant activities. This will provide a continuously active, exciting environment for residents, workers and visitors. This mixture of land use activities can occur within a single development project or as a result of adjacent single-use projects.

The transportation concept contains the recommendation for development of a transportation center which would serve as a central terminal for a variety of modes of transportation including the inner city bus service. Travel within downtown will be largely pedestrian and the shuttle system. Pedestrian facilities need to be improved and the Plan contains several recommendations to accomplish this.

The open space system concept is based on capturing and effectively using available space, where possible, through both public and private efforts.

The expansion of residential development within the central City area is clearly a high priority of the downtown community. It would increase nighttime activity, provide an expanded market for retail/restaurant and entertainment activities and increase the sense of stability and commitment of downtown Tulsa. The residential development should include a range of housing types. Only single-family detached housing is considered inappropriate for new construction within the downtown area.

The concept of appropriate renovation and new construction contains the idea that as new development occurs in downtown Tulsa, it is important that concerted efforts be made to preserve and renovate architecturally or historically significant structures and to build new structures which are sensitive to the existing urban fabric and positively contribute to the physical environment.

PUBLIC HEARING: (continued)

The planning of open spaces and others must be basically left up to the sensitivity of the project designer; however, the general guidelines in the District One Plan and the recommended urban design resource, can help to guide project designers in planning new developments. The recommended urban design resource, which includes the designation of a single source of information on existing conditions and current downtown development as well as planning and design assistance, will be located in the Department of City Development.

The basic concept of implementation of the District One Plan rests on the use of public land acquisition, public improvements and positive development incentives. A variety of funding sources, including local taxes and federal loan and grant programs will be used to finance the public improvements and provide the development incentives.

Mr. Bourey concluded his presentation by noting that these recommendations will serve as a guide for downtown development only if the public and private sectors use it as a working tool. The Plan can be effective only if both public and private development decisions are based on its recommendations.

Recommendations for various sub-areas of the downtown area were discussed by Mr. Bourey.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, C. Young, "absent") to close the Public Hearing and direct the Staff to prepare a Resolution for adoption of the District One Plan as part of the Comprehensive Plan, subject to the review of the Legal Department.

Z-4551 (continued)

Mrs. Maddox pointed out that Mr. Green sold the subject tract to the applicant, therefore, he is in favor of the application. She also noted that most of the residents in the area have owned their homes for some time, they are elderly, and it would be impossible for them to sell their property and move.

Oscar Frommel advised that he lives across the street from the subject tract. He stated that most of the residents are elderly and living on a fixed income. He expressed concern that if the proposed zoning was approved there would be other applications and the whole area would be zoned for business purposes.

Mr. Frommel informed the Commission that the applicant had moved the mobile home to the subject tract, put up sign posts and dug a water line prior to making application for the zoning change.

A. R. Maddox advised he has lived in this area for many years. He was opposed to business zoning near his residence and expressed concern that there would be papers and other trash blowing in his yard. He advised that there were many nice homes in the area, some which are valued at \$150,000 - \$200,000. The protestant urged the Commission to deny the application.

Herman Toby, representing his parents who live in the area, noted that when commercial industries are allowed to come into both sides of a residential area and then commercial ventures come into the middle of the area it is similar to block busting because walls or divisions are set up. It will become so miserable for the residents that they will no longer want to live there. Permanent residents of the area will be hurt in other ways besides just the monetary values.

Interested Party: Mike Green Address: 17800 East Admiral Place

Interested Party's Comments:

Mike Green advised that he owns property to the west of the subject tract. He noted that the applicant has already made improvements to the property. Mr. Green also felt that Mr. Chandler, since he will operate a landscaping business, will want the subject tract to maintain a well-kept and attractive appearance.

Instruments Submitted: Letters of Approval (Exhibit "B-1")
Plot Plan (Exhibit "B-2")
Pictures (Exhibit "B-3")

Relationship to the Comprehensive Plan:

The Comprehensive Plan for District 17, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use, Special Consideration Area No. 3.

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

Z-5451 (continued)

Staff Recommendation:

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

The subject property is located on the south side of Admiral Place, east of 177th East Avenue. The property is zoned RS-1, contains a mobile home and the applicant is requesting IL zoning to accommodate a landscape nursery business.

The subject property is currently zoned RS-1, low density single-family. The property surrounding the subject tract is also zoned RS-1 low density single-family. The only development within the immediate area are single-family homes on large acreage tracts across Admiral Place. The Comprehensive Plan for District 17 designated the corridor between I-44 and Admiral Place for industrial use. Many of these parcels have been zoned industrial and are currently under development. The Plan did not recognize industrial zoning south of Admiral Place, with a possible exception of the major street section corners (nodes). The remainder of the frontage adjacent to Admiral Place was planned for low intensity uses. The Plan did, however, consider low intensity uses such as duplex, apartments, or light office in areas where industrial development has occurred within the corridor north of Admiral Place. Such is not the case in this instance. The Staff feels that IL zoning is inappropriate on the subject tract based on the surrounding zoning, residential development and Comprehensive Plan for the area. We anticipate that someday lower intensity residential uses will be developed to the south of the subject property when sewer is made available.

Based on these reasons, the Staff recommends DENIAL of the requested IL zoning.

Special Discussion for the Record:

Mr. Vestal, in response to the questions concerning the availability of utilities in the area, advised that they are available, but are very expensive. He stated that he felt this was a stagnant area that will not develop. Mr. Vestal also stated that he felt property values of the area would go up and did not foresee a monetary loss for any resident.

In regard to the poor appearance of the current landscaping operation on 11th Street, Mr. Vestal pointed out that Mr. Chandler does not own that property and that pride of ownership would certainly make a difference with the subject tract.

The applicant did not feel there would be a problem with the zoning change, therefore, the water line was dug. If the application is denied the open ditch will be refilled.

The Chrome plating business which was referred to in the presentation is located at 183rd Street. There is also a motorcycle shop to the east of the subject tract.

On MOTION of T. YOUNG, the Planning Commission voted 4-5-0 (Avey, Eller, Parmele, T. Young "aye"; Gardner, Holliday, Keleher, Kempe, Petty "nay"; no "abstentions"; Inhofe, C. Young, "absent") to approve the IL zoning for Z-5451. The motion failed.

Z-5451 (continued)

TMAPC Action: 9 members present.

On MOTION of KEMPE, the Planning Commission voted 7-2-0 (Avey, Gardner, Holliday, Keleher, Kempe, Petty, T. Young, "aye"; Eller, Parmele, "nay"; no "abstentions"; Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be DENIED:

A tract of land located in a part of Lot 5, in Section 1, Township 19 North, Range 14 East, Indian Base and Meridian, County of Tulsa, State of Oklahoma, according to the U. S. Governmental Survey thereof, and more particularly described as follows, to-wit: Beginning at a point 40' South and 748' East of the NW corner of said Lot 5; thence East for 572' more or less to the East line of said Lot 5; thence South and along the East line of said Lot 5 for 350'; thence West for 572', more or less to a point 390' South and 748' East of the NW corner of said Lot 5; thence North 350' to the point of beginning.

ZONING PUBLIC HEARING:

Z-5456 Neil Bogan NE corner of 91st Street and South Yale Avenue RS-3 to OL

A letter (Exhibit "C-1") was presented from the applicant requesting a continuance of the item due to a conflict with a national conference which will be attended by key personnel scheduled to be present at the hearing.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstention"; Inhofe, C. Young "absent") to continue Z-5466 to October 22, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5457 Present Zoning: AG
Applicant: Charles Norman (Nash) Proposed Zoning: CO
Location: NW corner of 81st Street and Beeline Expressway

Date of Application: August 28, 1980
Date of Hearing: October 8, 1980
Size of Tract: 70.5 acres, plus or minus

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

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

Protestants: None.

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property, Low Intensity -- No Specific Land Use, 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 District for the following reasons:

The subject property is located north of 81st Street South, between Union Avenue and the Okmulgee Beeline. The property is approximately 70 acres in size, is zoned AG and undeveloped. The applicant is requesting CO Corridor District zoning.

The subject property qualifies for CO District zoning based upon the Plan Map designation and the absence of significant physical facts which would preclude consideration of the CO zoning. CO zoning has been approved on the property to the north of the subject tract, and on property located south of 81st Street. Corridor zoning is the first step in a two step zoning process and does not commit the property to any specific use, but does permit the consideration of a wide-range of uses. The specific uses and arrangement of uses on the property is determined at the site plan review and approval step, phase 2. This second step also requires notice and public hearing.

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

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions, Inhofe, C. Young, "absent") to recommend to the Board of City Commissioners that the following property be rezoned CO:

The W/2 of the SW/4, Section 11, Township 18 North, Range 12 East, Tulsa County, Oklahoma, less and except the right-of-way for U. S. Highway #75, containing 70.53 acres, more or less.

Application No. Z-5458 Present Zoning: RS-3
Applicant: Roy Johnsen (Loving & Economou) Proposed Zoning: RM-T
Location: SW corner of 37th Street and Madison Avenue

Date of Application: August 28, 1980
Date of Hearing: October 8, 1980
Size of Tract: 2.5 acres, plus or minus

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Commissioner Petty advised that he would abstain from voting on this application.

Applicant's Comments:

Roy Johnsen, representing the proposed developer of the subject tract, pointed out that the application was for RM-T zoning, the new Townhouse District which was designed to encourage attached dwellings for individual ownership. One of the requirements of the RM-T District is that it be subdivided into individual lots. Mr. Johnsen noted that there is an apartment complex located at 37th Street and Riverside Drive, 250' from the west boundary of the subject tract. Multifamily type housing is not foreign to the general area and is found along Riverside Drive. Duplexes are located to the south of the subject property. Single-family homes in the area are smaller, frame homes with one car garages and are located on lots with 50' frontages. Mr. Johnsen advised that the proposed RM-T zoning would not be a departure from the character of the neighborhood, since there are various types of housing in the area. The developer feels there is an increasing demand for different types of dwellings and this particular area has an attraction since it is near downtown and the River Parks.

Two parcels of land have been assembled for this application. The combined tract is of a workable size to provide various amenities; i.e., a swimming pool, and also has some nice size trees. Noting the Staff Recommendation for RD zoning, Mr. Johnsen pointed out that the proposed RM-T zoning would allow three or four more dwelling units on the tract, therefore, the densities are very close. He felt the question to be considered concerned the appropriate use for the property. The applicant did not feel that the proposed townhouse zoning would be a departure from the District 6 Plan. The RM-T District was not in existence at the time the District 6 Plan was adopted.

A preliminary plat has been submitted to the Staff. The units will be owner occupied, designed to sell for approximately \$50,000 - \$65,000 per unit. There will be common ownership of the drives and open areas; access will be gained by Madison Avenue and 37th Street. Mr. Johnsen felt that the proposed RM-T zoning would be in compliance with the concept of the District 6 Plan and the site lends itself to this type of development.

Protestants: Bill Boyer Address: 957 East 37th Street
Bill Stoskopf 904 East 36th Place
Ruby Mason 965 East 37th Street
Kurt Zumwalt 3703 South Cincinnati Avenue

Protestant's Comments:

Bill Boyer advised the Commission that he had moved to this area, a nice quiet neighborhood, 14 years ago. At that point in time, the real estate company assured Mr. Boyer that the area would never be rezoned. The protestant noted that there are no sidewalks in the area and he expressed

Z-5458 (continued)

concern for the children walking to school on 37th Street and on Madison Avenue. The additional traffic in the area will cause a bottleneck at 37th Street and Madison Avenue. Mr. Boyer felt the City would need to put up a street light at that corner. Another concern of the protestant was fire protection and the inability of fire trucks to reach many of the homes if the townhouses were erected. Mr. Boyer stated that this is a fine, well-kept, neighborhood and urged the Commission to deny the application.

Bill Stoskopf stated that he agreed with those trying to encourage population in the area closer to the downtown area. Mr. Stoskopf did not feel that the apartments along Riverside Drive contributed to the traffic generated in the area; however, he did feel the proposed townhouse zoning would bring more traffic into the residential neighborhood. The protestant noted that it was more appropriate to maintain multifamily along the perimeters of the area along Riverside Drive and 41st Street rather than approving higher density development within the single-family residential area. He also felt that the proposed density is completely out of context with the existing neighborhood. The protestant asked that the Commission be very careful of their consideration of the application.

Ruby Mason advised that the majority of the homes on the north side of 37th Street and Madison Avenue are owned by elderly, retired people living on fixed incomes. Most of the homes are paid for and the residents plan to stay there for the rest of their lives.

Kurt Zumwalt stated that his back yard was adjacent to the subject tract. Mr. Zumwalt advised that he knew of other legitimate offers which were made to the owner of the property to renovate the beautiful old home which is located on the subject tract. Mr. Zumwalt noted that a new water line would have to be installed from Riverside Drive to the subject property because of the additional burden from one or two units to 34 units in the area.

Interested Party: Dino Economos Address: 3726 South Peoria Avenue

Interested Party's Comments:

Dino Economos advised that he is one-third owner of the subject tract and was very concerned how the property would be developed. Mr. Economos stated he only became aware of the proposed 34 units under the RM-T zoning that past week and had not had time to discuss the development with his neighbors. He requested a continuance of the item to allow time to talk with other residents in the area.

Roy Johnsen objected to the continuance noting that there was a critical time problem contractually since the applicant had awaited the adoption of the RM-T District. Mr. Johnsen stated that he appreciated Mr. Economos' concern for his neighbors; however he pointed out that a letter and a copy of the site plan, describing the number of dwelling units and the type of dwelling units that were proposed was sent to all of the owners within 300' of the subject tract.

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use; Special District 3.

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

Staff Recommendation:

The subject property is located on the southwest corner of 37th Street and Madison Avenue. The property is zoned RS-3 single-family residential, contains two single-family residences and the applicant is requesting RM-T residential townhouse zoning.

The subject tract is located within Special District 3 Riverside Drive, of the District 6 Plan. The Special District recognized some increased residential density on properties along the east side of Riverside Drive from 31st Street to 51st Street and east to an approximate depth of Madison. The Plan called for medium intensity multifamily (RM-2), low density (RM-1) and two-family residences (RD) within this area. The Plan designated the subject property two-family residences (RD). This was done primarily due to the mixture of single-family and two-family residences within the area.

Therefore, based on the Comprehensive Plan the Staff recommends APPROVAL of RD zoning and DENIAL of RM-T.

For the record: RM-T zoning would permit a development density 2.3 times that of the surrounding RS-3 area developed as single-family and 1.5 times the RS-3 area developed as duplexes. RD zoning is consistent with the Plan and would permit a density 2 times that of the surrounding single-family developed area. Under the controls of a PUD, 31 townhouse units could be developed under RD zoning.

Special Discussion for the Record:

Commissioner Kempe questioned how the District Plans must read in order to consider the new RM-T classification.

Bob Gardner advised that the District 6 Plan was unusual since it did specify the particular type of development; however, the townhouse district had not been approved at that time. The Staff is of the opinion that townhouse-type development is the appropriate use for the subject tract. The RD recommendation of the Comprehensive Plan directed the Staff in its recommendation for duplex zoning. Mr. Gardner also noted that the subject tract is a much larger parcel of land than what was envisioned in establishing the new RM-T District.

Tom Keleher pointed out that the Staff Recommendation was in favor of this type of development and the only point in question was the number of units - duplex zoning would allow 31 units and the proposed RM-T District would permit 34 units.

Z-5458 (continued)

Roy Johnsen stated he did not feel the affect of the difference of three or four units would be measurable in relation to the traffic or need for additional water lines. However, he pointed out that the density was quite meaningful to the developer since if the densities were lowered it would add to the cost of the unit and would affect the amenities which could be provided. Also, if the duplex zoning was approved, the development might be less desirable than if the property was developed under the RM-T which would encourage townhouse construction.

Commissioner T. Young suggested that RM-T zoning might be considered on the larger tract, leaving the current zoning as it exists on the small parcel.

In this way, a PUD with fewer units, could be filed which would be more satisfactory with the area residents. Mr. Young advised that he agreed with the RM-T zoning; however, in light of the uncertainty of one of the land owners, the only motion he could support at this time would be an RM-T zoning only on the northern tract or a denial of application.

TMAPC Action: 9 members present.

On MOTION of HOLLIDAY, the Planning Commission voted 6-1-2 (Avey, Eller, Holliday, Keleher, Kempe, Parmele "aye"; Gardner, "nay"; Petty, T. Young "abstaining"; Inhofe, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned RM-T:

A tract of land situated in the S/2 of Lot 5, Section 24, Township 19 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and more particularly described as follows, to-wit:

Beginning at a point 25' South and 25' West of the NE corner of the S/2 of said Lot 5, and running thence in a Southern direction and parallel to the East line of said Lot 5, a distance of 248'; thence in a Western direction and parallel to the North line of said Lot 5, a distance of 330' to a point; thence in a Northern direction and parallel to the East line of said Lot 5, a distance of 248' to a point 25' South of the North line of the S/2 of said Lot 5, thence in an Eastern direction and parallel to the North line of said Lot 5, a distance of 330' to the point of beginning; and a tract beginning 273' South and 25' West of the NE corner of the S/2 of said Lot 5; thence West 330'; thence South 97'; thence East 330'; thence North 97' to the point of beginning.

Application No. CZ-1
Applicant: Don Cline
Location: SW corner of 91st Street and Lynn Lane

Present Zoning: AG
Proposed Zoning: CS

Date of Application: September 2, 1980
Date of Hearing: October 8, 1980
Size of Tract: 2.5 acres, plus or minus

Presentation to TMAPC by: Gary Rice
Address: 8532 East 41st Street

Phone: 663-9500

Applicant's Comments:

Gary Rice, Rice Realty, was present at the meeting, but did not make a presentation.

Protestants: Jean Wenzl
 Ruskin Armstrong

Address: 312 East Washington, Broken Arrow
 R. R. #2, Box 45, Broken Arrow

Protestant's Comments:

Jean Wenzl presented a petition (Exhibit "D-1") bearing 15 signatures of residents living within a one-half mile radius of the proposed rezoning. The protestant stated there would be a higher incidence of crime and vandalism in the area if commercial zoning was approved. They also noted that when commercial shopping is introduced to a low density housing area, a domino effect occurs, and other vacant lots and acreages tend to follow into rezoning for commercial use.

Mrs. Wenzl advised the Commission that there are two convenience stores within a radius of approximately one mile. In addition, there are other vacancies in commercial shopping centers, which are for lease. She pointed out that there is a lack of appreciable need for commercial zoning in the area. Increased traffic and pollution were also concerns of the protestant.

Ruskin Armstrong pointed out that the subject tract is located in a rural area where there is a large number of residences located on spacious lots. He felt that agricultural zoning (AG) was the best for the area. He stated that he and other residents in the area are not opposed to helping their neighbors, but were opposed to helping at their own expense. The protestant did not feel there is a need for further commercial zoning in the area.

Relationship to the Comprehensive Plan:

The Comprehensive General Plan of Broken Arrow, designates the subject intersection of Type II Node. The Type II Node would permit the consideration of commercial zoning, not to exceed 10 acres on each intersection corner of 91st Street and 177th East Avenue.

The Broken Arrow Planning Commission met on September 25, 1980, to hear Case No. CZ-1 on a referral basis from the TMAPC. The Broken Arrow Planning Commission recommended denial of the request. The BAPC did not want to see any higher density or intensity of use at this time due to the lack of adequate public utilities to service such an increase.

Staff Recommendation:

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

The subject property is located on the SW corner of 91st Street and 177th East Avenue. The property contains a single-family dwelling and several

CZ-1 (continued)

agriculture accessory buildings. The property is zoned AG Agriculture and the applicant is requesting CS commercial shopping center zoning to permit a convenience store.

The Staff is concerned that not only are the necessary services to support a higher density of development of the subject tract not available, but for all practical purposes three of the four intersection corners are developed residentially. Residential homes exist on the frontage tracts west of the subject property on 91st Street and south of the subject property on 177th East Avenue. The new home south of the SE corner of the intersection is substantial in size and quality and not likely to be converted to a commercial use. In the Staff's opinion, due to the design and orientation of the residences at the intersection corner, commercial zoning would be detrimental to the established residential uses. The corners, at least for the near future, should not be considered for any change in zoning.

If in the future the NW and SW corners of the intersection are not longer suited for residential development, a limited amount (1-acre) of commercial may be appropriate on these two corners as well as the SE corner. If any commercial development of any consequence is to be approved at this intersection, it should occur at the vacant NE corner.

For these reasons, the Staff recommends DENIAL of the requested CS zoning.

Special Discussion for the Record:

The Broken Arrow Planning Commission recommended denial of the rezoning request due to the lack of adequate public utilities to service such an increase. In reference to this recommendation, Commissioner Petty questioned if it was proper to deny rezoning on the basis of the lack of utilities in the area. Bob Gardner advised him that lack of utilities was not the basis or the TMAPC Staff Recommendation for denial. The Staff's main concern was that three of the four intersection corners are developed residentially, and due to the design and orientation of the residences at the intersection corner, commercial zoning would be detrimental to the established residential uses.

Mr. Petty pointed out that a convenience store demand on the water and sewer facilities would be much less than for residential use.

Commissioner Keleher moved denial of the application, the motion did not receive a second.

TMAPC Action: 9 members present.

On MOTION of T. YOUNG, the Planning Commission voted 8-1-0 (Avey, Eller, Gardner, Holliday, Kempe, Parmele, Petty, T. Young "aye"; Keleher "nay"; no "abstentions"; Inhofe, C. Young "absent") to recommend to the Board of County Commissioners that the following property be rezoned CS:

The North 373.38' of the East 350' of the NE/4 of the NE/4 of Section 23, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

There being no further business, the Chair adjourned the meeting at 4:10 p.m.

Date Approved October 15, 1980

Cliff Payne
vice Chairman

ATTEST:

Cherry A. Kemp
Secretary



TMAPC RECEIPTS
Month of September, 1980

ZONING

City Zoning Fees	(18)	\$	1,528.00		
Fee Waived	(0)				\$ 1,528.00

LAND DIVISION

Subdivision Preliminary Plats	(7)	\$	350.00		
Subdivision Final Plats	(7)		526.00		
Lot-Splits	(20)		170.00		
Fee Waived	(7)				\$ 1,046.00

MAPS

\$ 713.75

MISCELLANEOUS

\$ 152.10

BOARD OF ADJUSTMENT

Fee Waived	(0)				\$ 1,895.00
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<u>Depository Ticket</u>					<u>\$ 5,334.85</u>
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	<u>City Receipt</u>			
723	069417	\$	677.00	
724	069903		810.20	
725	070143		1,598.75	
726	070669		2,383.90	
			<u>\$5,469.85</u>	
	* Less:		<u>(135.00)</u>	

\$ 5,334.85

CITY BOARD OF ADJUSTMENT

\$ 1,440.00

COUNTY BOARD OF ADJUSTMENT

\$ 455.00

CITY SHARE

\$ 1,719.93

COUNTY SHARE

\$ 1,719.92

* Less: Returned check on Virginia Stiles for Insufficient Funds :
 City Board of Adjustment Fee - \$35.00 Receipt #26786 Deposit #070143
 City Board of Adjustment Fee - Keith Teakell \$50.00 Receipt #26604 Deposit #068808
 City Board of Adjustment Fee - Charles L. Kerker \$50.00 Receipt #26596 Deposit #068808

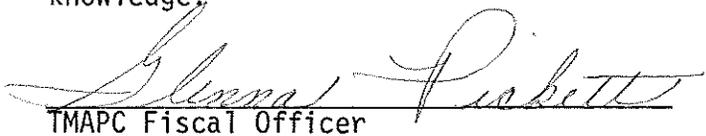


TULSA METROPOLITAN AREA PLANNING COMMISSION

Claims: 1980-1981

Account Number	Claim Number	Vendor	Amount
7140	12970	J. A. Blackwood Company	74.00
	12971	City of Tulsa	4.05
7151		(\$3.25)	
8103		(\$.80)	
8311	12972	Eastman Kodak Company	1,035.00
	12973	Ginger Johnsen	66.87
6260		(\$37.10)	
7140		(\$ 2.80)	
7152		(\$ 6.60)	
7171		(\$20.37)	
8140	12974	Manpower	277.20
7140	12975	Parker Office Supply Company	27.48
8120	12976	Pawhuska Daily Journal-Capital	37.94

This is to certify that the above claims are true, just and correct to the best of our knowledge.


 TMAPC Fiscal Officer


 TMAPC Assistant Director

