

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1336
Wednesday, November 26, 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 C. Young, 1st Vice Chairman T. Young	Inhofe Parmele Petty	Alberty Howell	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, November 25, 1980, at 12:10 p.m., as well as in the Reception Area of the TMAPC Offices.

First Vice Chairman, Carl Young, called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Parmele, Petty "absent") to approve the Minutes of November 12, 1980 (No. 1334) and November 19, 1980 (No. 1335).

REPORTS:

TMAPC Claims:

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

CONTINUED ZONING PUBLIC HEARING:

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

The Staff recommended this item be continued to January 14, 1981, since the City Commission has not yet considered the rezoning application for the subject tract, and that hearing is set on January 13, 1981.

On MOTION of KELEHER, the Planning Commission voted 8-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Parmele, Petty "absent") to continue PUD #247 to January 14, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5473 (continued)

duplexes that use this street for access. Any additional traffic on this street will present traffic problems. The south lot would have its only access to Hudson Avenue. Hudson Avenue passes underneath the Broken Arrow Expressway at this point. Hudson Avenue also curves back north at the subject lot. Traffic going south on Hudson would not have good visibility of traffic coming south onto Hudson Avenue from the subject tract, thereby, creating a safety problem. If the subject tract is to redevelop, the principal access should be from 32nd Place or 35th Street and should be at RS-2 or RS-3 densities.

For the above reasons, the Staff recommends DENIAL of the requested RD zoning.

Special Discussion for the Record:

Mr. Albery advised that if the subject tract was zoned RD, the proposed lot-splits would be approved as prior approval, since they would meet the Subdivision Regulations.

Commissioner Keleher stated he felt the Commission should have more control over the development of the tract and perhaps a continuance would be in order to allow time for more consideration of the application.

The applicant advised that if the subject tract was split into four equal lots they would be large lots, approximately 83.5' x 129' and 77.5' x 129'.

Russell Linker, Assistant City Attorney, pointed out that the Ordinance states, if there is any rezoning, a subdivision plat must be filed and, therefore, there will be some control over the development of the tract.

Commissioner T. Young opposed the continuance of the application, noting that he felt there had been enough facts presented to make a decision.

TMAPC Action: 8 members present.

On MOTION of KELEHER, the Planning Commission voted 2-5-1 (Keleher, Kempe, "aye"; Avey, Eller, Gardner, C. Young, T. Young "nay"; Holliday "abstaining"; Inhofe, Parmele, Petty "absent") to continue Z-5473 to December 10, 1980.

The Motion failed.

On MOTION of T. YOUNG, the Planning Commission voted 6-1-1 (Avey, Eller, Gardner, Keleher, C. Young, T. Young "aye"; Kempe "nay"; Holliday "abstaining"; Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RS-3 and denial of the requested RD zoning:

The South 155' of Lot 1, Block 7 and the North 167' of Lot 9, Block 7, resubdivision of Lots 2-4, Block 3 and all of Blocks 4-13
Yorkshire Estates, Town of Highland Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application PUD #179-H

Present Zoning: (RS-3)

Applicant: R. O. Wheeler (El Paseo)

Location: East of the SE corner of 71st Street and South 85th East Avenue

Date of Application: October 13, 1980

Date of Hearing: November 26, 1980

Size of Tract: 1 & .1 acre

Presentation to TMAPC by: R. O. Wheeler

Address: 6930 South Columbia Avenue

Phone: 492-3281

Applicant's Comments:

R. O. Wheeler presented a plot plan (Exhibit "A-1") and advised that this is the last piece of property to be developed in the El Paseo project. Mr. Wheeler noted that the subject tract was an extremely hard lot to work with, since it was long and narrow. He stated that every effort had been made to develop this tract into office use, but it could not be worked out. The applicant also pointed out that all of the remaining commercial uses in the El Paseo development had recently been converted to office use. Mr. Wheeler stated that the proposed car wash would serve the public need, since there is no other car wash within a four mile radius of the subject tract.

Protestant: Charles Sublett Address: One Williams Center, Suite 1776

Protestant's Comments:

Charles Sublett, representing William G. Farha, owner and developer of the adjacent shopping center, advised of the protestant's concern that the proposed car wash would adversely affect the value of his property. A letter (Exhibit "A-2") was presented from Mr. Farha in which he listed five specific objections to the proposed car wash including undesirable noise, water and soap residue, trash, the stack-up of waiting cars and loitering by youth.

Mr. Sublett questioned if approval of the proposed car wash would result in better land use and planning. He pointed out that this use on the subject tract would eliminate the present buffer area. The access points and additional strain on traffic in the area were also concerns of the applicant.

Mr. Sublett also informed the Commission that the Restrictive Covenants limit the subject tract to light office use. He advised that he did not feel this would be the best location for a car wash.

Six letters of protest (Exhibit "A-3") were exhibited from merchants located in the Southern Trails Shopping Center adjacent to the subject tract.

Interested Parties: Bob Compton, address unknown

Ms. Judy Purze, Project Manager of Homart Development
Company, Sears Tower, 44th Floor, Chicago, Ill. 60684

Interested Party's Comments:

Bob Compton, purchaser of the subject tract, advised that he plans to move the operation back 150' from the property line in order to eliminate traffic problems. The proposed car wash will be maintained and supervised by full-time employees who will be provided an office on the property. Mr. Compton presented a copy of the letter (Exhibit "A-4") transmitted to Mr.

PUD #179-H (continued)

Farha in response to his concerns. The letter assured the protestant that the noise level would be minimal and water and soap residue will be automatically washed into separately constructed drains which will eliminate any possible run off or accumulation of water. In addition, the construction of the wash bays 150' from 71st Street will eliminate the possibility of any traffic tie-up. There will be separate trash receptacles at each bay to insure proper trash disposal.

The Staff advised that a long distance call had been received from Ms. Judy Purze, Project Manager, Homart Development Company, expressing interest in the application and asked that her name be admitted as an interested party.

Instruments Submitted: Plot Plan (Exhibit "A-1")
Letter of Protest from Farah (Exhibit "A-2")
6 Letters of Protest - Area Merchants (Exhibit "A-3")
Letter from Bob Compton - Purchaser (Exhibit "A-4")

Staff Recommendation:

Planned Unit Development #179-H is located on the south side of 71st St., east of 85th East Avenue. The applicant is requesting that the approved office use be changed to a car wash and the greenbelt open space area reduced. Lot 9, Block 2, El Paseo, is zoned RS-3 single-family and is approved for 10,000 square feet of office building, subject to providing 31 parking spaces and 6,585 square feet of open space area, in addition to the 50-foot greenbelt for a total of 23,585 square feet of landscaped open space.

The Staff considers maintaining office use on the subject tract essential to preventing commercial strip zoning east on 71st Street. The balance of the 71st Street frontages, between Memorial Drive and Mingo Road, has been committed to office or apartment use. The change of use on the subject tract would represent a change in the existing physical facts and could be argued as a precedent supporting subsequent commercial applications.

For these reasons, the Staff recommends DENIAL of PUD #179-H.

TMAPC Action: 8 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-1 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; Gardner "abstaining"; Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be denied:

Lot 9, Block 2, El Paseo Addition, Tulsa County, City of Tulsa, Okla.

Application No. Z-5474 Present Zoning: RS-1
Applicant: Jim Comstock (Kenneth Gibson) Proposed Zoning: IL
Location: West of the NW corner of 193rd East Avenue and Admiral Place

Date of Application: October 15, 1980
Date of Hearing: November 26, 1980
Size of Tract: 2½ acres

Presentation to TMAPC by: John Comstock
Address: 1810 East 15th Street Phone: 744-5757

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

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District -- Industrial.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District 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 Admiral Place, 1/4 mile west of 193rd East Avenue. The property contains a residential structure and is zoned RS-1. The applicant is requesting IL to accommodate a construction company.

The corridor formed by I-44 and Admiral Place has been designated for light industrial zoning and development. Two properties to the west of the subject tract have recently been rezoned to IL. IL zoning in this immediate area is consistent with the Plan and the recent industrial zoning and redevelopment. Accordingly, the Staff recommends APPROVAL of IL zoning.

Protestants: None.

TMAPC Action: 7 members present.

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

A tract of land more particularly described as follows, to-wit: Beginning 269.45' West of the Northeast corner of Lot 2, Section 1, Township 19 North, Range 14 East of the Indian Base and Meridian in Tulsa County, State of Oklahoma; thence West 185.17'; thence South 701.25'; thence East 185.17'; thence North 701.25' back to the point of beginning, less highway, containing 2.47 acres.

Application No. Z-5475 Present Zoning: OM
Applicant: Roy Dennis Johnsen (C. A. Mayo, Jr.) Proposed Zoning: IL
Location: North side of 51st Street, West of 129th East Avenue

Date of Application: October 16, 1980
Date of Hearing: November 26, 1980
Size of Tract: 8 acres, plus or minus

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall Phone: 585-5641

The applicant was present, but did not 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.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District 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 at the NW corner of the intersection of the Broken Arrow Expressway and 51st Street. The property is vacant, zoned OM office medium intensity and the applicant is requesting IL light industrial zoning.

Special District 1 within the District 18 Plan encourages light industrial zoning and development. The area south of the Broken Arrow Expressway is developing light industrial. IL zoning abuts the subject tract on the west and south.

For these reasons, 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 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Parmele, Petty "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Lot 1, Block 1, Expressway Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No. Z-5476 Present Zoning: RM-2
Applicant: John Pride Proposed Zoning: OM
Location: SW corner of 15th Street and Denver Avenue

Date of Application: October 17, 1980
Date of Hearing: November 26, 1980
Size of Tract: 90' x 129'

Presentation to TMAPC by: John Pride
Address: 2613 East 88th Street - #324 Phone: 299-6228

Applicant's Comments:

John Pride advised that he would like to amend the application to request OL zoning on the subject tract as the Staff recommended.

Protestants: None.

A letter of protest (Exhibit "B-1") from Robert B. Hardy, Chairman, Riverview Homeowners' Association, was presented. The Riverview Homeowners stated that they want to sustain and promote residential investment by the family near downtown in this area. The letter noted that approval of this rezoning would constitute "spot zoning" for non-residential use and will do nothing more than kill the neighborhood. The protestants pointed out that, in order to be successful in maintaining these neighborhoods and promoting reinvestment by families in these homes, the only method, zoning wise, is to protect the residential zoning itself.

Instruments Submitted: Letter of Protest from
Riverview Homeowners' Association (Exhibit "B-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 -- Commercial.

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 DENIAL of OM zoning and APPROVAL of OL zoning for the following reasons:

The subject tracts are located on the SW corner of 15th Street and Denver Avenue. The properties contain two-story residential structures which are zoned RM-2 multifamily. The applicant is requesting OM -- Office Medium Intensity Zoning.

Since the adoption of the District 7 Plan, the Commission has changed the policy regarding zoning changes on South Denver. Only light office zoning and some medium office zoning has been approved along Denver. This is due to a large extent to the renewed interest in maintaining many of the residential structures south of 15th Street for residential purposes rather than redevelopment to higher intensity uses. Also, a number of structures have been converted to office use, as encouraged by the Plan, rather than clearing the structures and building new structures. In order to realize the high intensity use, at one time envisioned for these properties, assembling and clearing properties would be essential. OL zoning on the

Z-5476 (continued)

subject tract would probably not make it economically feasible to raze the existing structures and rebuild, but it would allow office conversion and use of the existing properties.

Based on these reasons, the Staff recommends APPROVAL of OL zoning and DENIAL of OM.

TMAPC Action: 7 members present.

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

Lots 1 and 2, Block 4, Stonebraker Heights Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Z-5477 Isaac & Ophilla Thompson North and East of the NE corner of 33rd
Street North and Harvard Avenue RS-3 to IL

A letter (Exhibit "C-1") was received from the applicants requesting a withdrawal of the rezoning request. The communication also requested the return of the filing fee in the sum of \$125.

The Commission was informed that all work had been completed on the application including the advertising of the rezoning hearing, with the exception of the public hearing. The public hearing portion of the filing fee would be \$25.00.

The Chairman of the Commission, without objection, withdrew the application.

Commissioner T. Young made a motion to refund the total filing fee. A substitute motion to refund only that portion of the fee with the public hearing was offered by Commissioner Kempe.

On MOTION of KEMPE, the Planning Commission voted 4-4-0 (Avey, Holliday, Keleher, Kempe "aye"; Eller, Gardner, C. Young, T. Young "nay"; no "abstentions"; Inhofe, Parmele, Petty "absent") to return \$25.00 of the initial filing fee.

A vote was then called on the original motion to refund the entire filing fee of \$125.00.

On MOTION of T. YOUNG, the Planning Commission voted 4-4-0 (Eller, Gardner, C. Young, T. Young "aye"; Avey, Holliday, Keleher, Kempe "nay"; no "abstentions"; Inhofe, Parmele, Petty "absent") to return the total filing fee of \$125.00 to the applicant.

Commissioner Keleher suggested the item be continued for one week to allow the applicant time to respond to the request.

On MOTION of KELEHER, the Planning Commission voted 8-0-0 (Avey, Eller, Gardner, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Inhofe, Parmele, Petty "absent") to continue Z-5477 to December 3, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-3 Present Zoning: AG
Applicant: Dr. Clark (Joe Caudle) Proposed Zoning: IL
Location: South of the SE corner of 116th Street North and Garnett Road

Date of Application: October 16, 1980
Date of Hearing: November 26, 1980
Size of Tract: 20 acres, plus or minus

Presentation to TMAPC by: Dr. Clark
Address: 11713 East 84th Place North - Owasso Phone: 272-2316

Applicant's Comments:

Dr. Clark advised that his immediate purpose was to utilize a portion of the subject tract for mini-storage units. He stated he did not have any immediate plans for the development of the remaining portion of the property; however, he did express interest in future development of the front portion for commercial use. Dr. Clark expressed the opinion that the entire area will become highly commercial in the future.

Protestants: None.

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject property Medium Intensity -- Commercial or Office on the front 400 feet and Rural Residential Intensity for the remainder of the property.

The Owasso Planning Commission on November 20, 1980, voted 4-0-0 to recommend to the TMAPC to DENY the requested IL zoning.

Staff Recommendation:

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

The subject tract is 20 acres in size, located on the east side of Highway #169, south of 116th Street North. The property is zoned AG and is being used for agricultural purposes. The applicant is requesting IL zoning.

The subject property is adjacent to the Owasso City Limits and within the Owasso Annexation Fence Line. The Owasso Comprehensive Plan recognizes possible commercial or office on the frontage, but the majority of the property is designated for rural residential development. The Owasso Plan does not recognize any of the property for industrial use, nor is any of the surrounding area zoned or used for industrial purposes.

The Staff feels that IL zoning is inappropriate on the subject tract based on the Comprehensive Plan and surrounding zoning, and accordingly, recommends that the Planning Commission uphold the Owasso Planning Commission recommendation for DENIAL.

Special Discussion for the Record:

The Staff advised that the Owasso Planning Commission had considered the application on November 20, 1980 and voted to recommend denial of the requested IL zoning. The Owasso Comprehensive Plan recognizes possible commercial or office on the frontage, but the majority of the property is designated for rural residential development.

CZ-3 (continued)

Commissioner Keleher suggested the applicant consider commercial zoning or filing a PUD on the subject property. He felt it would be advantageous for the applicant to continue the rezoning request and allow time to decide specifically what he plans to do with the subject tract before he appears at the Owasso City Commission hearing.

TMAPC Action: 7 members present.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Parmele, Petty "absent") to continue CZ-3 to January 7, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Silver Springs (PUD #112) (183) SE corner of 61st Street and South 86th
East Avenue (RM-1)

The Staff advised that all letters of approval have been received and recommended final approval and release of Silver Springs.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Parmele, Petty "absent") to grant final approval and release of Silver Springs.

OTHER BUSINESS:

PUD #215 Douglas Burton Lot 22, Block 16, Chimney Hills Addition

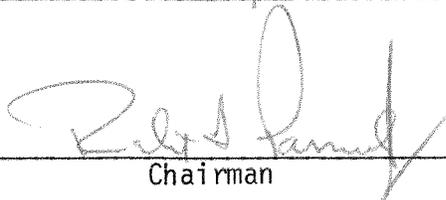
Mr. Alberty advised that the applicant is requesting a minor amendment to permit a building encroachment of approximately 1' into the front building setback as shown on the plot plan.

On MOTION of ELLER, the Planning Commission voted 7-0-0 (Avey, Eller, Holliday, Keleher, Kempe, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, Parmele, Petty "absent") to approve a minor amendment to permit a building encroachment of approximately 1' into the front building setback as submitted on the plot plan for Lot 22, Block 16, Chimney Hills Addition (PUD #215).

There being no further business, the Chair adjourned the meeting at 3:05 p.m.

Date Approved

December 10, 1980


Chairman

ATTEST:


Secretary

TULSA METROPOLITAN AREA PLANNING COMMISSION

Claims: 1980-1981

<u>Account Number</u>	<u>Claim Number</u>	<u>Vendor</u>	<u>Amount</u>
7142	13023	American Camera Equipment Company	22.00
8140	13024	Manpower	308.00
7152	13025	Skiatook Advocate	6.18

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



TMAPC Fiscal Officer



TMAPC Assist. Director

