

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1505
Wednesday, May 9, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Higgins Hinkle, Secretary Kempe, 1st Vice Chairman Rice Woodard T. Young	Beckstrom Draughon Flick C. Young	Compton Gardner Martin	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 8, 1984, at 10:26 a.m. as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 1st Vice-Chairman Kempe called the meeting to order at 1:40 p.m.

MINUTES:

On MOTION of CONNERY, the Planning Commission voted 6-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, T. Young, "absent") to approve the Minutes of April 25, 1984 (No. 1503).

REPORTS:

Report of Receipts and Deposits:

The Staff requested that this item be stricken at this time and it will be placed on the next agenda. Without objection, the Chair, struck this item from the agenda.

Director's Report:

Mr. Gardner prepared a memorandum for the Commission to consider concerning this TMAPC policy on prior approval of lot splits (Exhibit "A-1"). He proceeded to read the memorandum into the record and recommended that the TMAPC adopt the following interim policy:

"All lot split applications, which contain a lot having more than 3 side lot lines, cannot be processed as prior approval lot splits. Such lot splits shall require a five day written notice to abutting property owners. Deeds for such lot splits shall not be stamped or released until the TMAPC has approved said lot split in a public meeting."

Mr. Gardner also recommended that the Staff and TMAPC Rules and Regulations Committee monitor the interim policy and report back

Director's Report: (continued)

to the full Commission within 60 days.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to accept the Staff recommendation as the interim policy on prior approval lot splits.

CONTINUED ZONING PUBLIC HEARING:

PUD #359 Bob Latch 77th Street and South Memorial (East side) (AG)

A letter from Thomas Creekmore, III, attorney for the applicant, was submitted requesting that this PUD application be continued until June 6, 1984, (Exhibit "B-1").

On MOTION of RICE, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to continue consideration of PUD #359 until Wednesday, June 6, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. Z-5944	Present Zoning: RS-3
Applicant: Davis, Terry	Proposed Zoning: CG
Location: NW corner of Oklahoma Place and Yale Avenue	

Date of Application: March 16, 1984
Date of Hearing: May 9, 1984
Size of Tract: 110' x 136'

Presentation to TMAPC by: Terry Davis
Address: 1432 North Yale Avenue - 74115
Phone: 836-6925

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 110' x 136' in size and located at the NW corner of Oklahoma Place and North Yale Avenue. It is non-wooded, flat, contains a single-family dwelling and zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by what appears to be a single-family dwelling zoned CS, on the east by two single-family dwellings zoned OL and on the south and west by a single-family neighborhood zoned RS-3.

Zoning and BOA Historical Summary -- Spot zoning actions and nonconforming uses exist within the area. However, these uses and zoning patterns existed prior to the adoption of the Comprehensive Plan's designation of Low Intensity -- Residential.

Conclusion -- The Staff feels that since the Comprehensive Plan has been adopted designating the subject tract and the area south as Low Intensity -- Residential, that the plan intended to protect and maintain the existing single-family fronting onto Yale Avenue. The subject request if approved, will lead to commercial stripping south on Yale Avenue.

Because of these facts, the Staff cannot support commercial zoning on the tract, but the tract is adjacent to nonresidential zoning on two sides -- on the north by CG zoning and on the east by OL zoning. We feel that given these facts the subject tract is due consideration of OL zoning which would serve as a buffer from the commercial zoning north of the tract and as the end of southward expansion of nonresidential uses.

Therefore, the Staff recommends DENIAL of CG or CS and APPROVAL of OL zoning and amending the Comprehensive Plan from Low Intensity -- Residential to Low Intensity -- No Specific Land Use.

Case No. Z-5944 (continued)

Applicant's Comments:

Mr. Davis was present to address the Commission and described the surrounding property. He stated he intends to place an auto mechanics shop on the subject property.

<u>Protestants:</u>	Faye Nauman	Addresses:	1408 North Yale Avenue
	Pearl Sanders		1420 North Yale Avenue
	Betty Ayries		1412 North Yale Avenue
	Gail Callaway		1416 North Yale Avenue
	Mrs. William Jenkins		1415 North Yale Avenue

Protestants' Comments:

Mrs. Faye Nauman stated that there has been spot zoning within the surrounding area, and the property owners have had no control over it. She felt that the subject property should be in keeping with the residential section. If the property could not be zoned in a residential manner Mrs. Nauman requested that the assigned zoning not include the auto garage as proposed.

Mrs. Pearl Sanders stated that she has lived in the area for 57 years and advised that her house was the second one built in this addition. She stated that she was concerned with the proposed zoning change because she lives directly across the street from Oklahoma Place. The main entrance into her property is on Oklahoma Place which is directly in front of the proposed garage. There is no parking on Yale so any off-street parking is done on Oklahoma Place. She stated she did not want to live across the street from an auto mechanics shop. If the proposed use is permitted it will cause property values to decrease.

Mrs. Ayries stated that she has lived in the area for 26 years and is opposed to the CG zoning as requested.

Ms. Callaway stated that she was concerned about the effect the proposed use would have on the property values in the area.

Mrs. William Jenkins stated that she could foresee many problems with an auto mechanic garage. She also advised the Commission that the street between Mrs. Sanders' property and the proposed property was in bad condition and would need to be improved if the business were permitted.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to DENY the request for CG zoning on the following described property:

Lots 7 and 8, Block 1, Highland Terrace Addition to the City of Tulsa, Oklahoma.

Z-5945 Jones (Thieman) West 18th Street at Riverside Drive RM-2 to RM-3, FD

It was advised that a letter from Thomas Creekmore, III, attorney for the applicant, was submitted requesting that this zoning matter be continued to June 13, 1984, so that the zoning and joint PUD application can be heard by the Commission at the same hearing (Exhibit "C-1").

On MOTION of HINKLE, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to continue consideration of Z-5945 until Wednesday, June 13, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

PUD #361 Jackson (Taylor) NW corner of Frankfort and 46th Street North
(CS, OL, P, and RS-3)

A letter was submitted from Lloyd Jackson, attorney for the applicant, requesting that this PUD application be continued to the June 13, 1984, hearing (Exhibit "D-1").

On MOTION of WOODARD, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to continue consideration of PUD #361 until Wednesday, June 13, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. CZ-107 Present Zoning: AG
Applicant: Peters (Ferree) Proposed Zoning: CG, FD
Location: SE corner of Highway #20 and Highway #11

Date of Application: March 29, 1984
Date of Hearing: May 9, 1984
Size of Tract: 6.65 acres

Presentation to TMAPC by: Cecil Ferree
Address: P. O. Box 504, Skiatook, Oklahoma - 74070 Phone: 371-2066

Relationship to the Comprehensive Plan:

The District 13 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Recreational Open Space, Development Sensitive, and within Flood limits.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 6.65 acres in size and located both north and south of Highway #20 on the east side of Highway #11. It is partially wooded, flat, contains several mobile homes for sale and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by a rodeo arena zoned AG, on the east and south by vacant land zoned AG, and on the west by a mixture of commercial uses zoned CG.

Zoning and BOA Historical Summary -- Past zoning actions have allowed commercial uses west of the subject tract.

Conclusion -- Based upon the Comprehensive Plan and the Flood Hazard Review submitted by the County Building Inspector, the Staff recommends DENIAL of CG and APPROVAL of FD zoning. If any portion of the tract can be shown to be outside the designated floodway the Staff could support CG zoning.

Applicant's Comments:

Mr. Ferree was present to address the Commission and began by describing the surrounding property. The subject property has a natural drainage going into Bird Creek. Presently there is a trailer sales park on the property which will remain in place if the requested zoning is granted. When the trailer sales park was placed on the property the applicant was not aware that commercial zoning had to be applied for.

Mrs. Higgins asked the Staff why they recommended denial of CG on the whole tract and approval of FD. Mr. Gardner advised that according to the County Building Inspector the whole tract is floodway, therefore, if that is true this Commission would have no choice but to zone the property FD. If it was determined that any portion of the tract were not FD the Staff would be supportive of the requested CG zoning.

Commissioner Rice advised that the County Inspector has indicated that the entire parcel of land is in the regulatory floodway of Bird Creek, and Federal regulations prohibit any construction or moving in of structures on that property at this time. The County can not issue a

Case No. CZ-107 (continued)

building permit as long as the situation remains as it is today. As a result of the dam being built up north they do not know the impact it will have on Bird Creek and the floodway within that area and the area farther north. He felt that the Commission has no choice but to deny the request or to zone the property FD.

Mr. Gardner advised that if the applicant can get with the County Engineer between the time that it is acted upon here and the time it is heard by the County Commission for a decision it might be possible that some of the property can be filled, allowing some of it to be zoned CG.

Commissioner Rice stated that he would take this matter back to the County Commission and contact the County Engineer and County Inspector and request that they conduct a survey of that parcel of property to see if any portion of that property falls outside the FD area.

Mr. Linker, Assistant City Attorney, felt that if the Commission does not assign an alternative zoning on the property at this time the applicant would have to go through another public hearing with more notice given if something is worked out with the County Engineer. He suggested that you go ahead and zone that portion of the property FD that falls within the floodway and if any portion falls outside that it be zoned CG. That gives the applicant the opportunity in the meantime to get with the County Engineer.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CG, less and except any portion determined to be in the regulatory floodway which shall be zoned FD:

The NW/4 of the SW/4 of the SW/4 of Section 24, Township 22 North, Range 12 East, Tulsa County, Oklahoma, LESS 1.74 acre to Tulsa County and LESS a tract beginning at the Northwest corner of the NW/4, SW/4, SW/4; thence South 50 feet; thence East 195.34 feet; thence South 223 feet; thence West 195.34 feet; thence North 223 feet to the point of beginning and LESS a tract beginning 33 feet East and 340 feet South of the Northwest corner; thence South 214.9 feet; thence Northeasterly on a curve 303.7 feet; thence West 214.9 feet to the beginning, Tulsa County, Oklahoma, according to the U. S. Government Survey thereof.

Application No. Z-5946 Present Zoning: RS-3
Applicant: Cousins Proposed Zoning: CS
Location: NE corner of Darlington and Admiral Boulevard

Date of Application: March 29, 1984
Date of Hearing: May 9, 1984
Size of Tract: 1.56 acre

Presentation to TMAPC by: Charles Cousins
Address: 5308 East Admiral Place - 74115 Phone: 835-1557

Relationship to the Comprehensive Plan:

The District 16 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 requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.56 acres in size and located just south of the southeast corner of Admiral Place and Darlington Avenue. It is non-wooded, flat, contains 6 single-family dwellings and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by Cousins Furniture store and various other commercial uses zoned CH, on the east by a vacant partial lot and the Crosstown Expressway zoned RS-3, on the south by the Expressway and on the west by several single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- Past zoning actions have established commercial frontage along both sides of Admiral Place.

Conclusion -- Based upon the Comprehensive Plan designations, existing zoning patterns, and the fact that this tract is separated from the adjacent single-family by a street, the Staff recommends APPROVAL of CS zoning.

Applicant's Comments:

Mr. Cousins was present and was in concurrence with the Staff Recommendation.

Interested Party: Reece Emmons Address: 5045 East Admiral Boulevard

Interested Parties Comments:

Mr. Emmons stated he lives across the street from the subject property and is not opposed to the rezoning application but inquired as to the proposed use of the tract. The street paving in this area is inadequate for the traffic that it carries at the present time. He questioned if the planned use would add to the heavy traffic which would further tear up the streets and eventually destroy them. He stated he would be opposed to having an undesirable structure built on the subject property.

Applicant's Rebuttal:

Mr. Charles Cousins indicated some of the immediate plans for the subject property. He stated that the back portion of the property will temporarily

Application No. Z-5946 (continued)

be used for a parking lot. There is a dwelling on the property which will be kept in place.

Comments:

The Commission inquired as to the uses which would be permitted under the CG zoning category as requested, and the Staff informed them of the permitted uses. Mr. Gardner stated that there are no controls over the Zoning Code as to the type of construction permitted as long as it meets the Building Code. The subject property and other properties that are strip residential properties which face Interstate #244 and back up to commercial along Admiral Place have been designated by the Comprehensive Plan to be zoned for commercial purposes.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be approved for CS:

Lots 7, 8, 9, 10, Block 32, White City Addition to the City of Tulsa, Oklahoma.

SUBDIVISIONS:

Final Approval and Release:

Coyote Canyon M. H. P. (PUD #310) (1490) East side of Campbell Center Road, South of State Highway #51 (RMH, RS)

Newhart-Hutson Addition (684) 6200 Block of South Mingo Road (CO)

Commonwealth Center (1293) North side of East 21st Street, East of South Memorial Road (CS)

Danbrook Addition (2683) 101st Street and South 72nd East Avenue (RS-1)

The Staff advised the Commission that all release letters have been received and that final approval and release were recommended.

On MOTION of YOUNG, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to approve the final plats of Coyote Canyon M.H.P., Newhart-Hutson Addition, Commonwealth Center, and Danbrook Addition and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #166-C-1

Staff Recommendation - Minor Amendment:

Planned Unit Development No. 166-C is located at the SE corner of 91st Street and South Sheridan Road. It has been approved for a Tire Service Center which has been constructed. During construction it was decided that the 3-foot separation between the proposed tire center and the existing Quik-Trip was not enough area for security and fire protection reasons. It was decided "on-site" to slide the new building away from the existing building without giving proper consideration to meeting the setback requirements. After construction was completed and As-Built drawings were reviewed, it was discovered that the building now encroaches into the south and east setbacks. The applicant is now requesting to be allowed to encroach 2 feet into the 18-foot south setback and 3 feet into the 35-foot east setback. Normally this would fall into the guidelines for a minor amendment; however, this request comes to TMAPC after construction. Therefore, given the TMAPC's policy on such matters, it was taken as a minor amendment, but notice and posting were required.

The Staff has reviewed the As-Built survey and find the request to be minor in nature. Given this review, the Staff recommends APPROVAL of the minor amendment, subject to the survey submitted.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, Woodard, C. Young, "absent") to approve the minor amendment, subject to the survey submitted.

Detailed Landscape Plan Review:

Mr. Compton advised that this Detailed Landscape Plan Review was previously before the Planning Commission, and the Staff Recommendation was for approval of that plan. There were protestants present, and the item was continued in order for the landscape architect to get in touch with the protestants and try to satisfy the requirements on private property. The landscape architect is present today and has contacted those individuals and has satisfied their question about screening requirements.

Ms. Clare Brady, landscape architect, 5852 South 107th East Avenue, stated that during the past two weeks she has met with the homeowners whose properties join on the west side of the apartment complex where the parking lot lines right up to the fence. Ms. Brady stated there was not enough space on the apartment side to plant any sizeable trees, therefore, she met with the protestants who attended the previous meeting to discuss the arrangement of the trees that they wanted placed in their own yards for screening. Two of those homeowners are present, and they have no objection to the proposal.

Mrs. Audry Frish, 8205 South 76th East Avenue, stated her property adjoins the apartments in question. She questioned if Pacific Development has agreed to the landscape plan. Ms. Brady stated that she has not yet submitted that proposal to the owners pending this approval. Once it is approved by the Planning Commission she will submit it to Pacific Development who has expressed their willingness to comply with whatever it takes to make everyone satisfied.

Mrs. Mary Marchetti, 8211 South 76th East Avenue, asked if the interested parties would be notified if the builder has accepted or rejected the landscape plan. The Commission advised Mrs. Marchetti that if the Commission accepts the landscape plan as presented today the applicant must comply with that decision.

Mrs. Hinkle was concerned about one lot in the area that is not occupied and is for sale as there is no landscaping for that lot. The Staff advised that the original plan which the Staff recommended approval for had a substantial amount of large plant materials proposed along the fronts of the apartment buildings and along the fence where there was room. They felt that satisfied the requirements of the screening on that property.

Mr. Gardner recommended that the Commission approve the amended landscape plan as recommended by the Staff with these exceptions to allow the applicant to place on the adjoining lots the landscaping that is directly opposite those lots.

TMAPC Action: 7 members present.

On MOTION of HIGGINS, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to accept the amended landscape plan including the amendments shown today provided that they will be combined into one landscape plan.

Staff Recommendation - Detail Site Plan Review:

Planned Unit Development #197 is located at the southeast corner of 31st Street and Pittsburg Avenue. The site is 40 acres in size and has an underlying zoning of RM-2. Development was approved in 1968 under a CDP and then resubmitted and approved in 1978 under a PUD for a retirement complex. The applicant is now requesting Detail Site Plan Review of Development Area "B" and the remainder of Development Area "C".

The Staff has reviewed the applicant's Site Plan and compared it to what was approved and find some areas of concern. Attached Garden Homes are proposed along the south and west property lines where single-family detached had been approved under the PUD. This we feel would require a public hearing to change because of the change in land use proposed. However, Phase I of the Garden Homes is within the area approved for apartments and does have access from the east through an existing portion of the PUD, and the overall request will reduce the density. Therefore, the Staff can support the proposed Phase I Detail Site Plan subject to the Plans submitted, if the access road along the west property line is not paved or used until a public hearing has been held and TMAPC has approved a change in the land use relationships in that area.

In addition, there is a request for Detail Site Plan Review of two patio homes within Development Area "C" and backing up to the east side of the drainageway. This area was designated for single-family and the proposal is for single-family. Therefore, the Staff recommends APPROVAL of the two patio homes, subject to the plans submitted and APPROVAL of the City Engineering Department of a minor encroachment into a maintenance easement.

After the Staff explained the detail site plan review the applicant asked if this request would be a minor amendment as far as the notice requirements were concerned. Mr. Gardner advised that the abutting property owners need to be notified. Mr. Linker advised when a use is changed it should be treated as a major amendment, but when one just changes the setback or something of that nature that is a decision that this Commission should make. It was advised that the notice process takes 20 days and it would take a minimum of 45 days to go before the City Commission. Mr. Linker stated he would be satisfied if the notice is given for a hearing before the City Commission to at least the owners within 300' of the property like as in a zoning application, then the City Commission could look at the matter. He stated he was not too concerned about going through the whole notice process again if the applicant does not have any problem with it. The applicant stated he would have no problem with that because they are trying to cut down on the time. If the applicant feels comfortable with that notice process it can be carried out as it has been done in the past. Mr. Gardner suggested that the Staff go ahead and advertise for the 20-day notice for the City Commission hearing and advertise for something less than that for the Planning Commission hearing so it would come back to the Planning Commission for review the Wednesday before the hearing before the City Commission and do it all within 20 days.

PUD #197 (continued)

The applicant was agreeable to the 20-day process.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Connery, Higgins, Hinkle, Kempe, Rice, Woodard, T. Young, "aye"; no "nays"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to approve the minor amendment for Phase I as it fits the Plan and the Detail Site Plan for Phase I.

The Chair directed the Staff to advertise and give 20 days notice to the City Commission meeting for an amendment to this PUD and in the interim bring it back to the Planning Commission for recommendation.

Z-5917

Staff Recommendation:

The subject tract is approximately .46 acres in size consisting of 3 single-family lots, located just east of the southeast corner of 28th Street and South Harvard Avenue. This case was previously heard by the Planning Commission January 25, 1984, for an OM/RD request. At the City Commission hearing the applicant amended his request to OL and RD. Since there was no recommendation for OL the City Commission referred the application back to the TMAPC for their recommendation.

The tract is abutted on the north by single-family dwellings zoned RS-3 (one new home under construction), on the east by a single-family neighborhood zoned RS-3, on the south by single-family dwelling and a parking lot zoned RS-3 and on the west by several commercial uses zoned CH.

The Staff cannot support the expansion of nonresidential uses into this residential area. We see the two westernmost lots as being appropriate as RD to serve as a transition or buffer to the single-family neighborhood. We also see no reason to extend the RD farther into the single-family area.

Therefore, the Staff recommends DENIAL of OM or OL on the northwest lot (Lot 6, Block 3, Bellaire Heights). We could support RD zoning on this lot if it were properly advertised. We also recommended DENIAL of RD on the northeast lot (Lot 5, Block 3, Bellaire Heights) since we feel this should remain single-family. Finally, we would recommend APPROVAL of RD on the southernmost lot (Lot 7, Block 3, Bellaire Heights).

Mr. Manipella, 3010 South Harvard Avenue, Suite 200, stated that the three lots in question are empty lots and they may continue to be vacant lots if they remain zoned single-family residential. Most of the property surrounding the subject property is commercially zoned. The property immediately adjacent is commercially zoned, and he felt that an OL zoning would be the perfect buffer on the subject property. It would be entirely in keeping with the residential units in the neighborhood. Once the OL creates this buffer there would be no better buffer between the OL and single-family than an RD zoning. He would propose a small duplex and would be entirely in keeping with the neighborhood as to structure and quality.

Z-5917 (continued)

He is asking for some continuity and the same type structure on adjoining properties. He is trying to get something permanent in existence which would be a credit to the neighborhood. Mr. Manipella felt it would be ideally buffered and entirely in keeping with the Master Plan for good use of the property.

Mr. Jeff Weaver stated that he is an owner of a residential lot in the area. He questioned the type of office building proposed for the property and the parking as proposed. He stated that there is no buffer between the house which he built and the proposed office structure. He felt that the applicant was trying to put something in this neighborhood which does not belong, and he requested that the Commission deny the zoning request.

Applicant's Rebuttal:

Mr. Manipella stated that notice was sent to the property owners within 300' of the subject property. Most of the calls which he received concerning this matter expressed their support of the application. Very few of the resident houses in the area are owned. He felt that the important thing to consider in this case is the close proximity to CH zoning.

Mr. Connery and Mayor Young felt that the request is reasonable, however, Mayor Young felt that evidence shown today indicates that there may be development of single-family residences underway. He felt that the line which has been established should be protected. Mrs. Kempe agreed with Mayor Young.

There was a MOTION made by HIGGINS to approve the Staff Recommendation.

Mayor Young stated that he disagreed with that recommendation and therefore, offered a substitute motion.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 5-2-0 (Connery, Kempe, Rice, Woodard, T. Young, "aye"; Higgins, Hinkle, "nay"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to DENY the request for OM and RD zoning.

A vote was then taken on the original motion.

On MOTION of HIGGINS, the Planning Commission voted 2-5-0 (Higgins, Hinkle, "nay"; Connery, Kempe, Rice, Woodard, T. Young, "aye"; no "abstentions"; Beckstrom, Draughon, Flick, C. Young, "absent") to recommend to the Board of City Commissioners that the following described property be APPROVED for RD on the southernmost lot and DENIAL of OL and RD on the two northern lots.

There being no further business, the Chair adjourned at 3:15 p.m.

Date Approved _____

May 23, 1984

[Signature]

Chairman

ATTEST:

Maile L. [Signature]