

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1326
Wednesday, September 10, 1980, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey Eller Keleher, 2nd Vice Chairman Kempe, Secretary Parmele, Chairman Petty T. Young	Gardner Holliday Inhofe Keith C. Young	Alberty Bourey Gardner Howell	Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, September 9, 1980, at 11:50 a.m., as well as in the Reception Area of the TMAPC Offices.

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

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to approve the Minutes of August 27, 1980 (No. 1324).

REPORTS:

TMAPC Claims:

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

Report of Receipts and Deposits:

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

CHAIRMAN'S REPORT:

Chairman Robert Parmele introduced Jerry Lasker, Director of INCOG, and asked that he review the proposed merger of TMAPC and INCOG.

Mr. Lasker advised that the reorganization plan, effective October 1, 1980, will merge TMAPC and INCOG and also strengthen the Department of City Development by adding the Parking Authority, Urban Renewal Authority, and the Capital Improvement Programming.

Chairman's Report: (continued)

The TMAPC and INCOG agency will have two divisions, one being the division of regional services (services provided directly to members; i.e., community planning, zoning, land division, mapping and graphics and technical assistance) which will be under the supervision of Assistant Director, Bob Gardner. The second division will be comprised of comprehensive planning, transportation and environmental management, economic development and research and data management headed by Assistant Director, Richard Briere. The Chairman of the TMAPC will serve on the Executive Committee of INCOG. Mr. Lasker stated that INCOG is a voluntary association of local governments providing services to cities and counties, funded through dues paid by local governments, state appropriations and federal funds. INCOG employees are government employees.

Commissioner Keleher advised that he did not have any objections to the merger, but felt it would be difficult to hire outstanding new employees for the regional agency as opposed to a local government planning agency.

In answer to Commissioner Scott Petty's question, Mr. Lasker advised that the Executive Director of the merged agency will be selected by the INCOG Board of Directors which is composed of one representative from all municipalities, over 4,000 population, in Tulsa County, Creek and Osage County, and one representative for those cities which are over 50,000 population - the City of Tulsa has 8 seats on the Board of Directors. Tulsa County will have 7 members on the INCOG Board.

DIRECTOR'S REPORT:

Training Requests:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to approve a Training Request in the amount of \$105 for Steve Carr, Carol Dickey, Dan Matthews, Pat Connelly, Jim Johanning, Jim Robinson, and Jim Bourey; and a Training Request in the amount of \$60 for Planning Commissioners Betty Avey, Tom Keleher, Cherry Kempe, and Robert Parmele to attend the fall conference of the Oklahoma State Chapter of the American Planning Association, September 19-20, 1980, at the Mayo Hotel, Tulsa, Oklahoma.

Travel and Training Request:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to approve a Travel and Training Request in the amount of \$58 for Stephen D. Carr to attend the Governor's Energy Awareness Conference sponsored by the Office of the Governor, State of Oklahoma, October 9, 1980, at the Myriad Convention Center, Oklahoma City, Oklahoma.

Review of Cooley Creek Master Drainage Plan:

Jim Bourey advised that the Staff requested that Chapter 12 and Appendix C, which includes the Open Space and Recreation Plan, be recommended for adoption by the City. Based on this recommendation, the Staff will propose changes for the District Plans which are affected.

Review of Cooley Creek Master Drainage Plan: (continued)

Commissioner T. Young pointed out at one time the dam was removed and the Cooley Lake was drained. He questioned why this was done and why now it is necessary to reconstruct the dam.

Hydrologist Charles Hardt advised that Cooley Lake was drained at the request of the Corps of Engineers and the Oklahoma Water Resource Board because the structural integrity of the dam was not safe. The dam created an impoundment upstream from developed property which, if failure occurred, could result in the loss of lives.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to recommend adoption of Chapter 12 and Appendix C by the City Commission, as per Staff Recommendation.

CONTINUED ZONING PUBLIC HEARING:

Z-5431 John Moody (El Paseo) South side of East 71st Street, east and west of
South 92nd East Avenue RS-3 to RM-0

The Staff advised that the applicant requested this item, Z-5431, be withdrawn.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to withdraw zoning Application Z-5431.

Application PUD #179-F

Present Zoning: RS-3 & RM-0

Applicant: John Moody (El Paseo)

Location: South side of East 71st Street and West of South Mingo Road

Date of Application: July 8, 1980

Date of Hearing: September 10, 1980

Size of Tract: 102.34 acres

Presentation to TMAPC by: John Moody

Address: 4100 Bank of Oklahoma Tower

Phone: 588-2651

Applicant's Comments:

John Moody, representing Guardian Development Company of Oklahoma, advised that his client was also a partner in the Gilcrease Hills development. Mr. Moody stated that the subject property is part of the original PUD #179, which was approved in July 1973. During the past years several parts of the 320-acre PUD have been developed. Noting the inflation during the past seven years with higher land and development costs, Mr. Moody advised that his client, who is purchasing the subject tract, proposes to increase the density to offset the inflated cost of development.

The Woodland Hills Mall is located to the northwest of the subject property, 37 acres of open area to the south of the tract has been approved for detention facilities (three detention ponds running along the southern boundary have been approved and accepted for maintenance by the City), property to the east is zoned as a Corridor District and a 20-acre tract to the north has been approved for office development.

Mr. Moody advised that the developers utilize an extensive process, approximately four months, of identification and preservation of trees. Each tree is surveyed and elevations are taken on the grade of each tree. These elevations are used in the grading plans and locations of the buildings to be constructed.

A slide presentation of Oak Creek, a Guardian Development Company project, was made to illustrate the concept of the proposed PUD and land use plan.

Mr. Moody stated that the proposed PUD will use the heavily landscaped approach to create a community for condominium living, which will offer far greater amenities to people who would not otherwise be able to afford their own individual home ownership in typical single-family residential areas. The proposed project is divided into six development areas. The first area will include 62% open space, the second portion, 54%, 60% in the development phase on South Mingo Road and 58% and 41% in the family units.

Noting that the Staff Recommendation was for continuance of the PUD to allow time for review by the Technical Advisory Committee, Mr. Moody stated he would agree with the continuance as long as the PUD would be heard by the TMAPC on October 1, and be considered by the City Commission on October 7, 1980. This would allow the applicant to meet the contractual requirement to have some decision on the zoning by that time.

Protests: None.

PUD #179-F (continued)

Staff Recommendation:

Planned Unit Development #179-F is located on the south side of 71st Street and west of Mingo Road. The total tract size is 102.34 acres, which has been given concept approval for 1,027 dwelling units to be comprised of garden apartments, townhouses and duplexes. The applicant has filed an amended PUD (#179-F) and a rezoning Application (Z-5448) requesting an increase in the dwelling units to 1,748 to be comprised of garden apartments and condominiums. Based on the recent changes in zoning treatment of the properties 1/4 mile north and south of 71st Street, between Memorial Drive and Mingo Road, the Staff sees no problem with the requested increased density on the subject tract. The allocation of that density and the treatment of the unique features of this total site, however, does concern the Staff.

It appears to the Staff that the conceptual site plan developed for the entire tract did not consider the unique features of the site, but rather "over-laid" the entire site with a design used from another project. This "rubber stamp" approach in the Staff's judgement, does not meet the purpose of the PUD ordinances with respect to best utilizing the unique physical features of the particular site.

Approximately the north one-half of the subject tract can be evaluated as presented, but the southern portion which contains the development sensitive area needs to be resubmitted before it can be evaluated and a recommendation made. The Staff can agree in concept to a maximum number of dwelling units of 1,748 on the entire property. However, 1,748 dwelling units may not be attainable if the applicant makes a legitimate effort to preserve a substantial number of trees, meets the City's requirements for drainage and meets all other requirements of the PUD ordinance. Specifically, the areas of concern to the Staff are Development Areas A (south portion), D, E and F.

In addition to a proper recognition of the physical features on the site, the Staff is also concerned about the physical design of the buildings with respect to the units being surrounded by water. The Technical Advisory Committee reviewed the Sketch Plat for El Paseo Estates on July 10, 1980, but has not seen the applicant's site plan. The utility access and fire protection to the interior islands needs to be looked at prior to a decision on the design concept. Although this concept has been used on at least two other sites by this developer, none of the units have been constructed and the Staff is concerned about committing another 1,748 dwelling units to this design without first resolving any technical problems.

The T.A.C. will meet on September 25, 1980. A continuance would allow the applicant time to have his concept reviewed by the T.A.C. and possibly enough time for a redesign on the development sensitive areas of the site. The Staff therefore recommends a continuance of PUD #179-F to at least October 1, 1980.

Special Discussion for the Record:

Bob Gardner expressed concern that hundreds of trees will be removed to accommodate the PUD and even though it will be heavily landscaped, it will be impossible to reproduce trees such as the existing ones in the immediate future. He also pointed out the problems, from a service standpoint, with the islands projected in the development.

PUD #179-F (continued)

George Jenkins, developer with the Guardian Development Company, advised that he considered the proposed PUD to be a conceptual plan. He stated the Company planned to give detail consideration to certain areas; however, that does take a great deal of time.

Mr. Gardner pointed out that part of the problem is that in the Zoning Code, under the purpose of the PUD, it states, "to permit flexibility within the development to best utilize the unique physical features of the particular site." The Staff feels that the applicant has not illustrated the use of the physical features on the site.

The Planning Commission felt that more information was needed in order to make a decision on the PUD.

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-1 (Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; Avey "abstaining"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to continue PUD #179-F to October 1, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5448 (continued)

Staff Recommendation:

The subject property is located on the south side of 71st Street, west of Mingo Road. The property is presently zoned RM-0 and RS-3 and has been approved for apartment use under PUD #179. The applicant is requesting RM-1 residential multifamily zoning to permit an increase in density.

An area 1/4 of a mile in depth both north and south of 71st Street, located between Memorial Drive and Mingo Road, has received special treatment due to the interior expansion of Woodland Hills Mall and the required off-street parking outside the Special District, and the recent approval of OL and PUD #235 north of the subject tract. This special treatment has increased land use intensities within the area and the Planning Commission recommended the Special District boundaries of the Comprehensive Plan be amended to reflect the increased intensity.

The applicant for the subject tract has filed an amendment to PUD #179 in addition to the zoning change, which permits the Staff and Commission an opportunity to evaluate the proposal within the zoning guidelines established on adjacent properties. The subject tract contains an area that has been designated Development Sensitive. This area has substantial tree coverage and is a natural drainage area.

The specific number of units proposed together with the fact that the subject tract contains a development sensitive area has guided the Staff to recommend a zoning pattern in recognition of these physical facts. The recommended zoning pattern together with the PUD will allow the property to develop at a density commensurate with surrounding zoning patterns while preserving the unique physical features of the site.

Therefore, based on the surrounding zoning patterns and changes in the physical facts in the area, the Staff recommends APPROVAL of RM-1 zoning, except the west 450 feet and the south 80 feet. (The recommended zoning totaling 47.9 acres.)

TMAPC Action: 7 members present.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned RM-1, except the west 450 feet and the south 80 feet:

The North 1,320.00' of the following described tract, to-wit:

A part of the NE/4 of Section 12, Township 18 North, Range 13 East, Tulsa County, Oklahoma, more particularly described as follows, to-wit: Beginning at a point on the East line of said NE/4, said point being 50.00' North 00°-06'-40" East of the SE corner of said NE/4; thence South 89°-58'-54" West a distance of 267.01'; thence North 71°-30'-00" West a distance of 388.99'; thence North 53°-45'-00" West a distance of 459.86'; thence North 72°-43'-00" West a distance of 308.62'; thence North 48°-14'-00" West a distance of 446.00'; thence North 74°-20'-00" West a distance of 400.00'; thence North 56°-32'-39" West a distance of 339.61'; thence South 45°-30'-00" West a distance of 115.00'; thence North 48°-10'-00" West a distance of 256.00'; thence North 00°-02'-45" East a distance of 100.00'; thence South 89°-59'-27"

Z-5448 (continued)

West a distance of 60.00' to the SW corner of the NW/4 of the NE/4; thence North $00^{\circ}-02'-45''$ East along the West line of said NE/4 a distance of 679.46'; thence due East and parallel with the North line of said NE/4 a distance of 450.00'; thence North $00^{\circ}-02'-45''$ East and parallel with the West line of said NE/4 a distance of 640.80' to a point on the North line of said NE/4; thence due East along the North line of said NE/4 a distance of 1,529.43'; thence South $00^{\circ}-05'-41''$ West a distance of 659.97'; thence North $89^{\circ}-59'-44''$ East a distance of 329.81'; thence South $00^{\circ}-06'-11''$ West a distance of 659.94'; thence North $89^{\circ}-59'-27''$ East a distance of 329.72' to the NE corner of the SE/4 of said NE/4; thence South $00^{\circ}-06'-40''$ West along the East line of said NE/4 a distance of 1,269.83' to the point of beginning.

Application No. Z-5438 Present Zoning: OL
Applicant: John Moody (Berry) Proposed Zoning: CG or IL
Location: SE corner of East 51st Street and South 94th East Avenue

Date of Application: July 24, 1980
Date of Hearing: September 10, 1980
Size of Tract: 1-acre, plus or minus

Presentation to TMAPC by: John Moody
Address: 4100 Bank of Oklahoma Tower Phone: 588-2651

The applicant was present, but did not comment.

Protests: None.

Relationship to the Comprehensive Plan: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property, Special District 1 -- Industrial Area.

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

Staff Recommendation:

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

The subject property is located south of the SE corner of 51st Street and 94th East Avenue. The property is zoned OL, is vacant and the applicant is requesting IL light industrial zoning, or CG general Commercial, as an alternative.

The subject property is within an area that has been recognized by the Comprehensive Plan for potential industrial development. Industrial zoning exists to the south and west, commercial zoning to the east and office zoning to the north. The Staff would not approve extending IL zoning north to 51st Street into the OL buffer district, because of the close proximity of the single-family homes on the north side of 51st St. However, based upon the abutting zoning pattern and the Comprehensive Plan designation, IL zoning is appropriate on the subject tract.

Based on these reasons, the Staff recommends APPROVAL of the requested IL zoning.

TMAPC Action: 7 members present.

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

Lot 5, Block 1, an amended plat of Skyland, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, less the North 300' thereof.

PUD #242 John Moody (Berry)

The applicant requested this item be continued for one week.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to continue PUD #242 to September 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Application No. Z-5441 Present Zoning: RS-1
Applicant: Peggy Lee West Proposed Zoning: IL
Location: West of the NW corner of 193rd East Avenue and Admiral Place

Date of Application: July 28, 1980
Date of Hearing: September 10, 1980
Size of Tract: 5.50 acres

Presentation to TMAPC by: Peggy West
Address: 18515 East Admiral Place Phone: 234-3144

Protests: None.

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

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

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the IL District may be found in accordance with the Plan Map. The following statement is from the Plan Text:

- 3.1.4 "In order to preserve the single-family integrity of existing properties, the area between 177th East Avenue and 193rd East Avenue will remain residential and low intensity until a need can be demonstrated for additional industrial development east of 177th East Avenue. At such time, industrial zoning will be extended eastward from 177th East Avenue in a contiguous manner so as to not isolate any existing residential properties."

Staff Recommendation:

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

The subject property is located on the north side of Admiral Place, midway between 177th East Avenue and 193rd East Avenue. The tract is vacant, zoned RS-1 single-family residential and the applicant is requesting IL light industrial zoning.

The Comprehensive Plan criteria for change in zoning from residential to industrial on the properties on the north side of Admiral Place, east of 177th East Avenue was to be based on a demonstration of need for additional industrial development. The Staff considers the change to IL zoning on properties abutting the subject tract to the east and property to the west of the subject tract to be significant and sufficient basis for a change to IL zoning. Based on the change in the physical facts in the area, the subject request meets the condition of the Comprehensive Plan for industrial zoning.

Accordingly, the Staff recommends APPROVAL of the requested IL zoning.

TMAPC Action: 7 members present.

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

9.10.80:1326(12)

Z-5441 (continued)

The West 432.1' of Lot 2, less .93-acre for Highway #66 on the North and .50-acre for Highway #33 on the South of Section 1, Township 19 North, Range 14 East, containing 5.50 acres, more or less.

Application No. Z-5442 Present Zoning: RS-1
Applicant: David Barnes (Smith) Proposed Zoning: RM-0
Location: West of Harvard and 47th Street South

Date of Application: July 29, 1980
Date of Hearing: September 10, 1980
Size of Tract: 320' x 136.1'

Presentation to TMAPC by: David Barnes
Address: 3311 East 45th Street Phone: 749-0178

Applicant's Comments:

The applicant, David Barnes, noted the Staff Recommendation for approval of RM-T and advised that he would have no objection to the townhouse classification. The RM-T District was not available at the time he made application for the subject tract.

Alan Jackere, Assistant District Attorney, pointed out that although the RM-T District had been given City Commission approval, the ordinance has not yet been published.

Mr. Barnes stated he would agree to the application being approved, subject to the ordinance being published.

A letter (Exhibit "B-1") was exhibited from Robert B. Paddock, Chairman of District 6. The letter stated that at the September 4, 1980, meeting of the District 6 Steering Committee, a unanimous vote was recorded to recommend that Application Z-5442 be found in accordance with the District 6 Plan.

Protests: None.

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

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 RM-0 District may be found in accordance with the Plan Map.

Staff Recommendation:

The Staff recommends APPROVAL of RM-T and DENIAL of RM-0, for the following reasons:

The subject property is located on the north side of 47th Street, east of Gary Avenue. The property is zoned RS-1, contains a single-family residence and the applicant is requesting RM-0 lowest density multifamily zoning to permit the development of townhouses.

The subject property in the Staff's opinion, does not merit apartment zoning and development based on the surrounding zoning and land use. The subject tract is abutted on three sides by RS-1 single-family residential zoning and on the fourth by OL low intensity office zoning considered a transition or buffer district. The RD zoning pattern to the south is the only departure from RS-1 lowest density single-family zoning. This is the only precedent

Z-5442 (continued)

the applicant may point to, to justify an increased density from RS-1.

The land use issue in this application is not only density, but dwelling type. RM-0 would permit apartments although the applicant is proposing townhouses which may or may not be individually owned units. The only way to guarantee that garden apartments would not be constructed would be the RM-T District. RM-T zoning requires a townhouse plat and individual lots. Although the ordinance has not been published, the City Commission has given approval to the RM-T District. The Staff believes the Planning Commission can recommend RM-T and if the City Commission agrees with RM-T, then the rezoning ordinance publication can be held in obedience pending the RM-T ordinance publication.

For the above reasons, the Staff recommends APPROVAL of RM-T and DENIAL of RM-0.

TMAPC Action: 7 members present.

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

The South 10' of the East 136.1' of the W/2 of Lot 1 and the East 136.1' of the W/2 of Lot 8, Claypool Addition, Tulsa County, Okla.

Application No. Z-5443 Present Zoning: OL
Applicant: Charles Norman (Helmerich & Payne) Proposed Zoning: CS
Location: North and East of South Utica Avenue and East 22nd Place

Date of Application: July 31, 1980
Date of Hearing: September 10, 1980
Size of Tract: 28 acres

Presentation to TMAPC by: Charles Norman
Address: 909 Kennedy Building Phone: 583-7571

Commissioner Petty advised that he would abstain on this application and refrain from discussion of the item.

Applicant's Comments:

Charles Norman stated that the subject property has remained in the light office zoning classification since 1970 and prior to that time was designated as parking. Mr. Norman advised that the applicant proposes to expand the present commercial facilities within the Special District of the Utica Square Shopping Center Complex. One-story retail space, 24,000 - 26,000 sq. ft., will be constructed on the north portion of the subject tract. A two-level parking structure to be constructed on the southern portion of the tract will provide the same number of parking spaces as those presently existing on the property.

Mr. Norman pointed out that there is a sharp grade fall from Utica Avenue to the subject tract with a large retaining wall, on the western boundary of the property, which supports a 6' high brick fence. Buildings within the CS District, at one-story level, can be constructed with a building elevation of approximately 12' above grade level and the roof of the building will be below Utica Avenue and approximately 8' below the top of the existing brick wall. The wall is set back 20'-25' from the property line of Utica with mature trees along the boundary.

In regard to floor area ratio within the Utica Square Complex, Mr. Norman noted that there is a floor area ratio at this time of 38.5%; the proposed addition will increase the floor area ratio to approximately 40.7% including the multilevel buildings. The parking within Utica Square presently, and that which will be provided in connection with the proposed expansion, exceeds the minimum requirements of the Zoning Code for a CS District.

A letter (Exhibit "C-1") was presented from Robert B. Paddock, Chairman, District 6, stating that the District 6 Steering Committee recommended that this application be found in accordance with the District 6 Plan and the intensities within Special District #1.

Protestant: Raymond Rosenfeld Address: 1645 East 24th Place

Protestant's Comments:

Raymond Rosenfeld advised that it was his opinion that commercial development facing South Utica Avenue would be a disaster to his neighborhood and would lower property values in the area. Mr. Rosenfeld stated that single-family homeowners deserve some protection from having commercial development directly across the street from their homes. He noted that light office zoning should remain on the subject tract since single-story offices are much more compatible with the single-family residential neighborhood. The protestant expressed the concern that commercial zoning will add to the traffic flow in the area and threaten the neighborhood children's

safety. He also felt the applicant was planning to destroy the existing green belt on the property. Mr. Rosenfeld urged the Commission to deny this application which would increase the intensity of development and amount of traffic while lowering property values of the residential area.

Instruments Submitted: Letter, District 6 Chairman (Exhibit "C-1")

Relationship to the Comprehensive Plan: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1; Medium Intensity -- Commercial.

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

Staff Recommendation:

The subject tract is located on the NE corner of 22nd Place and Utica Ave. The property is zoned OL and contains off-street parking. The applicant is requesting CS commercial zoning to permit expansion of Utica Square Shopping Center.

The Comprehensive Plan for District 6 recognized the entire Utica Square Shopping Center Complex as commercial use, Special District. The applicant's request is to expand the present commercial facilities within the confines of the Special District and within the area presently zoned OL. Any expansion should be accomplished in a manner that it will not adversely affect the single-family properties on the west side of Utica Avenue that front into the subject tract. This can be accomplished by maintaining the landscaped areas on the south and west, and by limiting ingress and egress to the present locations. Since a PUD was not filed with the rezoning request the best method for addressing the above concerns is through a zoning pattern that recognizes the existing zoning patterns and developed land use.

The existing OL zoning was assigned to the subject property in 1970 under the newly adopted Tulsa Zoning Code. The new Code did not have a parking classification, and therefore, OL zoning was assigned the old U-3A parking district. The Staff believes the west 25 feet and the south 10 feet which is presently landscaped, should be once again assigned the parking district classification. The existing OL zoning line to the east is another physical fact that should be given due consideration. The original need for a buffer or transition district (U-3A parking) is also applicable today. The quality single-family homes on the west side of Utica Avenue deserve consideration if a rezoning decision is to be made. Section 260. of the Zoning Code is the tool to assure proper access controls.

Therefore, based on the above assessment of the physical facts in the area, the Staff recommends APPROVAL of CS zoning on that portion of the tract north of the established east-west OL zoning line, P (parking) along the west 25 feet and the south 10 feet, and OL to remain on the balance.

Special Discussion for the Record:

Mr. Norman stated he felt the protestant had failed to consider the history of Utica Square and the fact that no other commercially developed area has ever enjoyed a more attractive buffer between the commercial development than the houses on the west side of Utica Avenue. The owner of Utica Square has constructed and has maintained in first class condition, the strip between the break in the topography and the curb line of Utica, for the past

Z-5443 (continued)

30 years. The applicant also stated that it was inconceivable that anyone would attempt to place any type of development fronting on Utica Avenue due to the topography of the land.

Mr. Norman, in regard to the green belt, advised that he had no objections to the west 25' and the south 10' of the subject property remaining in the OL classification which would preserve the existing grass, trees and shrubs. He did not feel, however, that any useful purpose would be served by the Staff Recommendation for the parking classification along the west 25 feet and the south 10 feet of the subject tract.

In summary, Mr. Norman stated that the application is appropriate in view of the District 6 Plan, the topography prevents a number of concerns which were expressed by the protestant, the integrity of Helmerich and Payne and their past performance is an assurance that the subject property will not be misused in any way to the detriment of the residential neighborhood or to Utica Square.

Commissioner Keleher questioned if the parking classification on the west 25 feet and the south 10 feet, as recommended by the Staff, would serve the same purpose as the applicant's requested OL zoning.

Bob Gardner advised that the parking classification has a 10% open space requirement which the OL zoning does not require.

TMAPC Action:

On MOTION of KELEHER, the Planning Commission voted 6-0-1 (Avey, Eller, Keleher, Kempe, Parmele, T. Young "aye"; no "nays"; Petty "abstaining"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CS on all except the west 25 feet and south 10 feet to remain OL:

A tract of land in the NW/4 of the NE/4 of Section 18, Township 19 North, Range 13 East in the City and County of Tulsa, Oklahoma, more particularly described as beginning at the NW corner of said NW/4, NE/4; thence South along the West line thereof a distance of 530' to the true point of beginning; thence East 230'; thence South 310'; thence East 130'; thence South 150'; thence West 360'; and North 460' to the point of beginning, containing 2.88 acres, more or less.

SUBDIVISIONS:

- Woodland Hills Mall Extended (183) North side of 71st Street, east of Memorial Drive (CG, P)
- West Tulsa Townhouse Addition II (1192) SE corner of SW Boulevard, and West 19th Street (RM-1)
- Tamarac (CDP #78) (1694) East 29th Place and South 129th East Avenue (RS-3)
- Fieldstone Farm (3483) 115th Place and South Erie Avenue (RS-1)

Mr. Wilmoth advised that all letters were in the file and the Staff recommended final approval and release of Woodland Hills Mall Extended, West Tulsa Townhouse Addition II, Tamarac and Fieldstone Farm.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith; C. Young "absent") for approval and release of the final plats of Woodland Hills Mall Extended, West Tulsa Townhouse Addition II, Tamarac, and Fieldstone Farm.

OTHER BUSINESS:

PUD #217 Tom Tannehill West side of Lewis Avenue at 76th Street South

The Staff advised that Planned Unit Development #217 is located on the west side of Lewis Avenue at 76th Street South. The 8-acre tract was approved for two high-rise condominiums. The applicant has finalized the building design and has requested that modifications to the text and site plan be considered minor and approved as a minor amendment.

The following items are proposed modifications to the approved PUD:

1. An increase in the building height from 310' to 350'.
2. An increase in the number of dwelling units from 182 to 186 to accommodate 4 guest units.
3. A decrease in the open space from 73% to 62%.
4. A decrease in the number of parking spaces from 480 to 450.

A policy distinguishing minor and major amendments has not been adopted or even drafted. The Zoning Code states the following:

1170.7 Amendments

"Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of any amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development."

Tom Tannehill advised that when the architects were putting together the final site plan for consideration of approval for a building permit it was found that several errors had been made. He noted that the applicant will

PUD #217 (continued)

be able to accommodate the additional 30 parking spaces so that request will be eliminated from the minor amendment.

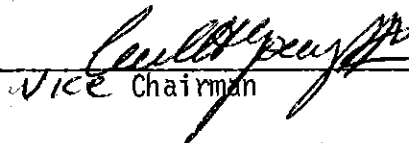
In regard to the increase in number of dwelling units, Mr. Tannehill noted that the additional four units are not intended to be permanent residency units, but to be used for overnight guests of condominium owners within the development.

Mr. Gardner advised that the Staff placed this item on the agenda at the request of the applicant. He noted that in all cases for a minor amendment it involves the judgement and determination by the Planning Commission.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Keleher, Kempe, Parmele, Petty, T. Young "aye"; no "nays"; no "abstentions"; Gardner, Holliday, Inhofe, Keith, C. Young "absent") to approve a Minor Amendment of PUD #217, to increase the number of dwelling units from 182 to 186, increase building height from 310' to 350', and decrease the open space from 73% to 62% of the net site area.


There being no further business, the Chair adjourned the meeting at 3:50 p.m.

Date Approved September 24, 1980



Vice Chairman

ATTEST:



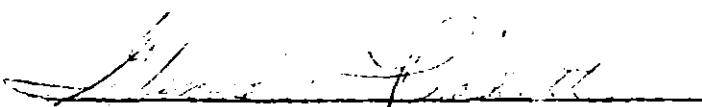
Secretary

TULSA METROPOLITAN AREA PLANNING COMMISSION

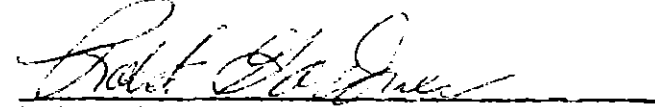
Claims: 1979-1980

<u>Account Number</u>	<u>Claim Number</u>	<u>Vendor</u>	<u>Amount</u>
7240	12931	Aerial Photo Service	\$20,564.88

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



TMAPC Fiscal Officer



TMAPC Director

