

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1525
Wednesday, October 10, 1984, 1:30 p.m.
Langenheim Auditorium, City Hall
Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Connery Draughon Higgins Kempe, 1st Vice- Chairman Paddock Rice VanFossen Wilson Woodard	T. Young	Compton Gardner Wiles	Linker, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Monday, October 8, 1984, at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Cherry Kempe called the meeting to order at 1:35 p.m.

MINUTES:

On MOTION of DRAUGHON, the Planning Commission voted 8-0-1 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Woodard, "aye"; no "nays"; Wilson, "abstaining"; T. Young, "absent") to approve the Minutes of September 26, 1984 (No. 1523).

REPORTS:

Chairman's Report:

Ms. Kempe informed that Mr. Gary VanFossen has been appointed by the City Commission as a new member of the Planning Commission.

Ms. Kempe directed the Staff to set a special election of officers for the October 24, 1984, meeting since the Commission is down to only one officer.

Applicant's Comments:

Mr. Jones described the buildings that are located on the subject tract, as well as the uses in the surrounding area. There are several commercial uses in the area. The total tract they are trying to get rezoned is 90 feet deep and 150 feet wide. He stated that 15th Street is designated as a secondary arterial from Peoria to the Downtown area. Therefore, there would be a 100-foot building setback from the centerline which would make it impossible for them to reasonably build anything on the part of the property that is presently zoned OL. Mr. Jones stated that the applicant is proposing to encroach only 25 feet into this residential neighborhood. He described how their proposed 4,300 square foot building will be on the property in relation to the residences in the area. The building will be one story and will not generate a lot of traffic. They will provide 19 parking spaces on the property which is what is required. Mr. Jones advised that the applicant is willing to come to the Planning Commission with a Planned Unit Development so that the uses on this property can be restricted. They want to put in five small shops that will serve the neighborhood. They are not trying to hurt anybody with this project, but they would like to find some utilization of this property that makes sense. He informed that he does not think the applicant needs CH zoning. He feels that CS zoning along with a Planned Unit Development would allow the applicant to do what he wants to do. Mr. Jones stated that he does not think this will set a precedent in the area that will allow further encroachment into the neighborhood. He feels that this proposal is the best utilization of the property. It is not offensive, and the businesses will operate short hours.

<u>Protestants:</u>	Joe Farris	Addresses:	1221 East 30th Place
	Grant Hall		1202 East 18th Street
	Jim Lee		1520 South Owasso Avenue
	Kevin Schoeppe1		1511 South Newport Avenue
	Norma Turnbo		1822 South Cheyenne Avenue
	Mrs. Homer Ward		1518 South Owasso Avenue
	Steve Leming		1524 South Owasso Avenue
	Jim Stuart		1518 South Newport Avenue
	Larry Pinkerton		1517 South Owasso Avenue

Protestants' Comments:

Mr. Farris informed he is the attorney representing the Mapleridge Association. He stated that a letter was sent from Grant Hall, the president of the Association, advising the Planning Commission that the Board of Directors of the Mapleridge Association has voted unanimously to oppose this zoning application (Exhibit "A-1"). He submitted a petition signed by 117 residents of this immediate area who are opposed to this application (Exhibit "A-2"). Mr. Farris advised that the service station across from the subject tract was not granted CS zoning by the Planning Commission, but rather by District Court action. There is no precedent, as far as this Board is concerned, to grant further commercial development along 15th Street. This is an old neighborhood, and the people in the area would like to maintain their property values. He feels that further commercial development down 15th Street is totally contrary to the Comprehensive Plan. They oppose this application for three reasons: (1) The aesthetics of the area, (2) it is not in compliance with the Zoning Code or the Comprehensive Plan, and (3) denial of this application would not be a hardship on the applicant since he could have some sort of small office on the OL piece of property.

Z-5998 (continued)

Ms. Kempe informed that nine letters opposing this application have been sent to the Planning Commission (Exhibit "A-3").

Mr. Hall presented and described a photo depiction of the immediate area including the subject tract. He informed the Mapleridge Association is strongly opposed to this application because they feel it represents a commercial encroachment into a single-family neighborhood. He described the zoning and uses on the surrounding pieces of property. He informed that Owasso Avenue has restricted parking. This is an unstable area, and he feels that approval of this application would add to the instability. In the past, the Planning Commission has consistently said that the area south of 15th Street is a single-family residential neighborhood. He is concerned about a precedent this could set in the area. This property is a part of a Historic neighborhood and it needs to be protected. They would like for the property to remain zoned as it is.

Mr. Lee informed that the homeowners in the area feel that they have too much business in their neighborhood already, and they do not want any more. He informed that some years ago a day-care center was denied in the area due to the traffic conditions. He is concerned that approval of this application could allow further encroachment into the area.

Mr. Schoepfel lives one block from the subject tract. He described his house and informed they have invested a lot of money in remodeling and they are planning to invest more. He is concerned that this will set a precedent and will decrease his property values. He does not believe that approval of this would maintain the integrity of the neighborhood.

Ms. Turnbo informed she is the District 7 Representative to the Greater Tulsa Council. She believes this should be denied to keep the integrity of the neighborhood.

Mrs. Homer Ward informed she protests this change in zoning because she thinks it is a danger to the neighborhood as a residential neighborhood. She feels that approval of this would cause problems in the area and would set a precedent.

Mr. Leming informed he is concerned about the additional traffic this proposal will bring to the area. The people in the area are trying to upgrade the neighborhood, and they do not want commercial in there.

Mr. Stuart described the services that are located in the area and informed they do not need any more for their convenience.

Mr. Pinkerton informed he is concerned about this proposal. He described the elevation of the property in the area and how it will affect them if this is approved. He is concerned about a precedent this could set on this block. He submitted a copy of the Minutes from the TMAPC meeting of May 9, 1962, which is when part of the subject tract was zoned OL, (Exhibit "A-4"). He also submitted the Ordinance from that zoning (Exhibit "A-5"). He feels that approving this application and allowing the requested use will decrease the property values in the area.

Applicant's Rebuttal:

Mr. Jones informed that some of the people who signed the submitted protest petition do not live in the immediate area. He does not feel

Z-5998 (continued)

that approval of this application would hurt the neighborhood because of the encroachments that already exist in the area. He does not believe that approval of this will cause a domino effect because in over 20 years, since the service station was permitted, there has been no encroachment. He does not think that this would be an intrusion of major significance into a single-family neighborhood. They could find some other utilization of the property if they could find someone who wanted to be located between CS and CH zoning.

Comments and Questions:

Ms. Kempe asked why CS would not be appropriate in this area, and the Staff informed that the CS is on the map because of the District Court decision; however, the Courts do not zone property.

Ms. Wilson asked how much of the property the Staff is recommending for OM zoning, and she was informed they are recommending rezoning of the OL property only, if they make any change at all.

Ms. Wilson informed she feels that approval of the application as requested would be an encroachment into the neighborhood, and she would not support approval of it.

There was discussion about the dimensions of the property on which the Staff is recommending OM zoning.

TMAPC Action: 9 members present.

On MOTION of VANFOSSEN, the Planning Commission voted 7-1-1 (Connery, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; Higgins, "nay"; Draughon, "abstaining"; T. Young, "absent") to DENY the request for CH zoning on the following described property:

The North 10' of Lot 12 and all of Lots 13, 14 and 15, Block 1, Morningside Addition to the City of Tulsa, Tulsa County, Oklahoma.

Z-5999 Johnsen (Sunwestern Properties) SW corner of 14th Street and Boston
Avenue CH to CBD

Applicant's Comments:

Mr. Roy Johnsen, 324 Main Mall requested that this item be withdrawn with the option for it to be placed back on the agenda within one week with new notice if the withdrawal is not satisfactory to his client. He has advised the interested parties that he is withdrawing the case, and if anything occurs in the future concerning the item, they will get new notice.

Interested Parties:

Mr. Tom Hobson, P. O. Box 2496, Tulsa, Okla., 74101, informed he owns the property directly across the street from the subject tract. He has no objection to the withdrawal of this item, but he wants to be assured that he will receive notice if, in the future, the application is renewed.

Ms. Norma Turnbo, 1822 South Cheyenne Avenue, informed she is the GTC Representative for District 7. She would like to receive notice if this item is refiled for CBD zoning.

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to withdraw application Z-5999 with the provision that the applicant be able to reinstate the application within one week with new notification.

CZ-121 (continued)

Applicant's Comments:

Ms. Mattingly informed when they designed this subdivision in 1977, this portion was intended to be for commercial purposes. The residential in the area is to the north. When the County zoned property in 1980, they did a "blanket zoning", the only places that were zoned commercial were locations that had businesses existing on them. She informed they would like to have all the subject property zoned commercial.

Protestants: None.

Comments and Questions:

There was discussion about which of the lots the Staff recommended for commercial and which they recommended for office.

The Staff submitted a map showing the lots the Staff has recommended for commercial development (Exhibit "B-2").

Ms. Wilson asked if this property has water service from a Rural Water District, and Mr. Gardner informed that it does have water available, and it comes from a Rural Water District.

Instruments Submitted: Map of Subject Tract (Exhibit "B-2")
Letter from Sand Springs
Planning Commission (Exhibit "B-1")

TMAPC Action: 9 members present.

On MOTION of CONNERY, the Planning Commission voted 8-0-1 (Connery, Draughon, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Higgins, "abstaining"; T. Young, "absent") to recommend to the Board of County Commissioners that on the following described property, the three lots between 177th West Avenue and 176th West Avenue and the one lot at the northeast corner of 8th Street and 176th West Avenue be zoned CS, and that the remainder of the property be zoned OL.

CS: Lots 1, 2, and 3, Block 1, and Lot 1, Block 2, Wekiwa Hills Subdivision, Tulsa County, Oklahoma; and

OL: Lots 2, 3, and 4, Block 2, Wekiwa Hills Subdivision, Tulsa County, Oklahoma.

Application No. CZ-122 Present Zoning: AG
Applicant: Enterline (Woods) Proposed Zoning: CG
Location: SE corner of 129th East Avenue and 96th Street North

Date of Application: August 24, 1984
Date of Hearing: October 10, 1984
Size of Tract: 5 acres

Presentation to TMAPC by: Bob Pruitt
Address: 808 South Peoria Avenue Phone: Unknown

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject tract as Medium Intensity -- Commercial/Office.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 5 acres in size and located at the southeast corner of 129th East Avenue and 96th Street North. It is partially wooded, flat, contains a single-family dwelling and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by two single-family dwellings zoned AG, on the east by mostly vacant property with what appears to be a single-family dwelling zoned AG, on the south by a single-family dwelling and mostly vacant property zoned AG, and on the west by vacant property zoned CS.

Zoning and BOA Historical Summary -- Medium Intensity zoning was allowed by District Court west of the subject tract.

Conclusion -- Although the Development Guidelines designate the intersection as a 5-acre type node, existing zoning patterns west of the subject tract do not follow typical guidelines since the SW corner contains more than 5 acres of CS. The Staff feels that CG zoning, however, is not appropriate, based on the Comprehensive Plan designation of Medium Intensity and existing zoning patterns. The Staff can support CS zoning which is medium intensity zoning. Therefore, the Staff recommends DENIAL of CG and APPROVAL of CS zoning.

Applicant's Comments:

Mr. Pruitt informed they would be agreeable with the Staff Recommendation for CS zoning. They asked for CG zoning for automotive uses, but he realizes CS zoning would allow those uses with Board of Adjustment approval.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of RICE, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, T. Young, "absent") to recommend to the Board of County Commissioners that the following described property be zoned CS:

A tract of land in the NW/4 of NW/4 of Section 21, T-21-N, R-14-E; more particularly described as follows, to wit: Beginning at the NW corner of Section 21, thence South along the West line of said Section a distance of 363 feet; thence East and parallel to the

CZ-122 (continued)

North line of said NW/4 a distance of 215 feet; thence South and parallel to said West line a distance of 111 feet; thence East 294.84 feet; thence North 474 feet to a point on the North line of said NW/4; thence West along said North line a distance of 509.84 feet to the point of beginning, containing 5 acres more or less.

Application No. Z-6003

Present Zoning: RS-3

Applicant: Knox

Proposed Zoning: CH

Location: West of the SW corner of 35th Place and Peoria Avenue

Date of Application: August 27, 1984

Date of Hearing: October 10, 1984

Size of Tract: 67' x 130'

Presentation to TMAPC by: Paul Knox

Address: P. O. Box 700531

Phone: Unknown

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.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately .2 acre (more or less) in size and located west of the southwest corner of 35th Place and Peoria Avenue. It is partially wooded, flat, contains a single-family dwelling and detached apartment and is zoned RS-3.

Surrounding Area Analysis -- The tract is abutted on the north by a fast food restaurant and parking lot zoned CH and RD, on the east by an electrical substation and a mixture of commercial establishments zoned CH, on the south by a single-family dwelling zoned RS-3, and on the west by similar single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary -- The subject tract is located within an area covered by the Brookside Parking Area Study, but no recommendations were made for the lot.

Conclusion -- The Brookside Area Special Study does not support any encroachment of CH zoned property into existing RS-3 zoned areas to the west of the existing CH. However, the subject lot is facing a parking lot and is abutted by CH zoning and development which allows the Staff to consider parking zoning. The low intensity designation would also support OL Light Office if it were not for the residential specific land use.

Based on the Brookside Area Special Study and existing zoning patterns, the Staff recommends DENIAL of the CH request and APPROVAL of either P Off-street Parking or OL Light Office.

The physical facts in the area have changed over the years, and therefore, some relief is in order. The quality of the structure seems to eliminate off-street parking as a viable use. However, the structure should be converted to an office with parking in the rear.

Comments:

Mr. Gardner informed that 11 photographs were submitted to the Staff for this case (Exhibit "C-1").

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Z-6003 (continued)

Applicant's Comments:

Mr. Knox described the encroachments that have come into his neighborhood and the problems these encroachments have caused him. He submitted a plat of the area (Exhibit "C-2") and described the uses surrounding his property. He also described the problems he has with various noises in the area.

Comments and Questions:

Ms. Kempe asked the applicant what his intended use of the property is, and Mr. Knox informed he would like to sell the property, but he cannot sell it as a residential home because of the traffic, noise, and lack of security. He informed he applied for CH zoning because he has that zoning abutting his property. Ms. Kempe asked Mr. Knox if he would accept a lower zoning, and he informed that he would.

There was discussion about what the applicant would be allowed to do under OL zoning.

Mr. VanFossen asked about the residences in the area, and Mr. Gardner informed there are residences in place to the west and to the south. The subject tract fronts into a Wendy's restaurant parking lot and is adjacent to commercial zoning on the east. Zoning the property OL could provide a buffer in the area.

Ms. Wilson asked how many parking spaces could be put on this lot, and Mr. Gardner informed they could probably put in about 20.

Protestants: Charlene Lewis Addresses: 1123 East 36th Street
 Julia Martin 1107 East 35th Place

Protestants' Comments:

Ms. Lewis, 1123 East 36th Street, informed she does not want her property destroyed just so the applicant can sell his property. She described the traffic problems that exist in the area. The people in the area do not want any more encroachments.

Ms. Wilson asked Ms. Lewis if she can see the subject tract from her house, and she informed that she can. Ms. Lewis also stated that she can hear the noise from some of the restaurants on Peoria Avenue.

Ms. Martin informed she would like to know what the safeguard would be for people in the middle of the block to protect them from any further development of this kind encroaching farther into the neighborhood. She described the traffic situation in the area and expressed her concerns that approval of this application could make that situation worse.

Comments and Questions:

Ms. Kempe asked the Staff to tell the applicant how much office space this piece of property could accommodate, and Mr. Gardner described what would be allowed.

Ms. Kempe informed that light office use is considered a buffer between residential and commercial uses because of the light activity and the small amount of vehicular traffic involved. She informed that it would be very unlikely that the Planning Commission would allow anything beyond the subject tract on 35th Place.

Z-6003 (continued)

Mr. Gardner pointed out that it is very difficult to decide on zoning matters where the zoning lines do not exactly line up, as in this case.

Mr. Paddock informed he is opposed to commercial intrusion to the west of Peoria on 35th Place; however, he thinks that the Staff Recommendation is appropriate. He feels that a parking district would not be appropriate in this instance. He supports the Staff's recommendation to create a buffer between the CH zoning and the residential.

Ms. Kempe informed that she agrees with Mr. Paddock's statements.

TMAPC Action: 9 members present.

On MOTION of PADDOCK, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned OL:

The East 60 feet of Lot 4, West 7 feet of Lot 5, and the North 40.87 feet of West 7 feet of Lot 6, Block 3, Peoria Gardens Addition to the City of Tulsa, Tulsa County, Oklahoma.

Application No. Z-5987 Present Zoning: CS
Applicant: Johnsen (Landmark) Proposed Zoning: OMH
Location: South of the SW corner of 31st Court and Memorial Drive

Date of Application: July 19, 1984
Date of Hearing: October 10, 1984
Size of Tract: 1.7 acres

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

Phone: 585-5641

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and potential for Corridor.

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

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.7 acres in size and located south and east of the southeast corner of 31st Street and South Memorial Drive. It is non-wooded, flat, contains a building under construction and is zoned CS.

Surrounding Area Analysis -- The tract is abutted on the north by mostly vacant land zoned CS, on the east by commercial uses zoned CS, on the south by an industrial complex under construction zoned IL, and on the west by mostly vacant land zoned CS.

Zoning and BOA Historical Summary -- Past zoning actions in this area and the Comprehensive Plan have established a pattern for medium and medium/high intensities of land use.

Conclusion -- The Staff has stated in the past that it sees this triangle bounded by Skelly Drive, Memorial Drive, and the Broken Arrow Expressway as being a prime location for medium to high intensity development based upon the fact that traffic has direct access to major freeway. Given this fact, along with the Comprehensive Plan designation, surrounding land uses, and existing zoning patterns, the Staff recommends APPROVAL of the OMH request.

Applicant's Comments:

Mr. Johnsen was present and asked that the Commission approve the Staff Recommendation.

Protestants: None.

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; Woodard, T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned OMH:

Z-5987 (continued)

All that part of Lot 3, Interchange Center, an addition to the City of Tulsa, Tulsa County, Oklahoma as recorded by Plat No. 2336, filed October 28, 1960 with the County Clerk of Tulsa County, Oklahoma, more particularly described as follows, to wit:

Beginning at a point in the South boundary of said Lot 3 (the North boundary of the N/2, SE/4, NE/4, Section 23, Township 19 North, Range 13 East); 710 feet from the Southeast corner thereof, (760 feet from the Northeast corner of the N/2, SE/4, NE/4, Section 23, T-19-N, R-13-E); thence North $0^{\circ}-01'-30''$ East a distance of 340.39 feet to a point in the South Right-of-Way of South 79th East Avenue; thence South $89^{\circ}-56'-27''$ East along the South Right-of-Way a distance of 19.76 feet; thence along the Right-of-Way on a curve to the left having a radius of 190 feet a distance of 136.18 feet; thence North $48^{\circ}-59'-32''$ East a distance of 0.0 feet; thence South 60° East a distance of 80.92 feet; thence South $0^{\circ}-01'-30''$ East a distance of 346.63 feet to a point in the South boundary of said Lot 3 (the North boundary of the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E) 495 feet from the southeast corner thereof; thence North $89^{\circ}-58'-30''$ West along the common boundary of said Lot 3 and the N/2, SE/4, NE/4 of Section 23, T-19-N, R-13-E a distance of 215 feet to the point of beginning, containing 76,820 square feet or 1.763538 acres, more or less.

Z-6004 (continued)

Comments and Questions:

Mr. Gardner informed this property has been under application for IL zoning, but the ordinance was never published because the applicant could not ever come up with the Floodway designation. The Technical Advisory Committee, in looking at this piece of property, said they do not want just this piece of property platted since the applicant owns the rest of the property between the creek and the expressway. They wanted it all platted together.

Applicant's Comments:

Mr. Morris informed they zoned all the property IL, and then he came back and platted the south 450 feet for IL. He then zoned the south 450 feet RMH. Because he zoned the property RMH, the previous application died. He does not want to develop any more land at this time than he is able to, and he does not want to be required to zone the part next to the by-pass because the additional development is not necessary at this time.

Comments:

There was discussion as to what the property is zoned at this time. Mr. Linker informed he would like this to be continued until the October 24, 1984, meeting so he can determine what the zoning is and what needs to be done.

Protestants: Janice Robinette

Address: 12007 East Archer

Protestant's Comments:

Ms. Robinette informed she is concerned about this application and would like to be notified of the next public hearing.

TMAPC Action: 9 members present.

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to continue consideration of Z-6004 until Wednesday, October 24, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-6005 & PUD #357-A Present Zoning: CS, RM-1
Applicant: Poe & Associates Proposed Zoning: CS
Location: East of the SE corner of 71st Street and Quincy Avenue.

Date of Application: August 30, 1984
Date of Hearing: October 10, 1984
Size of Tract: 8 acres, more or less

Presentation to TMAPC by: Bland Pittman
Address: 704 East Winston Circle Phone: 455-8307

Relationship to the Comprehensive Plan: Z-6005

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use on the north 350 feet from the centerline of 71st Street and Low Intensity -- No Specific Land Use on the remainder.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS District is in accordance with the Plan Map designation of Medium Intensity and not in accordance with the Low Intensity designation.

Staff Recommendation: Z-6005

Site Analysis -- The subject tract is approximately 8 acres in size and located south and east of the southeast corner of South Quincy Avenue and 71st Street. It is partially wooded, flat, contains four single-family dwellings and accessory buildings and zoned CS and RM-1.

Surrounding Area Analysis -- The tract is abutted on the north by a developing Office/Commercial complex zoned CS and OM, on the east by single-family dwelling and duplex subdivisions zoned CS and RM-1, and on the south and west by single-family dwellings zoned RS-2.

Zoning and BOA Historical Summary -- Past zoning actions have established the frontage along 71st Street as commercial with a buffering of higher density multifamily or office south of the commercial.

Conclusion -- Based upon the Comprehensive Plan, the existing zoning patterns, and the surrounding land uses, the Staff recommends APPROVAL of CS on the north 350' from the centerline of 71st Street and DENIAL on the remainder which shall stay RM-1.

Staff Recommendation: PUD #357-A

The subject tract is located south and east of the southeast corner of 71st Street and South Quincy Avenue. It is irregular shaped, 8.5 acres in size and has an underlying zoning of CS and RM-1. PUD #357 combined two previous PUDs (PUD #279 and PUD #305) all three of which will be voided by an approval of this PUD. The applicant is proposing a commercial & office complex with consistent restrictions over the entire tract.

The Staff has reviewed the applicant's Outline Development Plan, underlying zoning, past PUD approvals, and find the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

PUD #357-A and Z-6005 (continued)

Therefore, the Staff recommends APPROVAL of PUD #357, subject to the following conditions:

- (1) That the applicant's Outline Development Plan be made a condition of approval.
- (2) Development Standards:

Shopping Area

Gross Area	5.55 acres
Net Area	5.03 acres
Permitted Uses	As permitted within a CS District.
Maximum Floor Area	51,735 square feet
Maximum Building Height	1 story
Minimum Landscaped Open Space	15% of net area
Minimum Building Setbacks:	
From 71st Street Centerline	125 feet
From Quincy Centerline	60 feet
From Other Boundaries	10 feet
Parking Ratio	1 space per 225 square feet of floor area of retail and, 1 space per 100 square feet for restaurant.
Other Bulk and Area Requirements	As required within a CS District.

Office Area

Gross Area	2.93 acres
Net Area	2.77 acres
Permitted Uses	As permitted within an OL District.
Maximum Floor Area	58,000 square feet
Maximum Building Height	2 stories
Minimum Landscaped Open Space	20% of net area
Minimum Building Setbacks:	
From Quincy Centerline	80 feet
From South Boundary	50 feet
From East Boundary	30 feet
From Other Boundaries	10 feet

Parking Ratio	1 space per 300 sq. ft. of floor area.
Other Bulk and Area Requirements	As required within an OL District.

(3) Sign Standards:

Signs accessory to the shopping area uses shall comply with the restrictions of the Planned Unit Development Ordinance and the following additional restrictions:

Ground Signs:

Ground signs shall be limited to one ground sign identifying the project or tenants therein located at the 71st Street entrance to the project not exceeding 20 feet in height and not exceeding a display surface area of 120 square feet, and one monument sign identifying the project at Quincy entrance not exceeding 6 feet in height and not exceeding a display surface area of 64 square feet.

Wall or Canopy Signs:

Wall or canopy signs shall be limited to 1 1/2 square feet of display surface area per lineal foot of the building wall to which affixed.

Signs accessory to the office area uses shall be limited to one monument sign identifying the project to the Quincy entrance not exceeding 4 feet in height and not exceeding a display surface area of 32 square feet.

- (4) That a Detail Site Plan be approved by the TMAPC prior to the issuance of a Building Permit.
- (5) That the access point from Quincy Avenue to the office area not be constructed until the office area is developed.
- (6) That the architectural character of the east side of Building B and C in the shopping area be consistent with the fronts of said buildings.
- (7) That a Detail Landscape Plan be approved by the TMAPC prior to occupancy, including a screening fence shall be constructed along the exterior boundaries of the project where they abut any R District and along the Quincy frontage the required screening shall be a combination of screening fence, berms, and landscaping.
- (8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and submitted to and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Z-6005 and PUD #367-A (continued)

Comments and Questions:

Mr. Gardner informed that the applicant has advertised the whole piece of property, but he actually only needs about 40 or 50 feet to accomplish the project.

Ms. Wilson asked how this PUD differs from the two previous ones, and Mr. Gardner informed it is essentially the same as the last one. The basic change is that there is a little more commercial square footage in area "A" under this application. The first PUD was for a mini-storage which is substantially different from this project. He described how much additional commercial zoning the applicant needs to do his project.

Applicant's Comments:

Mr. Pittman informed this is basically the same plan as was previously submitted. When they got into the detail site planning of the project, they found that they needed a little more commercial floor area to accomplish what was needed for the economics of the project. He described the change in the plans.

Protestants: None.

Comments and Questions:

Mr. Paddock asked the applicant if he is adding any more floor space with this proposal, and Mr. Pittman informed they will be adding about 7,000 square feet of floor area in the total shopping center.

Mr. Gardner informed that the southern extension of the shopping area is not any farther south than was previously proposed. It has not changed at all. The newly proposed buildings are slightly bigger than the previous buildings, but are in pretty much the same configuration.

TMAPC Action: 9 members present: Z-6005

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to recommend to the Board of City Commissioners that the north 350' of the following described property be zoned CS and that the remainder remain RM-1:

Legal Description: Z-6005

All of Lot 2, LESS the North 290 feet of the East 35.7 feet; all of Lot 3; all of Lot 4, LESS the North 290 feet, all in Valley Bend Subdivision, a subdivision of Lot 1, Section 7, Township 18 North, Range 13 East, Tulsa County, Oklahoma, and all of Lot 1, Block 1, River Grove Subdivision, according to the recorded plat thereof.

TMAPC Action: 9 members present: PUD #357-A

On MOTION of HIGGINS, the Planning Commission voted 9-0-0 (Connery, Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be approved for Planned Unit Development as recommended by the Staff:

All of Lot 2, LESS the North 290 feet of the East 35.7 feet; all of Lot 3; all of Lot 4, LESS the North 290 feet, all in Valley Bend Subdivision, a subdivision of Lot 1, Section 7, Township 18

Z-6005 and PUD #357-A (continued)

North, Range 13 East, Tulsa County, Oklahoma, and all of Lot 1,
Block 1, River Grove Subdivision, according to the recorded plat
thereof.

Application No. Z-6006 Present Zoning: AG
Applicant: Richert (Wilson) Proposed Zoning: CS
Location: SE corner of 71st Street and Elwood Avenue

Date of Application: August 30, 1984
Date of Hearing: October 10, 1984
Size of Tract: 1.13 acres

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

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

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 1.13 acres in size and located at the southeast corner of 71st Street and Elwood Avenue. It is partially wooded, gently sloping, contains two single-family dwellings and detached accessory buildings, and zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north by vacant property zoned AG, on the east by similar single-family dwellings on large lots zoned AG, on the south by a single-family dwelling on a large lot zoned AG, on the west by a single-family dwelling on a large parcel of land zoned AG.

Zoning and BOA Historical Summary -- There has been no zoning or Board action in the immediate area. A recent CO request was recommended by the Planning Commission 3/4ths mile to the west along the Okmulgee Beeline.

Conclusion -- With the improvement of 71st Street this area is now desirable and timely for development. According to the Development Guidelines, this intersection will support a 10-acre node (660' x 660') of medium intensity development and the request is for 1.13 acres.

Therefore, based on the above mentioned facts the Staff can support the rezoning and recommend APPROVAL of the CS request.

Applicant's Comments:

Mr. Johnsen informed this application is in conformance with the Comprehensive Plan.

Protestants: None.

Comments and Questions:

Mr. Paddock asked Mr. Johnsen what the plans are for the development of this property, and Mr. Johnsen informed he is before the Commission on behalf of the Quik-Trip Corporation which is under contract to purchase the ownership at the corner.

Z-6006 (continued)

TMAPC Action: 9 members present.

On MOTION of WOODARD, the Planning Commission voted 8-1-0 (Draughon, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; Connery, "nay"; no "abstentions"; T. Young, "absent") to recommend to the Board of City Commissioners that the following described property be zoned CS:

The South 103.3 feet of the North 311.3 feet of the West 228 feet, LESS the West 33 feet for road right-of-way, in the NW/4 of the NW/4 of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof; AND

The West 228 feet of the North 208 feet of the NW/4 of the NW/4 of Section 12, Township 18 North, Range 12 East of the Indian Base and Meridian, according to the U. S. Government Survey thereof.

CZ-123 (continued)

development to the north that he knows of is just south of and adjacent to the City Limits of Collinsville.

Interested Party's Rebuttal:

Mr. Biram informed they are not questioning whether or not mobile homes are appropriate in the area. There are several that are on large lots. They are not opposed to mobile homes, but they are concerned about the density of an RMH development at this location.

Comments and Questions:

Commissioner Rice informed the County Commissioners have come to the conclusion that there is sufficient cause to bring this subject to the Planning Commission to hear a down-zoning request.

Mr. VanFossen informed he does not think it is appropriate at this time to downzone something that the owner is not requesting.

Ms. Wilson informed she feels this is an opportunity to correct a past oversight. She thinks there is a problem on the land because the City-County Health Department has denied the use of a sewer lagoon on the property and there is a problem with the utilities. She made a motion to rezone the property to RE with the motion being seconded by Commissioner Paddock.

Ms. Higgins informed she agrees that errors should be corrected, but they should not be corrected by another mistake against somebody. She agrees with Mr. VanFossen's comments. She stated that since the owner has problems with utilities and the sewer system, he will probably not be able to develop the property until those problems can be solved. If they are unsolvable, the owner has made a bad investment which he will have to live with.

Mr. Paddock asked how much money the owner of the subject tract has invested in this and if he bought the property on the basis that he could develop it as RMH. Mr. Williamson informed that Mr. York bought the property to develop it as a mobile home park and paid, in Mr. York's estimation, 80 thousand dollars more for the property than what it would cost as RE zoned property.

There was discussion about how the County zoned property when it came under their jurisdiction.

There was discussion about whether Mr. York's contract with the previous owner is valid if he cannot use the property to develop a mobile home park.

Ms. Kempe asked if mobile homes are allowed in RE zoning, and Mr. Gardner informed they are allowed only by special exception through the Board of Adjustment. He informed that the minimum lot size in RE zoning is 1/2 acre, but the septic system in this area would probably require about 1 acre of land in order to perc.

Mr. VanFossen informed that if there is not sewer available in the area, and if lagoons have not been approved, the owner of the tract cannot develop a mobile home park. He thinks the request to rezone the property should come from the applicant.

CZ-123 (continued)

Mr. Paddock informed he agrees with Mr. VanFossen's statements, and he withdrew his second from the motion that was on the floor for approval of RE zoning.

Ms. Wilson informed she feels rezoning the property to RE would be a proper action by the Commission.

Ms. Wilson's motion for approval of RE zoning died for the lack of a second.

Mr. VanFossen made a motion to deny the application for RE zoning. This motion died for the lack of a second.

Mr. Rice informed an appropriate action could be to forward the request to the Board of County Commissioners without recommendation.

Mr. Woodard made a motion to forward this request to the Board of County Commissioners without recommendation.

Mr. Linker informed the Planning Commission should make a recommendation on all matters. Approval of this motion would set a precedent.

Mr. Woodard's motion died for the lack of a second.

Mr. Connery requested that Mr. VanFossen make his motion for denial again.

TMAPC Action: 8 members present.

On MOTION of VANFOSSEN, the Planning Commission voted 5-1-2 (Connery, Higgins, Kempe, VanFossen, Woodard, "aye"; Wilson, "nay"; Paddock, Rice, "abstaining"; Draughon, T. Young, "absent") to DENY the request for RE zoning on the following described property:

The E/2 of the SW/4 of the SW/4 of the W/2 of the SE/4 of the SW/4 of Section 33, Township 21 North, Range 14 East, Tulsa County, Oklahoma (A/K/A Sooner Addition, Mobile Home Park, 66th Street North and 129th East Avenue).

SUBDIVISIONS:

Final Approval and Release:

Freeport Trade Center (PUD #367) (1994) West side of South 108th East Avenue at 33rd Street (CS, RM-1)

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

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, T. Young, "absent") to approve the final plat for Freeport Trade Center and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #282-1

Staff Recommendation: Minor Amendment

The subject PUD is located at the southwest corner of 71st Street and South Lewis Avenue. It has been approved for a large commercial-office complex. At the time of approval three development phases were requested. One of these development areas had an existing building located on it and the other two were to be Phases I and II of the new project. At this time Phase I has been completed and the applicant is preparing to finalize Phase II. "As-Built" drawings of Phase I shows that it is slightly over-built for what was approved. Adjustments to the Land Area and Maximum Floor Area for Phase II is therefore necessary. In addition, the applicant wishes to construct a parking structure rather than a parking lot which will require a 10-foot reduction in setback from Wheeling Avenue and 73rd Street. Finally, the applicant wishes to lot split Phase II from the remainder of the project for financing purposes.

The applicant submitted a Detail Text (attached Exhibit "E-1") outlining the proposed amendments which the Staff has reviewed and finds acceptable. Therefore, the Staff recommends APPROVAL of the Minor Amendments listed therein, subject to the filing of a mutual access and parking easement between Phases I and II and the filing of an amended Covenant reflecting the modifications of lot areas and building square footages as set forth in the submitted Text.

Comments:

Mr. Gardner informed a lot split was approved on this property, subject to the approval of the Minor Amendment. There is about 20,000 square feet of the building to the north that encroaches into Phase II. Phase I needs to be increased by the 20,000 square feet, and Phase II needs to be decreased by the same amount. There is no increase in the overall floor area, but the phase lines need to be adjusted so that the totals remain the same. The parking garage along the southern boundary is proposed to be within 15 feet of the ownership line. There is a sizable right-of-way there because this is a collector street. If the property were zoned Parking, they could put the parking garage within 10 feet of the ownership line. The Staff has no problem with this proposed amendment because the owner imposed the greater setback upon himself in the PUD.

Freeport Trade Center (continued)

TMAPC Action: 8 members present.

On MOTION of HIGGINS, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Young, "absent") to approve the Minor Amendment to PUD #282 as follows: (1) Increase Phase I Lot Area and decrease Phase II Lot Area per the approved Lot Split (L-16275), (2) increase Phase I Floor Area by 20,681 square feet and decrease Phase II Floor Area by 20,681 square feet, and (3) allow the parking garage to be located within 15 feet of the southern property line, all subject to the filing of a mutual access and parking easement between Phase I and II, and subject to the filing of an amended Covenant reflecting the modifications to lot areas and building square footages as set forth above.

Request to Continue "Special Study" of Turkey Mountain Special District to November 7th meeting.

Mr. Compton informed they have some time constraints and need to have this continued to the November 7, 1984, meeting.

On MOTION of PADDOCK, the Planning Commission voted 8-0-0 (Connery, Higgins, Kempe, Paddock, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, T. Young, "absent") to continue consideration of the "Special Study" of Turkey Mountain Special District until Wednesday, November 7, 1984, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

SPECIAL DISCUSSION:

Ms. Kempe informed she will be out of town the week of the October 17 meeting, and she appointed Ms. Higgins as Acting Chairman for that meeting.

There being no further business, the Chair adjourned the meeting at 4:31 p.m.

Date Approved

October 24, 1984

Cherry Kempe
Chairman

ATTEST:

ABPaddock

Secretary