TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1334
Wednesday, November 12, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller	Avey	Alberty	Linker, Legal Department
Gardner	Inhofe	Gardner	
Holliday	Petty	Howell	
Keleher, 2nd Vice Chairman	C. Young	Lasker	
Kempe, Secretary		Wilmoth	
Parmele, 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, November 10, 1980, at 3:12 p.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.

REPORTS:

Report of Receipts and Deposits:
On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to accept the Report of Receipts and Deposits for the Month ended October 31, 1980 (Exhibit "A-1").

CHAIRMAN'S REPORT:

Resolution of Appreciation - Frank Keith:
The following Resolution was presented to former Planning Commissioner Frank Keith:

WHEREAS, the Tulsa Metropolitan Area Planning Commission wishes to acknowledge members who have made significant contributions toward the orderly growth and development of the Tulsa Metropolitan Area; and

WHEREAS, Mr. Frank Keith served on the Tulsa Metropolitan Area Planning Commission from December 19, 1977 through September 15, 1980; and

WHEREAS, he has given freely of his time, experience and abilities toward the development of a better environment for present and future citizens; and

WHEREAS, such service has been given at considerable personal sacrifice.

THEREFORE, THE MEMBERS OF THE COMMISSION wish to express our deepest appreciation for the concern and service which was given by Frank Keith.

ADOPTED THIS 12th DAY OF NOVEMBER, 1980.

DIRECTOR'S REPORT:

Director Lasker presented the Proposed INCOG Work Program for the Fiscal Year 1981 (Exhibit "B-1") and advised that the program was developed with input from Chairman Parmele and Commissioner C. Young. The work program includes the projects to be undertaken and the man months which will be required for their completion.

In regard to the work program, Commissioner Kempe questioned if some type of corridor study should be undertaken in relation to the zoning along the existing expressways.

Bob Gardner stated that much of the expressway system is paralleled by developed, residential homes. He noted that he did not feel it was appropriate to zone the adjacent property for high intensity development just because of the expressway. Mr. Gardner advised that the Staff will be undertaking a study of proposed amendments to the Zoning Matrix Table since there are several new Districts that are not included in the Table. The amendments will be presented to the Rules and Regulations Committee and if, at that time, it is desirable to consider CG zoning as appropriate, or may be found appropriate in a medium intensity district, it should become a part of the Development Guidelines.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-5460 Present Zoning: RS-3
Applicant: T. B. Hendrix (DeBouse) Proposed Zoning: IL
Location: East of the SE corner of Apache Street and Birmingham Avenue

Date of Application: September 3, 1980
Date of Hearing: November 12, 1980
Size of Tract: 1-acre, plus or minus

Presentation to TMAPC by: T. B. Hendrix
Address: 2610 North Peoria Avenue Phone: 428-2527

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

Protests: None.

Relationship to the Comprehensive Plan:
The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 -- Industrial Area.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District is 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 south side of Apache Street, 250' east of the Cherokee Expressway. The property is zoned RS-3, is vacant and the applicant is requesting IL light industrial zoning to accommodate an auto repair business.

Z-5460 (continued)

The subject property was recognized by the District 3 Plan as having industrial development potential. The property is abutted by Apache Street on the north and the Santa Fe Railroad to the south and east. Commercial zoning exists along the north side of Apache and to the west of the subject tract. The industrial district begins immediately east and southeast of the subject property and extends eastward to Harvard Avenue. The subject property meets the criteria for industrial consideration and therefore, the Staff recommends APPROVAL of the requested IL zoning.

TMAPC Action: 7 members present.

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

Tract No. 4, Collins Tracts, a subdivision in the County of Tulsa, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows: Beginning at a point 712' West and 40' South of the NE corner of the NW/4 of Section 29, Township 20 North, Range 13 East of the Indian Base and Meridian in Tulsa Co., State of Oklahoma, according to the United States Government Survey thereof; thence West on a line parallel with the North line of said NW/4 a distance of 328' to a point; thence South parallel with the West line of said Section 29, a distance of 296.35' to a point in the North line of the Atchison, Topeka and Santa Fe Railroad right-of-way; thence in a Northeasterly direction along the Northerly line of said right-of-way, a distance of 441.5' to the point of beginning.

PUD #247 Marshall Horn North and East of the NE corner of 58th Street and 85th East Avenue (AG)

The Staff advised that it would be necessary to continue this PUD to allow time for the City Commission to act on the zoning for the property.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to continue PUD #247 to November 26, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5462 Present Zoning: CS & RS-3
Applicant: William Grimm (Kerr McGee Corp.) Proposed Zoning: CG
Location: East of the NE corner of 11th Street and Mingo Valley Expressway

Date of Application: September 25, 1980
Date of Hearing: November 12, 1980
Size of Tract: 2.3 acres

Presentation to TMAPC by: William Grimm
Address: 1600 Philtower Building Phone: 584-1600

Applicant's Comments:

William Grimm advised that he would amend the application to remove the portion of the property which the Staff pointed out is undevelopable and should be rezoned FD.

The applicant proposes to erect a large outdoor advertising sign, a face of approximately 14' x 48', on the subject tract. The existing CS zoning would allow a smaller-type sign. Mr. Grimm advised that there is a band of tall trees around the homes to the north of the subject tract which would obscure the outdoor advertising sign from the residential area.

Protests: None.

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Commercial (south portion) and Low Intensity -- Residential (north portion).

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

Staff Recommendation:

The subject property is located at the NE corner of 11th Street and the Mingo Valley Expressway. The property contains a vacated service station in the CS zoned portion. The balance of the tract is zoned RS-3 and remains undeveloped.

The requested CG zoning is not in accordance with the Comprehensive Plan Map for this area. The City Hydrologist indicated that a portion of the subject tract is floodway. That portion of the property is undevelopable and should be rezoned FD, Floodway; however, the advertising would not permit consideration for FD at this time.

The Staff would agree that any usable portion of land south of the creek relates more closely to the properties on 11th Street. However, extending the CS zoning northward to accommodate 50-foot tall, lighted outdoor advertising signs (billboard) no longer relates just to the 11th Street properties, but in fact, projects the commercial usage closer to the single-family properties to the north. The Staff feels this type of usage infringes on the residents and the enjoyment of their property.

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

For the record, a PUD is the proper tool to make use of this area to insure compatible land use relationships and at the same time give the land owner a higher intensity use.

Special Discussion for the Record:

Commissioner T. Young stated that the applicant's basis for requesting commercial zoning next to an expressway and to CS zoning, without regard to the stated use, would be difficult to deny under these circumstances. Mr. Young also questioned if Board of Adjustment approval of a variance would accomplish the applicant's need. Mr. Grimm advised that the Board of Adjustment had previously denied a request for a variance to allow the sign.

Bob Gardner pointed out that the proposed sign would be almost 300% larger than what is allowable and he felt the Board of Adjustment had denied the application on the basis of the size of the sign.

Terry Young questioned if there was something in the Building Permit process that would regulate construction of billboard signs. Mr. Gardner advised him that the applicant must have approval and a sign permit. Commissioner Young noted that if larger outdoor signs are going to contine to be a mode of advertising and if they are going to find acceptance in the urban centers, that intersections, such as an expressway and a major arterial, would be the logical place for them to be constructed.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following property be rezoned CG on the front portion (approximately southern 1/3) and DENIAL of the balance of the tract:

The South 265 feet of Lot 14, Block 2, East Eleventh Park Subdivision, to the City of Tulsa, Tulsa County, State of Oklahoma; according to the recorded plat thereof.

Application No. Z-5469 Present Zoning: RS-3
Applicant: Norman Retherford Proposed Zoning: OL or RM-1
Location: North of the NE corner of 81st Street and Memorial Drive

Date of Application: September 29, 1980
Date of Hearing: November 12, 1980
Size of Tract: 20 acres

Presentation to TMAPC by: Norman Retherford
Address: 8099 South Memorial Drive Phone: 252-2533

Applicant's Comments:

Norman Retherford advised that since the previous denial of multifamily zoning on the subject tract, there have been two rezonings which have taken place in the area - one tract immediately north of the subject tract on the west side of Memorial which was zoned a combination of OL and RS-3, the other a 20-acre tract on the north side of 71st Street east of Memorial was zoned office for the Flynn Energy Corporation. He noted that there are also two residential streets which abut that 20-acre tract. Mr. Retherford stated he had watched the zoning pattern change in the area and had listened to the pros and cons concerning office zoning and it compatibility with the neighborhood. The tract across the street has two streets which butt into the 20-acres from the residential area.

The applicant informed the Commission that he had recently received a printout stating that the City would like to have 160' of his property for widening of Memorial. The plans revealed that one of the four proposed lanes on Memorial would cross over the office building currently occupied by Mr. Retherford. Therefore, since he would be forced to move his office, the applicant filed an application for office zoning and proposes to construct an office building compatible to his home which is located in the area.

Mr. Retherford advised that there are no residential streets coming into the 20-acre subject tract and both ingress and egress to the property would be from Memorial.

Mr. Retherford stated that the residents in the neighborhood are opposed to construction of additional apartments in the area. He also pointed out that there will be less traffic generated, the schools will not become overcrowded and the deterioration of the neighborhood will be eliminated if office zoning is approved on the subject tract.

Protestants: Larry Hawkins Address: 8510 East 78th Place
Mike Bartlett 8318 South 75th East Avenue

Protestant's Comments:

Larry Hawkins presented a letter of protest (Exhibit "C-1") from the Woodland Homeowner's Association, Inc. The letter stated that nothing has changed since the previous denial of the multifamily zoning request on the subject tract. The light office zoning which was recently approved on the west side of Memorial Drive was a special situation with agreement from all parties, including the homeowners in the immediate area.

The homeowners pointed out that the area directly north of the subject property is zoned for a nursing home and the area directly south is zoned AG. To the west and to the east is single-family housing. To change the zoning would lead to strip zoning. Additionally, the residents noted that

the Woodland Hills South and Woodland Meadows Additions are still being developed and the downturn in the economy already has hurt the sale of homes in the area. The homeowners urged the denial of the rezoning application stating that RM-1 or OL zoning is unreasonable.

Mr. Hawkins advised that he had talked with developers of the Woodland Meadows Addition and found they were also opposed to the rezoning application.

Mike Bartlett advised that this area was single-family residential prior to the rezonings of the past six months. Mr. Bartlett stated area residents had worked with the developer of the property across the street from the subject tract and restrictive covenants were worked out and agreed to by the owner and the neighborhood residents. However, Mr. Retherford has not presented a detailed plan for his property and has not attempted to work with the residents in the development of the tract. The protestant did not feel that the applicant had evidenced any concern for the established neighborhood. Mr. Bartlett felt the Development Guidelines should be amended if this application was approved.

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

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

The Staff recommends DENIAL of the requested OL or RM-1 zoning for the following reasons:

The subject tract is 20 acres in size, located on the east side of Memorial Drive, between 77th and 79th Streets. The property is zoned RS-3 single-family residential and the applicant is requesting OL office or RM-1 multi-family.

The subject property is located within a subdistrict as defined by the Development Guidelines, an element of the Comprehensive Plan. OL zoning is not permitted within a subdistrict unless adjacent to established office or commercial zoning. Office land use is limited to the major intersection nodes in newly developing areas by the adopted Development Guidelines. The purpose of adopting a Comprehensive Plan and the adoption of the Development Guidelines is for the orderly, rational development of land uses in the best interests of all concerned. Zoning is to be applied uniformly in all areas of the City.

The subject request represents spot zoning as it bears no reasonable relationship to the surrounding zoning and land use patterns.

The subject property is abutted by RS-3 single-family zoning and development on two sides, the east and the west. Undeveloped AG zoning abuts the property to the north and south. The Board of Adjustment nursing home

approval on the property to the north has expired. As in the previous recommendations on the subject tract, the Staff maintains that the appropriate land use for the subject tract is single-family residential or a comparable residential density (5 units per acre).

For these reasons, the Staff recommends DENIAL of OL or RM-1.

Special Discussion for the Record:

In answer to Commissioner T. Young's question concerning the request for the 160' right-of-way, Mr. Retherford advised that the City already has 60' of right-of-way on the west side of the street which they advise is not usable. He pointed out that, with the additional 160' right-of-way there would be a total of 260' on the subject tract. The applicant further noted that the plan shows bar ditches and he advised that the City does not keep up the 24' right-of-way that they now have. He stated he would be willing to dedicate the necessary right-of-way for Memorial if his property were rezoned.

Murrel Wilmoth stated that the right-of-way is off-set due to the location of a high pressure gas line which extends down Memorial and has presented a problem. Mr. Wilmoth advised that most of the construction of Memorial from 71st to 91st Streets will be east of the centerline. The pipelines switch sides at that point, therefore, the highway right-of-way will also switch sides.

TMAPC Action: 7 members present.

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

The S/2 of the NW/4 of the SW/4 of Section 12, Township 18 North, Range 13 East, in Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, containing 20 acres, more or less.

Application No. Z-5470 Present Zoning: RS-3
Applicant: Charles Murphy Proposed Zoning: OL
Location: South of the SW corner of 23rd Street and Garnett Road

Date of Application: September 26, 1980
Date of Hearing: November 12, 1980
Size of Tract: 2.8 acres

Presentation to TMAPC by: Charles Murphy
Address: 9930 East 21st Street Phone: 663-3858

Applicant's Comments:

Charles Murphy advised that he would like to amend the application to reflect the Staff Recommendation for approval of OL zoning on the eastern 150 feet with the balance remaining RS-3. Mr. Murphy stated that he had acquired this property in 1959 and has tried to decide what to do with it for the past 20 years. The subject tract has been platted and the applicant is holding a contract at this time to construct a doctor's office on the front portion. The parking area for the office will front on Garnett with a cul-de-sac being constructed in the back to stub out the residential street.

Protests: 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 Low Intensity -- No Specific Land Use.

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

Staff Recommendation:

The Staff recommends APPROVAL of OL on the eastern 150 feet and DENIAL of the balance for the following reasons:

The subject property is located on the west side of Garnett Road, south of 23rd Street. The property is zoned RS-3, single-family residential and the applicant is requesting OL -- Low Intensity Office Zoning.

The subject tract has a residential street - 24th Street - stubbed into it from the west. The abutting properties to the south and west are developed single-family residential and a continuation of 24th Street through the subject property was planned. Due to Office (OL) zoning on the east side of Garnett, south of the subject tract, the frontage of the subject tract now merits consideration for OL. However, prior to the approval of that OL the Staff would not have supported any office on the subject tract. By rezoning the front portion OL to align with the OL zoning to the north, it would allow a cul-de-sac street at the east end of 24th Street and four to six lots on the end of the cul-de-sac. This would allow for a logical termination of the residential street, provide a smooth transition from residential to office, and allow the property owner office development to a depth comparable to the north.

Based on these reasons, the Staff recommends APPROVAL of OL on the eastern 150 feet, and DENIAL of the balance.

Z-5470 (continued)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL on the eastern 150 feet and DENIAL of the balance:

A tract of land beginning 1,000' North of the SE corner of the NE/4; thence West 388'; thence North 320'; thence East 388'; thence South 320' to the point of beginning in Section 18, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

Z-5471 John Moody (Preston) South and East of the SE corner of 71st Street and Yale Avenue RD to OM

A letter (Exhibit "D-1") was presented from John Moody requesting a continuance of the application to November 19, 1980. The letter stated that an attempt was being made to reach an agreement with the homeowners in the area.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to continue Z-5471 to November 19, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #248 Roy Johnsen (Quatro Properties, Inc.) North side of 91st, between Yale Avenue and Sheridan Road (RS-3)

A letter (Exhibit "E-1") was exhibited requesting a continuance of the PUD to November 19, 1980. In the letter, Mr. Johnsen stated that, through inadvertence, the PUD was not docketed on the last meeting of the Technical Advisory Committee. The earliest available review by the T.A.C. is November 13, 1980.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to continue PUD #248 to November 19, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Sans Souci Office Park (continued)

Sans Souci Office Park, subject to the following conditions:

1. In the CS area, show 25' building lines in accordance with the zoning.

2. Show all easements and building lines on the plat. Identify adjacent lands as platted or unplatted.

3. Show the street intersection at 68th on the east side of Peoria in dashed lines.

4. Utility easements shall meet the approval of the utility companies. (Utilities) Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing eastments should be tied to, or related to property and/or lot lines.

5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat.

6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.

7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.

8. Paving and Drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by City Commission. (And subject to comments previously made regarding the existing drainage pipe.)

9. Street names shall be approved by City Engineer.

10. All adjacent streets and/or widths thereof should be shown on final plat. (Staff)

Koger Executive Center II (1994) NE corner of 41st Street and South 102nd East Avenue (CS)

Kensington II Amended, Blocks 3-8 (PUD #128) (783) 74th Street and South Trenton Avenue (RM-1)

The Staff recommended these items be tabled.

The Chair, without objection, tabled Koger Executive Center II and Kensington II Amended, Blocks 3-8.

OTHER BUSINESS:

PUD #128-A (Kensington II, 3-8 Amended) 74th Street and South Trenton Ave.

This request for a minor amendment was reviewed at the previous meeting in conjunction with the consideration of the preliminary plat of Kensington II Amended, Blocks 3-8; however, since the amendment was not specifically listed as an agenda item it was necessary to continue the request for one week.

Charles Norman briefly reviewed the request noting that, in final preparation of the plat, the engineers acquired two additional lots. The minor amendment to transfer two dwelling units from the west portion to the east would reduce the number of dwelling units in Development Area "D" of PUD #128-A to 2,294.

On MOTION of KELEHER, the Planning Commission voted 7-0-0 (Eller, Gardner, Holliday, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; no "abstentions"; Avey, Inhofe, Petty, C. Young "absent") to approve the minor amendment to permit transfer of two units from Development Area "D" to Area "C" of PUD #128-A (Kensington II, Blocks 3-8 Amended).

"26-Oaks" (PUD #227) (2993) Roy Johnsen NE corner of Skelly Drive and South Lewis Avenue (OL)

The Staff recommended this item be tabled.

The Chair, without objection, tabled "26-Oaks."

There being no further business, the Chair adjourned the meeting at 3:30 p.m.

Date Approved November 26, 1980

Vice Chairman

ATTEST:

Secretary

11.12.80:1334(17)

TMAPC RECEIPTS

Month of October, 1980

ZONING			
City Zoning Fees	(13)	$ 1,140.60	
Fee Waived	(0)		$ 1,140.60
LAND DIVISION			
Subdivision Preliminary Plats	(5)	$ 250.00	
Subdivision Final Plats	(1)	74.00	
Lot-Splits	(13)	75.00	
Fee Waived	(3)		$ 399.00
BOARD OF ADJUSTMENT			
Fee Waived	(0)		$ 2,180.00
			$ 3,719.60

Depository Ticket	City Receipt		
727	071240	$ 839.60	
728	071801	1,260.00	
729	072133	535.00	
730	072255	1,135.00	
		$ 3,769.60	
	*Less:	(50.00)	
			$ 3,719.60

CITY BOARD OF ADJUSTMENT	$ 1,790.00
COUNTY BOARD OF ADJUSTMENT	390.00
CITY SHARE	769.80
COUNTY SHARE	769.80

*Less: City Board of Adjustment Fee - Robert M. Logsdon - $50.00 - Receipt #26634 - Deposit #69198