

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1357
Wednesday, May 13, 1981, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Eller Freeman Higgins Holliday, Secretary Kempe, 2nd Vice- Chairman Parmele, 1st Vice- Chairman Petty C. Young, Chairman T. Young	Gardner Inhofe	Alberty Gardner 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, May 12, 1981, at 10:50 a.m., as well as in the Reception Area of the INCOG Offices.

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

REPORTS:

CHAIRMAN'S REPORT:

Chairman C. Young advised that the City Commission had directed the TMAPC to advertise and hold public meetings to consider the policy and guidelines for downzoning of property. The directive resulted from a request from residents to downzone the square-mile bounded by 31st and 41st Sts., and Harvard and Lewis Avenues. However, the policy and guidelines to be considered in public hearing will pertain to the metropolitan-wide area and will not specifically address one individual request.

Bob Gardner suggested the Commission schedule at least two public hearing dates. The Staff will receive the input from the initial hearing and prepare a recommendation to be received at the second public hearing. Mr. Gardner advised that the Staff Recommendation could be provided one week in advance of the second meeting. This would allow the various interest groups time to review and discuss the recommendations prior to the next scheduled hearing.

Commissioner Petty expressed concern that scheduling an evening meeting for this public hearing will establish a precedent for future meetings to be held at night.

On MOTION of PARMELE, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, "absent") to call two Public Hearings, June 3, 1981, at 3:00 p.m., and June 15, 1981, at 7:00 p.m., to establish the policy and guidelines for downzoning of property.

DIRECTOR'S REPORT:

Pat Connelly, Department of City Development, presented the Resolution to amend the Comprehensive Plan of the Tulsa Metropolitan Area by adding the Open Space Plan Amendments. These Amendments were adopted by the Planning Commission on May 6, 1981.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Gardner, Inhofe, "absent") to adopt the Resolution Amending The Comprehensive Plan Of The Tulsa Metropolitan Area By Adding Thereto The Open Space Plan Amendments as follows:

RESOLUTION NO. 1357:542

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA BY ADDING THERETO THE OPEN SPACE PLAN AMENDMENTS.

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission did by Resolution on the 29th day of June, 1960, adopt a "Comprehensive Plan, Tulsa Metropolitan Area," which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, all according to law; and

WHEREAS, The Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed in whole or in part, an Official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, On the 16th day of April, 1981, this Commission did call a Public Hearing for the 6th day of May, 1981, for the purpose of considering amending the Comprehensive Plan of the Tulsa Metropolitan Area by adding thereto, in whole or in part, the Open Space Plan, and public notice of such meeting was duly given as required by law; and

WHEREAS, The Public Hearing was held on the 6th day of May, 1981; and

WHEREAS, After due study and deliberation this Commission deems advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863, to amend the Comprehensive Plan of the Tulsa Metropolitan Area by adding thereto the Open Space Plan Text and Plan Map.

NOW, THEREFORE, BE IT RESOLVED BY The Tulsa Metropolitan Area Planning Commission that the amendments to the Comprehensive Plan as presented and/or revised at the public hearing, a true and correct copy of which is attached hereto as "Exhibit A" be and is hereby adopted as part of the Comprehensive Plan of the Tulsa Metropolitan Area, and filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

BE IT FURTHER RESOLVED THAT upon approval and adoption hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the City of Tulsa, Oklahoma, and to the Board of County Commissioners of Tulsa, Oklahoma, for approval and thereafter, that it be filed as public record in the Office of the County Clerk, Tulsa County, Oklahoma.

APPROVED and ADOPTED this 13th day of May, 1981.

ZONING PUBLIC HEARING:

Application No. Z-5537	Present Zoning: AG
Applicant: Joe McGraw (Wittenburg, Ltd.)	Proposed Zoning: CO
<u>Location: Between 75th Street and 77th Place South, West of Garnett Road</u>	

Date of Application: March 24, 1981
Date of Hearing: May 13, 1981
Size of Tract: 80 acres

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

Phone: 583-1115

Relationship to the Comprehensive Plan:

The subject property is located within the "gap" area between the District 18 Plan and the Broken Arrow Comprehensive Plan. This area does not have an adopted Comprehensive Plan. This area will be included in the revised District 18 Plan which will be presented in the future. The proposed Plan designates the subject property Low-Intensity -- No Specific Land Use, Corridor, and Development Sensitive.

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

Staff Recommendation:

The Staff recommends APPROVAL of CO zoning, except the west 300' for the following reasons:

The subject property is located on the west side of Garnett Road, north of 81st Street. The property is zoned AG Agriculture, is undeveloped and the applicant is requesting CO Corridor zoning.

The subject property is within an area that has been designated on the proposed Comprehensive Plan Map for Corridor development. The 160-acre property abutting to the north is zoned CO. The western 300', however, was excluded from the CO zoning request for the future Mingo Valley Expressway. In addition, this western portion of the property has drainage concerns. Therefore consistent with previous actions, and based on the proposed plan for the subject property, the Staff recommends APPROVAL of CO zoning, except the western 300'.

Applicant's Comments:

Bill Jones, representing the applicant, noted that the same principles were considered in the CO zoning to the north of the subject tract and this application was merely an extension of that designation. He stated that he concurred with the Staff Recommendation.

Protestants: None.

Special Discussion for the Record:

Commissioner T. Young questioned the value of not rezoning the entire subject property since it will be subject to certain other requirements in the area where the expressway will be located.

Bob Gardner pointed out that the subject tract is still on the Major Street and Highway Plan. Until such time as the decision is made to take it off the Plan and not build the expressway, all of the right-of-way is being reserved.

Z-5537 (continued)

TMAPC Action: 9 members present.

On MOTION of PARMELE, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be re-zoned C0, except the western 300' as per Staff Recommendation:

N/2, SE/4 of Section 7, Township 18 North, Range 14 East, Tulsa, Oklahoma.

Application No. Z-5538 Present Zoning: RS-1
Applicant: E. A. Schermerhorn (Deal) Proposed Zoning: OL
Location: SE corner of 49th Street and College Avenue

Date of Application: March 25, 1981
Date of Hearing: May 13, 1981
Size of Tract: 154.8' x 100'

Presentation to TMAPC by: Lindsey Perkins & Schermerhorn
Address: 2209 East 49th Street Phone: 749-1636

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, Development Sensitive.

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

Staff Recommendation:

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

The subject property is located south of the SE corner of 49th Street and College Avenue. The property is zoned RS-1, contains a single-family dwelling, and the applicant is requesting OL zoning to permit the conversion of the residence to an office use.

The subject property does not merit consideration for nonresidential use in the Staff's opinion. The office zoning to the south and to the east of the subject property was developed as an office complex, which fronts and has direct access to the I-44, Skelly Drive access road. The subject property does not have the same set of physical facts. The subject property fronts single-family residential zoning and development. One single-family residence fronts directly into the subject property and the other one sides the subject property.

The Staff can find no basis for zoning the subject property nonresidential. The subject tract is part of the single-family neighborhood that is located north of the office zoning. The OL zoning to the south and to the east of the subject tract is low-intensity and contains one-story development. In the Staff's opinion, the present OL zoning does not affect the residential character of the single-family neighborhood. However, if the subject property is zoned OL it will adversely affect the single-family home on the west side of College Avenue and would pose a threat to the stability of the residential area. Properties which do not front the expressway service road should not be considered for nonresidential zoning in order to protect the integrity of the interior residential neighborhood.

The subject request is inconsistent with the Comprehensive Plan and represents encroachment into the residential neighborhood; therefore, the Staff recommends DENIAL of the requested OL zoning.

Applicant's Comments:

Lindsey Perkins advised that he had reached an agreement with the owner of the subject property to purchase the tract, subject to a zoning change. Mr. Perkins stated that he and E. A. Schermerhorn in searching for office space found a shortage of suitable office space in Tulsa. The applicants are of

the opinion that the existing house on the subject tract would be ideal to utilize for a very small, discreet, garden-type office building.

Mr. Perkins stated that the buffer, the transition between the OL and residential zoning, is the subject tract which creates a significant hardship on the owner of the property. The owner of the existing house has invested a great deal of money trying to upgrade the property and make it more appealing to a buyer; however, he has been unable to sell the property. The applicant pointed out that if the subject tract remains in a residential category it will present a continuing deteriorating situation which will be negative for the whole area.

The applicants attended the District 6 Steering Committee Meeting and reported that the residents expressed two major objections; 1) the possibility of encroachment to the north, and 2) the concern for the appearance of the property. Mr. Schermerhorn advised that he could understand the encroachment to the west, but did not think encroachment to the north was a significant factor since the line has already been drawn. Tulsa zoning maps show that streets are frequently used for the place to draw the zoning line. The applicant expressed the opinion that the street to the west would be a more logical and fair point at which to draw the zoning line than an arbitrarily selected line that just jogs around the property.

In response to the District 6 Steering Committee's concern for the appearance of the subject tract, Mr. Perkins stated he would file a PUD application if necessary, provide landscaping planning and present the proposal to the Committee for their review and input. Mr. Perkins advised that both he and Mr. Schermerhorn are totally committed to the type of development which will be compatible with the area and an asset rather than the existing use which has the potential of being a very negative situation.

In regard to additional traffic in the area, Mr. Perkins advised that only three people would be involved with his office. There would be some room for another small office portion in the existing structure, but increased traffic should not present a problem for the area residents.

Ed Schermerhorn stated he has seen tastefully converted residences in other cities. He also noted other areas in the City of Tulsa where homes are being converted to office use. He advised the Commission that he and Mr. Perkins feel they can convert the residence more tastefully as an office than it would be as a run-down or decaying rent house or property, which the subject tract has the potential of becoming.

Noting the Staff Recommendation which pointed out that the office zoning to the south and to the east of the subject property fronts, and has direct access to, the I-44, Skelly Drive access road. Mr. Schermerhorn advised that the office complex also has ingress and egress off of College. He advised that by squaring off the zoning line and making the street a buffer instead of a residence bounded on two sides by office, all the residences would be bounded by OL zoning only on one side.

<u>Protestants:</u>	Jane Brown	Addresses:	4924 South College Avenue
	Mike Tramontana		2809 East 49th Street
	Fred Sellers		2823 East 49th Street

Protestant's Comments:

Jane Brown advised that she had lived on the property across the street to the west of the subject tract the past eight years. She expressed mixed feelings concerning the area, pointing out that it is a nice residential neighborhood; however, the subject tract would be worth a lot more money as a commercial property than as a residence. Ms. Brown did not think the subject property could be rezoned for office use without also rezoning the property across the street. She noted that if the application was approved she would be bounded on two sides by office zoning.

Mike Tramontana expressed the concerns of homeowners in the area trying to protect ownership in single-family homes. Since the approval of the Tradewinds expansion there have been several changes in the neighborhood, including two residents placing their homes on the market. He viewed the proposed rezoning as an invasion or encroachment, a danger to the homeowners in the area.

Fred Sellers asked, "where do we draw the line and stop it from going on into the residential area?" Mr. Sellers also alluded to the changing neighborhood, noting that a general crisis atmosphere is developing in the area.

A letter (Exhibit "A-1") was exhibited from the District 6 Steering Committee. The Committee recommended denial of the application noting that the application is not in accordance with the District 6 Plan and there was no justification to recommend any changes in the Plan. The Committee also advised that area residents were concerned with further encroachment of office zoning into the residential neighborhood, the "boxing in" of the property owner directly across College Avenue to the west of the subject tract and the traffic and parking on College which is already a problem due to the present office zoning to the south.

Instruments Submitted: Letter from District 6 Steering Committee (Exhibit "A-1")

Special Discussion for the Record:

Commissioner T. Young asked Ms. Brown if she would be in agreement with a concept that would allow OL zoning on the subject tract in a line even with her north property line.

Ms. Brown was of the opinion that the only way OL zoning should be granted on the subject tract was a stipulation that office zoning would also be approved on her property. She stated that she did not want to be stuck there by herself forever.

In regard to the protestant's comments, Mr. Lindsey argued that the run-down residential property, with a house that continues to trade and change hands at lower and lower rates, would have a worse economic affect on the investment of the homeowners than an upgraded situation, a garden office that is well-maintained.

Commissioner T. Young suggested approving the OL zoning around the house itself which would require the applicant to file a PUD. This would allow the Staff to make requirements and assure the project would be compatible with the surrounding area.

Bob Gardner advised that the key to the whole application was the fact that the subject tract does not have frontage on the expressway.

Z-5538 (continued)

It has access only to the minor street.

Commissioner Petty noted that there is a question as to the future highest and best use of the two properties which front onto College Avenue. They are both abutted by office zoning and both are unique in the sense that they front onto College, the only residential properties which do so.

Commissioner T. Young pointed to factors which could affect the applicant's continued ownership of the subject tract. The property could potentially have zoning which someone else could use in a much larger way than the applicants proposal, causing a greater impact on the area.

Commissioner Parmele suggested that consideration be given to rezoning the other property which faces onto College Avenue.

Mr. Gardner stated that the term, buffer, is misleading. The OL zoning is the buffer, one piece of residential property has to be adjacent to the office zoning, someone has to be adjacent to any buffer. He advised that there are other buffer or transition districts; i.e., duplex or townhouses, which would be residential in nature. The subject tract would accommodate approximately 4,000 sq. ft. of light office use. Parking, based on the existing structure, will have to be on the north side of the lot.

Commissioner Petty suggested that another possible alternative would be to zone the northern portion of the tract, north of Ms. Brown's property line, for parking (P). He stated that if the subject tract was zoned residential and not developed under a PUD, the applicants might be somewhat restricted in the use of their property. With the suggested parking area to the north and the remainder zoned for light office they would be able to use the property as they want and there would be a buffer between the residential and the office use.

TMAPC Action: 9 members present.

On MOTION of PARMELE, the Planning Commission voted 7-2-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty "aye"; C. Young and T. Young, "nay"; no "abstentions"; Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned P on the north 50', OL on the balance.

RS-1 & P: The North 50 feet of the South 154.8 feet of Tract 13, Block 2, Villa Grove Addition to the City of Tulsa; and

OL: The South 104.8 feet of Tract 13, Block 2, Villa Grove Addition to the City of Tulsa, Oklahoma.

Z-5539 T. I. Nelson SW corner of 71st Street and South Peoria Avenue AG to CG

Charles A. Voseles, attorney for the applicant, requested a continuance of the case to allow readvertisement of the request in the alternative of RS-3 to RM-2.

On MOTION of PARMELE, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to continue Z-5539 to June 10, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center, and directed the Staff to readvertise the application for RM-2.

Application No. Z-5540

Present Zoning: CS, RM-2
and RM-1

Applicant: Charles Gilmore (Service Corp.)

Proposed Zoning: CS & RM-2

Location: SE corner of 64th Street South and Peoria Avenue

Date of Application: March 26, 1981

Date of Hearing: May 13, 1981

Size of Tract: 3.7 acres, more or less

Presentation to TMAPC by: Charles Gilmore

Address: 6520 South Lewis Avenue

Phone: 749-7371

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity Commercial on that portion zoned CS, Medium Intensity Residential on that portion zoned RM-2 and Low Intensity Residential on that portion zoned RM-1.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the Plan Map within the Medium Intensity Commercial area and is not in accordance with the Plan Map in the Medium Intensity Residential and Low Intensity Residential areas.

Staff Recommendation:

The Staff recommends APPROVAL of CS on the west 250 feet and DENIAL of the balance of the application, for the following reasons:

The subject property is located on the east side of Peoria Avenue, south of 64th Street. The property is zoned a combination of CS, RM-2 and RM-1 and the applicant is requesting CS zoning on the entire tract. The property currently contains a nursery and landscaping firm and a portion of the property is the rear portion of a single-family lot.

Any extension of commercial zoning beyond the established CS line to the south is contrary to the Comprehensive Plan. Approval of commercial zoning beyond 250 feet would establish a new depth of the commercial zoning south of 64th Street on the east side of Peoria Avenue. The Commission recently approved CS zoning to a depth of 445 feet located north of 64th Street; however, that does not obligate the Commission to duplicate that zoning pattern south to 71st Street. The eastern RM-1 portion of the application should be developed in some form of residential and not a mini-storage.

Based on these reasons, the Staff recommends APPROVAL of CS on the west 250 feet and DENIAL of the balance of the application.

For the record, if the Commission is inclined to favor mini-storage on the front 660 feet, the Staff would suggest a PUD and just enough CS to support the project.

Applicant's Comments:

Charles Gilmore, representing Service Corporation of Tulsa, advised that the Corporation has built a mini-storage project on South Lewis Avenue known as Keyport Mini-storage.

Mr. Gilmore noted that there was a misprint in the advertising, the request should have been for CS zoning, not RM-2 and CS. The Zoning Code does not allow mini-storage in CS zoning and a Board of Adjustment action will also

Z-5540 (continued)

be necessary to accommodate the proposed project. Mini-storage is allowed by right in CG zoning; however, the applicant pointed out that this type of project is a very low volume traffic generator, low-intensity use.

The proposed mini-storage project will include approximately 56,800 sq. ft. of leasable space, 35% coverage of the subject tract. The property is very long, narrow and difficult to develop. Commercial zoning on the front portion of the tract would make it virtually impossible to develop the rear of the subject property. A 6-foot high permanent screening fence completely surrounding the subject tract will be erected. The units will be constructed with stucco fronts and tile roofs. Two points of access will be provided to the front of the development with a landscaped area and 100-foot setback from the centerline of Peoria Avenue.

Protestants: None.

Interested Party: C. H. Medearis Address: 1359 East 64th Street

Interested Party's Comments:

C. H. Medearis requested the Commission consider two points: 1) This is a worse flood area than the previously approved mini-storage in the area; and 2) it would be best to maintain the residential use of property in the Mason High School area. Sixty-fourth Street floods each time it rains - with the ground built up in order to locate the proposed mini-storage it will increase the runoff problem in the neighborhood.

Special Discussion for the Record:

Commissioner T. Young noted that this request was the second major mini-storage development in this area. Since it has been determined that the 71st Street bridge will be built, the Commissioner questioned why this potentially expensive developmental land is being developed in mini-storage use.

Mr. Gilmore advised that a great deal of research had been completed in the area. The Service Corporation owns and operates a mini-storage on South Lewis which contains approximately 70,000 sq. ft. of storage space. The development is 100% full and the project has maintained a 100% occupancy for almost four years. A survey on the number of calls received by the existing mini-storage was completed recently; 102 calls for space, which could not be filled, were received in a one month time frame. Due to the increase in the number of apartments in the area and the increase in the number of businesses locating in the area the demand for mini-storage is extremely high. Additional apartments planned for the area and smaller houses under construction will create an even greater need for storage space. The existing mini-storage units draw patrons from a 6 to 7 mile radius. Businesses in the area also use the units for storage of inventory items. This is a service-type business that will continue to grow, continue to be strong and provide a service for the people.

Commissioner Petty asked if the Staff Recommendation would permit enough CS zoning to allow for a PUD to develop mini-storage on the front 660 feet. Mr. Gardner stated that it would not, the CS zoning would have to extend approximately 100 feet into the back portion of the tract to allow the requested mini-storage area.

Z-5540 (continued)

The Staff recalled a previous application for CS zoning on the north of 61st Street where the applicant requested commercial zoning on the entire property, 600 feet in depth, east and west. The Commission approved 445 feet of CS zoning and required a PUD be filed on the property. The applicant has approximately 40,000 sq. ft. of space east and west with another 20,000 running north and south; the Staff Recommendation would allow one-half of the requested square footage east and west.

TMAPC Action: 9 members present.

On MOTION of PETTY, the Planning Commission voted 6-3-0 (Eller, Higgins, Kempe, Parmele, Petty, T. Young "aye"; Freeman, Holliday, C. Young "nay"; no "abstentions"; Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS on the west 445' and denial of the balance:

The West 445 feet of Lot 6, Block 3, Valley View Addition to the City of Tulsa, Oklahoma.

Application No. Z-5541 Present Zoning: AG
Applicant: Roy Johnsen (R. E. Grant) Proposed Zoning: CS & RM-0
Location: NW corner of 81st Street and Garnett Road

Date of Application: March 27, 1981
Date of Hearing: May 13, 1981
Size of Tract: 10 acres

Presentation to TMAPC by: Roy Johnsen
Address: 324 Main Mall

Phone: 585-5641

Relationship to the Comprehensive Plan:

The property is located in a "gap" area which is between the adopted Plans of District 18 and Broken Arrow. It will be included in the amended District 18 planning area and the proposed plan designates the property both Medium Intensity and Low Intensity -- No Specific Land Use, and also potential Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the CS District is in accordance with the proposed Plan Map in the Medium Intensity area and not in accordance in the Low Intensity area. The RM-0 District is in accordance with the proposed Plan Map in both the Medium Intensity and Low Intensity area.

Staff Recommendation:

The Staff recommends APPROVAL of 5 acres of CS (467' x 467') and RM-0 on the balance (5 acres), for the following reasons:

The subject property is located on the NW corner of 81st Street and Garnett Road. The property is zoned AG, contains a single-family dwelling and the applicant is requesting CS commercial shopping zoning and RM-0 lowest density multifamily zoning.

The proposed expansion of the District 18 Plan shows a 5-acre medium intensity node on the NW and SW corners of the intersection. The NE and SE corners are within the Broken Arrow City Limits and are zoned R-1 single-family residential. Although the NE and SE corners are zoned, there is no development or subdivision plat for single-family and the Broken Arrow Plan recognizes a commercial node at both corners. The Staff, therefore, believes the 5-acre node can accommodate CS zoning with the balance of the 10 acres to be zoned RM-0 consistent with the Development Guidelines and the proposed Comprehensive Plan for this "gap" area.

Based on these findings, the Staff recommends APPROVAL of 5 acres CS (467' x 467') and the balance RM-0.

Applicant's Comments:

Roy Johnsen advised that he was in agreement with the Staff Recommendation for approval of 5 acres CS and the balance RM-0, which is set forth in the Guidelines. The northeast and southeast corners are recognized as nodes in the Broken Arrow Comprehensive Plan.

Interested Party: Sheryl Coppedge Address: 6437 South Vancouver Avenue

Z-5541 (continued)

Protestants: None.

Interested Party's Comments:

Sheryl Coppedge questioned how the proposed commercial zoning on the corners would affect the adjacent 60 acres of agriculturally zoned land owned by her father.

Bob Gardner stated that, in terms of land value, the value of the AG property is increasing due to the zoning applications for the area which are being approved. Ms. Coppedge was advised that the Corridor (CO) zoning classification would allow the best alternative for development of the land owned by her father.

TMAPC Action: 9 members present.

On MOTION of PARMELE, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to recommend to the Board of City Commissioners that the following described property be re-zoned 5 acres CS (467' x 467') and the balance RM-0:

The East 660' of the S/2 of the SE/4, LESS the N/2 thereof of Section 7, Township 18 North, Range 14 East, Tulsa, Tulsa County, Oklahoma.

Application No. Z-5543

Present Zoning: RS-2

Applicant: Arnold Webster

Proposed Zoning: IL

Location: South of 4th Street, East of 129th East Avenue

Date of Application: March 30, 1981

Date of Hearing: May 13, 1981

Size of Tract: 1-acre, more or less

Presentation to TMAPC by: Arnold Webster

Address: 419 South 129th East Avenue

Phone: 437-6569

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 IL District is not in accordance with the Plan Map.

Staff Recommendation:

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

The subject property is located on the east side of 129th East Avenue, south of 4th Street. The property contains a single-family dwelling and a truck repair business. The property is zoned RS-2 and the applicant is requesting IL Light Industrial zoning.

The subject property is planned for residential development based upon the adopted Comprehensive Plan for District 17. The requested IL zoning is to accommodate the truck repair business on the property, which is an illegal use. The Comprehensive Plan did not recognize any commercial or industrial zoning potential on the properties south of 4th Street. The area does not have sewer which has been the primary reason the area is not developed residentially. Approval of IL zoning will lead to stripping of commercial and industrial development (marginal uses) along 129th.

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

Applicant's Comments:

Arnold Webster advised that he purchased the property in September, 1965, with the understanding the subject tract was zoned for light industry. The applicant purchased the property so he would have a place to work. Mr. Webster retired two years ago and the truck repair business is his livelihood at this time. He noted that his son works with him in the business.

There is a very sparse development in the area which includes the applicant's house and one other residence on one side of the street and a church located near 11th Street. The Building Inspector's Office notified Mr. Webster that he had an illegal nonconforming use on his property.

Mr. Webster pointed out that his house, with access to 129th East Avenue, runs across the lot and there is no way to drive the trucks around the existing structure and utilize the other portion of this property. He purchased another adjacent tract one year ago with the intention of providing a parking lot for the vehicles to be repaired. The lot would have access from 130th East Avenue.

Z-5543 (continued)

Interested Parties: Don McCarthy Addresses: 7505 East 20th Place
Elvin Biggs Unknown

Interested Parties Comments:

Don McCarthy advised that he owns the property to the east of the subject tract. He pointed out that the area is zoned for residential; however, no one is building there and has not built there for the past 20 years. All of the development is taking place to the south which necessitates the construction of new roads - the area of the subject tract is served by an excellent street, 129th East Avenue, which is the main ingress and egress from Skelly Bypass. He urged the Commission to approve Mr. Webster's application.

Elvin Biggs owns property adjacent to the subject tract and he had been neighbors with the applicant for 11 years living in the only existing structure on his property. The house is now leased to the Tulsa Housing Authority.

Protestants: None.

Special Discussion for the Record:

Commissioner T. Young questioned if a Board of Adjustment action would accommodate Mr. Webster's need.

Bob Gardner was of the opinion that the Board of Adjustment could grant relief to the applicant if he could find a way to get to the property. At this point, access to the tract would have to be from 130th East Avenue, or he could remove the garage portion of his house to gain access.

Mr. Biggs advised that he had given the applicant permission to use his property to gain access. Another possible easement could be obtained from Mr. McCarthy which would provide access from the north.

Mr. Gardner noted that he would prefer the applicant be given a variance through Board of Adjustment action rather than granting the rezoning request.

In Commission discussion it was decided a continuance would be in order to allow Mr. Webster time to file a Board of Adjustment application and determine if relief could be granted without a change in zoning on the subject tract.

TMAPC Action: 9 members present.

On MOTION of PARMELE, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to continue Z-5543 to June 10, 1981, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

Jamestown Townhouse Addition (1693) 2560 South Jamestown Avenue (RM-1)

The Staff advised that all letters are in the file and recommended approval and release of the final plat of Jamestown Townhouse Addition.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to grant approval and release of the final plat of Jamestown Townhouse Addition.

PUD #179-F Larry Kester SE and SW corners of 71st Street and 90th East Avenue

Request to consider approving Detailed Site Plan for part of Development Areas "A & B".

Wayne Alberty presented the following report:

Planned Unit Development #179-F is located on the south side of 71st Street, west of Mingo Road. The total tract of 102.34 acres was approved for a total of 1,749 dwelling units. Pursuant to the conditions of approval the applicant has submitted a site plan for portions of Development Areas "A & B" for review and approval.

The Staff has reviewed the applicant's Site Plans and recommend approval of the Site Plans, subject to conditions. There is one condition of the PUD approval, however, that needs to be resolved. The Planning Commission approved the PUD with the following condition:

"(13) That 90th East Avenue, a collector street, which is to extend from 71st Street South to Woodland Hills South Addition, be constructed in its entirety prior to or at the same time, as the 1st Phase of construction, or in the alternative that a Bond or other type of assurance which is acceptable to the City Legal Department and City Engineer, be required up front to insure that the connecting bridge over the drainageway will be built by the applicant eventually if they progress in development stages as their PUD first states," TMAPC Minutes October 1, 1980.

The Staff feels the Commission should be satisfied that this condition has been, or will be, complied with prior to the approval of the site plans for the 1st Phase of construction.

The Staff therefore, recommends APPROVAL of the partial site plans for Development Areas "A & B" with the following conditions:

1. Development Area "A-1" (a part of Development Area "A"):
 - a. Land Area----- Net 8.03 acres; gross 9.43 acres
 - b. Maximum D. U's.----- 136
 - c. Minimum Open Space----- 199,582 square feet, or 48%
 - d. Minimum Off-Street Parking Spaces - 277

2. Development Standards for Remaining Portion of Development Area "A":
 - a. Land Area----- 17.52 acres (gross)
 - b. Maximum D. U's.----- 296
 - c. Minimum Open Space----- 527,870 square feet, or 69%

PUD #179-F (continued)

3. Development Area "B-1" (a part of Development Area "B"):

- a. Land Area----- 9.78 acres net; 11.41 acres gross
- b. Maximum D. U's.----- 190
- c. Minimum Open Space----- 228,832 square feet, or 46%
- d. Minimum Off-Street Parking Spaces-- 345

4. Development Standards for Remaining Portions of Development Area "B":

- a. Land Area----- 21.16 acres (gross)
- b. Maximum D. U's.----- 488
- c. Minimum Open Space----- 537,292 square feet, or 58%

NOTE: The open space requirements for the remainder of Development Areas "A & B" is quite high as was the original PUD proposed of 62% for "A" and 54% for "B".

Larry Kester presented a letter (Exhibit "B-1"), which outlined the details of the proposed development of PUD #179-F. Mr. Kester advised that Areas "A & B", the first phase of the development, will include approximately 1,700 dwelling units. The project, a California concept, will be extensively landscaped.

Chairman C. Young, noting that the original PUD was approved in a public hearing, expressed the opinion that if the whole concept of the open space calculations is to be changed it would exceed the guidelines for a minor amendment and perhaps another public hearing would be in order.

Wayne Alberty advised that the Staff could not recommend approval without the contingency that the balance would, in some cases, be increased and some areas be reduced. He pointed out that with the applicant providing 69% open space on the southern portion of the tract some units will be lost. The reason why the open space percentages are so high is that a portion of the subject tract is still zoned RS-3. Mr. Alberty agreed that another public hearing might be required.

On MOTION of T. YOUNG, the Planning Commission voted 9-0-0 (Eller, Freeman, Higgins, Holliday, Kempe, Parmele, Petty, C. Young, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Inhofe "absent") to approve the Detailed Site Plan for part of Development Areas "A & B", PUD #179-F, subject to the Staff Recommendations with the added condition No. 5, as follows:

- 5. That prior to a building permit issue on the subject tract, 90th East Avenue, a collector street, which is to extend from 71st Street South to Woodland Hills South Addition, be constructed in its entirety prior to, or at the same time, as the 1st Phase of construction, or in the alternative that a Bond or other type of assurance which is acceptable to the City Legal Department and City Engineer, be required.

There being no further business, the Chair adjourned the meeting at 3:45 p.m.

Date Approved May 27, 1981
[Signature]
Chairman

ATTEST: Maurice E. Zallala