

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1615
Wednesday, **August 13, 1986**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Brierre	Linker, Legal
Doherty, 2nd Vice-Chairman		Compton	Counsel
Draughon		Frank	Williams, DSM
Kempe		Gardner	
Paddock, Secretary		Kane	
Parmeale, Chairman		Lasker	
Selph		Matthews	
VanFossen		Setters	
Wilson, 1st Vice-Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 12, 1986 at 9:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:32 p.m.

ZONING PUBLIC HEARING:

Application No.: PUD 131-D	Present Zoning: RS-3
Applicant: Johnsen (Tulsa Nursing Center)	Proposed Zoning: Unchanged
Location: South side of I-44 West of Garnett	
Size of Tract: 3.2 acres	

Date of Hearing: August 13, 1986 (Continuance requested for 9/3/86)
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Selph, Crawford, "absent") to **CONTINUE Consideration of PUD 131-D, Johnsen (Tulsa Nursing Center)** until Wednesday, **September 3, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Date of Hearing: August 13, 1986

Comments & Discussion:

Chairman Parmele stated the applicant had submitted a letter advising of withdrawal of the application for zoning and the related PUD. He further advised he was in receipt of a petition from Mr. Frank Manning, 2529 East 70th Street, protesting this application to be included in the file.

TMAPC ACTION: 10 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; "abstentions"; Crawford, "absent") to **APPROVE** the **Withdrawal of Z-6121 & PUD 419, Elliott (Wheeler, Gardner)**, as requested by the applicant.

* * * * *

Size of Tract: .3 acres, approximate

Date of Hearing: August 13, 1986

Presentation to TMAPC by: Ms. Lavina Rae Smithers, P0 Box 40826

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Commercial.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and located north of the northeast corner of North Peoria Avenue and 71st Street North. It is nonwooded, flat, vacant and zoned RS.

Surrounding Area Analysis: The tract is abutted on the north, east and west by scattered single family residences zoned RS, and on the south by a tire shop zoned CS.

Zoning and BOA Historical Summary: Past actions have allowed for a gradual change of the zoning in the area from single family residential to light commercial east of Peoria.

Conclusion: Staff has supported CS zoning abutting the subject tract to the south as well as further south along Peoria Avenue. Based on the Comprehensive Plan and past rezoning actions, the area to the west between the railroad tracks and Peoria Avenue is in transition to industrial and the area to the east along Peoria Avenue to light commercial. Staff would encourage this orderly succession of rezoning to CS light commercial; however, we have consistently recommended denial of CG, heavy commercial zoning east of Peoria.

Therefore, Staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS zoning in the alternative.

Applicant's Comments:

Ms. Smithers, in reply to Chairman Parmele, advised she had no objection to the CS zoning as recommended by Staff. Ms. Smithers explained, in response to Mr. VanFossen, she had initially requested CG because she had thought about putting in a mini-storage at some time in the future. Mr. Gardner advised that under CS, the mini-storage would not be permitted, but the immediate use the applicant was intending would be permitted. A mini-storage would require Board of Adjustment Special Exception, and Mr. Gardner added that would not be inappropriate in this area.

Interested Parties:

Address:

Ms. Glenna Cooley
Ms. Maxine Capps
Mr. Vonnice Turner

7128 North Peoria
1822 North Xenophon
7105 North Peoria

Ms. Cooley advised that she and her sister own property on the west side of Peoria from 71st Street North to 72nd Street North. Ms. Cooley stated concerns about the 80' frontage on the subject property and she did not want to see a mini-storage built. Ms. Cooley requested denial.

In reply to Ms. Wilson, Ms. Cooley indicated where her property was located. Ms. Kempe asked Ms. Cooley if she understood the difference between what was requested (CG) and what the staff was recommending (CS). Mr. Gardner reviewed the Zoning Code as to what would be permitted under CS. Ms. Kempe further inquired of Ms. Cooley if, based on the staff comments as to what would be allowed on the lot for commercial, she still had objections. Ms. Cooley replied she did not.

For Ms. Cooley's benefit, Commissioner Selph explained the County Inspector's office was charged with the responsibility of enforcing the Zoning Code outside the incorporated area of Tulsa, and if there was a problem, that Ms. Cooley could call his office.

CZ-151 Smithers - Cont'd

Ms. Capps explained the property she owned was at 7102 and 7138 North Peoria. Ms. Capps stated concerns as to the condition of the applicant's furniture business at its present location and plans of moving the business to the subject tract.

Mr. Turner advised he owned the property north of the subject tract and also had concerns about the applicant's business being relocated; therefore, he requested denial of the application. In reply to Commissioner Selph, Mr. Turner stated he was opposed to any kind of business being located on the subject tract.

Applicant's Rebuttal:

Ms. Smithers stated she just obtained the property two or three months ago and the building that on the tract has since been demolished. She advised she has plans to put up a new building. In reply to Ms. Wilson, Ms. Smithers stated she did not intend to have any outside storage of furniture, but would have some storage sheds would not be storing anything out in the open. Mr. Carnes asked the applicant if she realized she would be required to install a six foot privacy fence on the north and east side. Ms. Smithers stated she had no problem with this condition.

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **10-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, "absent") to **APPROVE CZ-151 Smithers for CS**, as recommended by Staff.

Legal Description:

The south 80' of the East 190' of Lot 6, Block 7, GOLDEN HILL ADDITION to the County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Application No.: **Z-6122**
Applicant: **Johnsen (Ryan, et al)**
Location: South of the SE/c of 61st & Mingo
Size of Tract: .3 acres, approximate

Present Zoning: **RS-3**
Proposed Zoning: **CS**

Date of Hearing: August 13, 1986
Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall (585-5641)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use - Corridor District.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .3 acres in size and located on the northeast corner of Mingo Road and 62nd Street South. It is nonwooded, flat, vacant and zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east by scattered single-family dwellings zoned RS-3, on the south by vacant land zoned CO, and on the west by scattered single-family dwellings zoned CS.

Zoning and BOA Historical Summary: Past actions have allowed for a gradual change of the character of the area from single-family residential to a mixture of office and commercial uses. CO corridor zoning is the predominant zoning district east of Mingo in this general area.

Conclusion: Based upon past zoning actions and the existing zoning patterns in the area, the requested CS zoning would not be an encroachment into the residential character of the neighborhood. Although the Comprehensive Plan does not support the request, it should be noted the existing CS zoning in the area is well established at this intersection. The subject request does not extend past the existing CS zoning already in place west of Mingo and the total area zoned and committed at the Southeast corner, if this request is approved, is 500 acres and therefore consistent with the Development Guidelines.

Therefore, the Staff recommends **APPROVAL** of CS as requested.

NOTE: If approved, an amendment to the Comprehensive Plan would be necessary.

Comments & Discussion:

Chairman Parmele asked the applicant if he was in agreement with the Staff recommendation and the applicant confirmed that he was in agreement.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughon, Kempe, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Crawford, "absent") to **APPROVE Z-6122 Johnsen (Ryan, et al) for CS**, as recommended by Staff.

Legal Description:

The South 97.5' of Lot 4, Block 3, UNION GARDENS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

PUBLIC HEARING:

CONSIDERATION OF AMENDMENTS TO THE DISTRICT 4 COMPREHENSIVE
PLAN, AS RELATES TO THE TULSA UNIVERSITY SPECIAL DISTRICT
AND SPECIAL CONSIDERATION AREAS.

Ms. Dane Matthews presented an in-depth review of the amendments to the District 4 Comprehensive Plan as to the specific areas involved, and briefed the Commission on the working relationship between the Citizen Planning Team representatives and the TU administration on this project. Ms. Matthews advised this has been reviewed by the TMAPC Comprehensive Plan Committee and their suggestions were incorporated into the amendments. Mr. VanFossen further advised the Comprehensive Plan Committee voted to recommend approval of these amendments to the District 4 Comprehensive Plan. Ms. Matthews submitted the proposed plan text amendments and map of the special consideration areas (attached as an exhibit).

In response to a member of the audience, Ms. Matthews clarified that TU was not requesting anything except for consideration to enlarge their special district. Ms. Matthews reviewed the specific subareas involved.

Ms. Kempe stated she had an interest in Area A but it would not affect her vote, therefore, she would not be abstaining.

Interested Parties:

Address:

Ms. Fran Pace	1326 South Florence	74104
Mr. Eugene Colleoni	1534 South Delaware Avenue	74104
Mr. C.R. Cleveland	8364 South Urbana Avenue	74137
Mr. Stan Keithley	1336 East 20th Street	74120
Ms. Kathy Henzel	827 South Jamestown	74112
Mr. David Heinz	3344 East 4th Street	74112
Ms. Geraldine Nott	2712 East 5th Place	74104
Mr. Charles Norman	909 Kennedy Building	74103
Ms. Wanda Fitzgerald	2720 East 5th Place	74104
Mr. M. Fitzgerald, Jr.	2720 East 5th Place	74104
Mrs. H.L. Brannon	823 South Jamestown	74112
Ms. Gracie S. Cary	1147 South Evanston	74104
Ms. Captola L. Thomas	216 South Florence	74104

Ms. Fran Pace, Chairman of the District 4 Citizen Planning Team advised a study group was formed in the district to review this project, and this group worked closely with representatives from Tulsa University on the amendments. In regard to Subarea B, Ms. Pace stated she felt an important item would be Code Enforcement, and further suggested that the appropriate people to sit on the committees/boards would be people living in the acquisition area, should a public/private partnership be formed. Ms. Pace remarked that all members of the study group were in the consideration areas, and most felt that they stood to gain from a continued upgrading of TU's grounds.

PUBLIC HEARING: TU Special District (Dist. 4) - Cont'd

Mr. Eugene Colleoni, former Chairman of District 4, stated strong concerns as to Skelly Stadium and the parking situation associated with the stadium, as he felt it was denigrating the neighborhoods and residential area. Mr. Colleoni suggested Section 3.2 of the amendments be sent back to INCOG for rewording as relates to Skelly Stadium and associated parking problems.

Mr. C.R. Cleveland, who owns property in this Special Consideration Area, stated he was not sure if he was for or against, as it was still unclear. Mr. Cleveland inquired if TU agreed with the wording. Mr. Doherty advised that, as a member of the study committee, TU did have input on the wording and, at best, it was a compromise made by all concerned, but TU, by and large, did agree. Mr. Cleveland stated interest in any deadline proposals by TU in obtaining property, and also stated concerns as to the provisions for Area B (Section 3.3.8).

Mr. Stan Keithley advised he owns three different properties between Delaware and Birmingham. Mr. Keithley voiced disagreement that TU was trying to establish single family residences and felt that this move would depreciate surrounding property and force the property owners into a position where they would be forced to sell.

Ms. Kathy Henzel stated that, if this request is granted, it should be done on a temporary basis so TU can show what they intend to do. Ms. Henzel voiced concerns in several areas: Section 3.2.3, the wording was hazy; TU was not specific on remedying the parking problems; security has not been addressed on the greenbelt areas; and TU's long term proposal, not just monies for short term. She also felt the neighborhoods were not getting proper notification.

Ms. Kempe asked Ms. Henzel if she attended the Citizen Planning Team meetings, as this was a good opportunity to get information and provide input. Mr. VanFossen stressed that this was a conceptual plan, a guideline, not a specific outline for TU or the area.

Mr. David Heinz advised he did not see a need for the greenbelt area and was concerned about maintaining security in the greenbelt. Mr. Heinz advised he had checked assessment values in five additions of these special areas and the Turner Park has neither enhanced nor detracted from assessment values.

Ms. Geraldine Nott, also a property owner in this area, stated objections to being confined to the zoning that TU prefers. She also objected to the treatment, or lack of consideration given to the neighborhoods.

Mr. Charles Norman, attorney representing TU, agreed with Mr. Doherty's comments that TU does not agree with all aspects of the plan, but they feel this is an acceptable start. Mr. Norman suggested those reviewing the acquisition area pay careful attention to the language of the proposed amendment, which indicates that not all properties within this area area planned for acquisition. Mr. Norman stated that TU was supportive of the statement that they be responsible for the preparation and submission to the TMAPC of a detailed plan for the development of this special acquisition area, and asked that the TMAPC accept the amendment recommendations.

PUBLIC HEARING: TU Special District (Dist. 4) - Cont'd

Mr. Paddock inquired as to a time limit for developing a detailed plan. Mr. Norman replied that four to six months was the time frame given by TU's planning consultants. Commissioner Selph inquired as to the reference in Section 3.2, "TU has stated the intention to purchase no owner occupied units unless the owner wishes to sell, and will purchase all other properties, as available, at their fair market values", and asked Mr. Norman to respond to a comment that there were several properties for sale and no attempt had been made by TU to purchase. Mr. Norman commented that the map indicates the success TU has had in acquiring properties on the east side of Delaware, but the properties to the west are being added by the recommended amendments as a part of the acquisition area. In response to Mr. Draughon, Mr. Norman assured that no one has ever been forced to sell their property, as TU does not have that authority, ability or intent to force a sale, and whatever properties are acquired by TU would be acquired at fair market value. He also stated that when dealing with voluntary acquisition, it puts one in a position where the cost may be more than fair market value, but this too is dependent on a willing seller and a willing buyer.

Ms. Wilson referenced discussions in regard to 3.2.3 "all available tools...", and asked for a comment as to TU's intention. Mr. Norman stated that this reference inferred that TU would explore all avenues for accomplishing the goals for all the areas under consideration, and that was one of the reasons for their willingness to submit a detailed plan. TU does not intend to exclude any technique or method that might be available to accomplish the goals of the subarea districts. Mr. Doherty, as a member of the study committee, added for background information, that the two items upon which the most time was spent were the exact boundaries of the various areas, and what is now paragraph 3.2.3 referencing "all available tools...". There was a very wide divergence of opinion as to what constituted "all available tools", but this paragraph was very carefully worded so as to try to cover the divergence of opinions. Mr. Doherty pointed out, for example, that Mr. Colleoni was vehement about TU doing something about the parking problem, while Mr. Keithly was concerned about the rate the University is laying down asphalt.

Ms. Wanda Fitzgerald, a resident of this area for 31 years who has invested in property with the intention of building, stated concerns as to multi-family housing as she prefers it remain single-family. Ms. Fitzgerald stated she felt there were adequate green areas and she did not want to see more asphalt.

Mr. Doherty commented that one of the concerns expressed by TU and the planning team was that of stabilizing this area as an owner-occupied single-family area. Mr. Doherty added that there was nothing in the plan that indicated that TU would ever force anyone to sell or that they even want to acquire property outside this special acquisition area.

Mr. M. Fitzgerald, Jr. objected to the wording of the text, and was also interested in a time frame proposal from TU. In response to Mr. Paddock, Mr. Fitzgerald stated he heard the comments from Mr. Norman, but he would like to see TU's plan incorporated into the amendment to the District 4 Comprehensive Plan. Mr. Fitzgerald also voiced concerns as to water run-off from any further building.

PUBLIC HEARING: TU Special District (Dist. 4) - Cont'd

Mrs. H.L. Brannon informed the Commission of a TU office in her neighborhood and questioned if they could expect more TU establishments in their neighborhood. Mrs. Brannon, in regard to the consideration area, asked consideration for what? Mr. Doherty explained this consideration area is, more or less, just a flag to indicate that this is an area, adjacent to a major university and is a buffer between this and a residential area, and deserves special care when any zoning or development is considered. Mr. Doherty added the University does not now have, nor will they have, under this plan any special right or rights different from any other property owner.

Ms. Gracie Cary, also a property owner in this area, strongly opposed this plan and requested it go back to the planning team and INCOG for further consideration before a final decision is made.

Ms. Captola Thomas advised she owns four pieces of property in a one block area and she, too, requested this be continued in order to let the neighborhood learn more about this plan.

Commission Comments & Discussion:

Chairman Parmele stated he thought everyone had ample time to be aware of this through the district planning team process and the Comprehensive Plan Committee meetings to participate in the discussions. Ms. Wilson commented that this might have been the intention, but it appeared this topic has raised enough discussions that it might need to be continued.

Mr. Doherty stated disagreement with Ms. Wilson, as this planning team has been in place for a number of years and holds well publicized meetings where participation is solicited from the entire district. Mr. Doherty further commented that time has been given to those wishing to speak, there were a number of points raised and heard, but now is the time to address them. Commissioner Selph agreed with Ms. Wilson in that some of the interested parties stated they were not aware of this meeting and he questioned what attempts were made to meet with the neighborhood, once these amendments were developed, as he felt there were a lot of misconceptions as to what this is about. Mr. Draughon stated agreement with Commissioner Selph and felt this hearing should be continued.

Mr. VanFossen stated he does not agree and felt this had just been misunderstood, and he felt the plan, as a concept plan, was adequate. Commissioner Selph asked Mr. VanFossen his feelings on having the matter continued to allow Staff time to meet with the residents to clear up any misunderstandings. Mr. VanFossen stated he would have no objection.

Mr. Paddock inquired of Ms. Matthews as to clarification on 3.2.3, "all available tools" and as to TURA's involvement. Ms. Matthews commented that there were not hidden meanings as they tried to cover all bases; this could involve state, federal, city, etc. Ms. Matthews, in response to Mr. Paddock, stated that eminent domain could not be involved at this point as the University does not have eminent domain, but TURA and the City could have

PUBLIC HEARING: TU Special District (Dist. 4) - Cont'd

it, as they always do. Ms. Matthews stressed that, of all the plan updates she has dealt with, this plan has had the best, most well-rounded representation. It is difficult, when dealing with this variety of people to get a consensus, but several hours of time and effort were invested in this project.

Ms. Kempe inquired, if a vote were taken today, if it would be possible to instruct Staff to have meetings with the neighborhoods to provide better understandings of the general plan, and perhaps TU's more specific plan, when prepared. Chairman Parmele stated agreement with this suggestion and added that, as stated in paragraph 3.2, TU is responsible for submission of a specific plan that is to be approved by the TMAPC, and that would be an appropriate time for further neighborhood meetings/discussions about the specific details of any plan that is to be approved. Chairman Parmele reiterated that this is a concept plan, a general guideline, and not meant to be interpreted as a specific or detailed plan. Commissioner Selph disagreed as he stated he would like to see the neighborhood meetings held before adoption. Ms. Wilson agreed with Commissioner Selph, and added she felt it would be in the best interest to continue and allow the community to clear up their misunderstandings.

Mr. Paddock agreed with Commissioner Selph and Ms. Wilson and stated that, if forced to vote today, he would be voting against it; therefore, he was in favor of a continuance. Mr. Carnes made a motion to continue for four weeks and instruct Staff to arrange meetings with the neighborhoods. Chairman Parmele and Ms. Kempe stated opposition to this motion.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-4-0** (Carnes, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Doherty, Kempe, Parmele, VanFossen, "nay"; "abstentions"; Crawford, "absent") to **CONTINUE Consideration of the Public Hearing on the District 4 Comprehensive Plan, as relates to the Tulsa University Special District and Special Consideration Areas** until Wednesday, **September 10, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center, and to instruct the INCOG Staff to arrange or conduct meetings with the neighborhood residents, in an effort to clear any misunderstandings.

OTHER BUSINESS:

PUD 343-1: West of the SW/c of South Memorial and East 81st Street South
Development Area C

Staff Recommendation: Minor Amendment/Lot Split #16735 and Detail Site Plan

The subject PUD is located west of the southwest corner of South Memorial and East 81st Street and has been approved for various types of office, commercial, and recreational uses. This particular application addresses Area C-North which has been approved for principal and accessory uses permitted as a matter of right in an OL District including a health club and related medical and exercise facilities. The proposed Detail Site Plan is for a two story health club facility with a floor area of 33,000 square feet; permitted floor area would be 50,000 square feet.

Minor Amendment: The minor amendments requested are as follows:

1. An amendment of the maximum building height of 35 feet to permit the raised roof area of 3,465 square feet over the second floor racquetball courts to have a maximum height of 39 feet with the remainder of the building to remain limited to 35 feet maximum.

Staff finds this to be a minor request considering that the height limit is exceeded for only 10.5% of the total floor area and the elevation plans indicate there will be no significant impact on abutting development.

2. The approval of lot split (LSN #16735) providing for transfer of .519 acres of Lot 2, Block 1 to the owner of Lot 3, Block 1, Echelon Center, to provide sufficient area for the required number of parking spaces within Lot 3 subject to a tie agreement prohibiting the subsequent conveyance of the .519 acres except as a part of the conveyance of Lot 3, Block 1.

Staff finds this request for lot split and tie agreement to be minor in nature and a normal part of the typically required adjustment of Development Area boundaries at the time of design.

Therefore, Staff recommends APPROVAL of the minor amendment and Lot split #16735 as requested, subject to the following conditions:

1. All development shall be in accordance with the submitted plot plans and elevations;
2. Subject to approval of the Department of Stormwater Management;
3. Subject to execution and filing of the tie agreement with lot split #16735.

Detail Site Plan: Development Area C is further divided into Area C-North and Area C-South. The North area includes the physical improvements, buildings, and parking areas related to the permitted uses. The South area is to be dedicated to open space, drainage way, outside jogging and biking trails and some of the required livability space for PUD 215. The

general boundaries of the South area are included on the Detail Site Plan, although no improvements of these areas is specified. It is understood that an Amended Detail Site Plan will be submitted for Area C-South at a later date.

Area C-North includes the 33,000 square foot building which will be devoted to a health club, and related medical and exercise facilities, an enclosed gymnasium, racquetball courts, swimming pools and accessory uses. The Detail Site Plan includes elevations of the proposed structures.

Staff recommends **APPROVAL** of the Detail Site Plan for Area C subject to approval of PUD 343-1 and the following conditions:

1. That the submitted plans and elevations be made a condition of approval unless modified herein.
2. **Development Standards — Area C-North**

Land Area (Gross): 3.11 acres
plus LSN 16735

Permitted Uses: Principal and accessory uses permitted as a matter of right in the OL District and health club and related medical and exercise facilities, including enclosed gymnasium, racquetball courts, swimming pools, outside jogging and biking trails and exercise facilities.

	<u>Approved</u>	<u>Submitted</u>
Maximum Floor Area:	50,000 sf	33,000 sf
Maximum Building Height:	35' and 39' per PUD 343-1	Same
Minimum Building Setbacks:		
from Centerline of E. 81st	80'	Meets
from West boundary	70'	Meets
from Area "B"	10'	Meets
Minimum Off-Street Parking:	As required per Use Unit	Use Unit 19 -- 1 space per 225 sf of floor area total
Minimum Open Space:	20%*	Exceeds*

- * Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

Development Area C-South:

Land Area (Gross) 6.27 acres (approx.)

Permitted Uses: Open Space, drainageway, outside jogging and biking trails and required livability space for PUD 215, Area C.

Subject to an Amended Detail Site Plan to be submitted at a later date for Area C-South.

3. That all trash, utility and equipment areas shall be screened from public view.
4. That a Restrictive Covenant be filed of record in the County Clerk's Office allowing the residents of PUD 215 Development Area C unrestricted use of PUD 343, Development Area C-South.
5. That a Detail Landscape Plan be submitted for each development subarea to the TMAPC for review and approved prior to issuance of an Occupancy Permit including landscaping described in the approved PUD Text.
6. All signs shall comply with the restrictions of the PUD ordinance and the following additional restrictions:

Area C-North: One ground sign not exceeding 32 square feet in display surface area, 8' tall and 16' long. Illumination, if any, by constant light.

Area C-South: Detail Sign Plan approval by the TMAPC is required prior to installation.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Crawford, "absent") to **APPROVE Minor Amendment/Lot Split #16735 and the Detail Site Plan for PUD 343-1**, as recommended by Staff.

PUBLIC HEARING:

CONSIDERATION OF AMENDMENTS TO THE TULSA CITY-COUNTY MAJOR STREET AND HIGHWAY PLAN, A PART OF THE COMPREHENSIVE MASTER PLAN FOR THE TULSA METROPOLITAN AREA, BY ESTABLISHING AND LOCATING A ROUTE FOR THE CREEK FREEWAY, DOWNGRADING EAST 91st STREET FROM A PARKWAY TO A SECONDARY ARTERIAL STREET AND RELATED ITEMS.

Chairman Parmele announced there were approximately 40 people who wished to address the TMAPC on this matter and asked the Commission to consider imposition of a time limit per speaker. The TMAPC voted 10-0-0 for a three minute time limitation, clarifying that questions/answers from the TMAPC members would not be included in the three minutes limitation. Chairman Parmele then read the following items under consideration:

- 1) Establish and locate a route for the Creek Freeway beginning at the termination of the Mingo Valley Freeway at East 91st Street South (between Mingo Road and Garnett Road), extending west to intersect with Riverside Parkway;
- 2) Downgrade East 91st Street South from a six lane parkway to a secondary arterial street;
- 3) Upgrade South Yale Avenue, between 91st Street and the Creek Freeway, from a secondary arterial to a primary arterial street;
- 4) Extend the Creek Freeway west of the Arkansas River through Jenks, Oklahoma (south of the original townsite), west to intersect with the Okmulgee Beeline, and continuing west to the Tulsa/Creek County Line;
- 5) RECONFIRM the following amendments approved by the TMAPC January 8, 1986 by Resolution No. 1581:613, as listed below:
 - a) Delete the secondary arterial classification for South Harvard Avenue from East 91st Street to East 96th Street;
 - b) Designate South Harvard Avenue from East 91st Street to East 96th Street as a Residential Collector Street;
 - c) Designate North 49th West Avenue from Edison Street to 86th Street North as a Secondary Arterial Street;
 - d) Designate 86th Street North from Cincinnati to the Osage Expressway north of Delaware Creek to a Primary Arterial Street;
 - e) Designate 101st East Avenue from 21st Street South to 31st Street South as a Secondary Arterial Street.

Staff Recommendation:

Mr. Jerry Lasker, Executive Director - INCOG, defined and clarified the two plans under consideration on this matter, the Long Range Transportation Plan (under the jurisdiction of the INCOG Board), and the Major Street and Highway Plan (under the jurisdiction of the TMAPC), and presented a brief history of actions on this issue. Mr. Lasker reviewed the technical

PUBLIC HEARING: Creek Expressway - Cont'd

aspects of considering all of the possible alternatives, and advised the studies indicate that the 96th Street route is the best alternative on technical merits, which was also reaffirmed by the recommendation from the Tulsa Metropolitan Area Transportation Study (TMATS) Technical Advisory Committee. The TMATS Policy Committee, July 31, 1986, changed their position to also support the 96th Street route. Mr. Lasker stated that unity on a local level was needed for whatever alternative was selected in order to get the project funded and constructed.

Mr. Tom Kane, INCOG Staff, presented an overview of the testing of the various models by the INCOG Staff on this project, which involved testing two alternatives for the 96th Street route and three alternatives for the Diagonal route. Mr. Kane described these options in detail and reviewed the materials presented to the TMATS Technical Advisory Committee and Policy Committee. Mr. Kane advised the numbers support the 96-A alternative as the best option to be implemented for the Long Range Transportation Plan. Mr. Kane, in reply to Ms. Wilson, reviewed the formulas used in arriving at the cost figures and discussed the air quality impact of the various alternatives.

Mr. Bob Gardner, Deputy Director - INCOG, presented a review of the history and purpose of the Major Street and Highway Plan. Mr. Gardner, in an effort to answer questions raised at the two TMATS meetings, commented that the TMAPC and INCOG Staff have been advised by the City Legal Department over the years that:

- 1) Dedication of freeway right-of-way cannot be required of a private property owner in the zoning and platting process.
- 2) Freeway right-of-way must be purchased by the public and preserved for future construction since these costs are **not** specifically and uniquely attributable to the development of private property.
- 3) Reasonable use of private property must be permitted the property owner unless the public is willing to purchase the necessary right-of-way and hold it for freeway construction.

Mr. Gardner, in summary, stated that everything that could be done, short of using public funds to acquire land, has been done, to protect the planned Creek Freeway right-of-way, and every measurable factor supports the 96th Street location.

State and/or Political Comments:

Chairman Parmele next called on **Commissioner Paul Patton, Oklahoma Transportation Commission**. Mr. Patton addressed the question of the State's commitment on this issue by advising of a meeting with Mr. Vernon Bradley, Director of the State Transportation Commission, whereby Mr. Bradley gave assurance that, if the planning process continues and is completed on an approved route and is presented to the Department of

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Transportation, every effort would be made to see that the request for functional engineering and right-of-way plans is presented at their October meeting. Upon receiving that request, Mr. Patton stated he felt confident it would be approved, as the Governor has indicated support of the necessary Environmental Impact Studies. Mr. Patton added that the Governor's office, the Department of Transportation and the Transportation Commissioner have all expressed support of moving forward to provide funding for right-of-way protection.

Mr. Patton referred questions from the Commissioners as to funding, availability of funds, etc. to **Mr. Monty Murphy, Deputy Director - Oklahoma Department of Transportation**. Mr. Murphy referenced a letter from Mr. Bradley, stating the Oklahoma Department of Transportation (ODOT) supports the recommendation of the TMATS Technical Advisory Committee and Policy Committee (for 96th Street). Mr. Murphy added that ODOT's support is based on the INCOG staff reports, the cost volume analysis, average speed, fuel usage, operating costs, vehicles hours of travel, etc. Mr. Murphy stated that, should the City take the necessary actions to restore the Creek Expressway as an element of the expressway system plan and designate the route as a major priority of the jurisdictions involved, the ODOT was prepared to recommend to the Transportation Commission the programming of the preliminary engineering necessary to establish right-of-way needs and the design features, such as grades, geometrics, cross sections, etc. Mr. Murphy added that ODOT would also, within the constraints imposed by funding availability and the Transportation Commission, work with the local jurisdictions to protect right-of-way. He emphasized that ODOT is not in a position, at this time, to make any commitment as to the future funding of the actual construction of the expressway, but that the intent is to protect right-of-way from future encroachment.

In reply to Mr. VanFossen as to funding for right-of-way acquisition usually being provided by city, not state funds, Mr. Murphy explained that where there is a state highway involved inside a city, the state is responsible for the right-of-way. However, as most are aware, that is not always the case. Mr. Murphy continued with Mr. VanFossen's question by referring to Mr. Bradley's letter, stating ODOT would work with the local units of governments, depending on the funding, to protect the right-of-way, but there were some provisions for right-of-way protection in the process.

Mr. Doherty inquired as to what highway designation might be applied and the process for this designation. Mr. Murphy advised that it would have a state highway designation, and as the Transportation Commission has the total jurisdiction to add or remove roads from the highway system, it would have to be at their action. Mr. Doherty then asked if, since ODOT has been reluctant to add more miles to the state highway system, they would make an exception and recommend to include the Creek highway on the state highway system. Mr. Murphy, in summary, stated that they have already counted on it as being under ODOT's jurisdiction; therefore, the answer would be yes.

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Mr. Draughon, in regard to Mr. Murphy's statement that ODOT would take part in protective acquisition, asked if that meant they would fund it or if this might be another euphemism that meant something else. Mr. Murphy commented that that is their intention, but considering the shortness of available state highway funds, the Commission is very hesitant to commit total state funds to anything. Mr. Murphy continued by stating that, in order to do acquisition, they have to go through the federal requirements of the engineering and preparation of the Environmental Impact Statement. Mr. Murphy pointed out, as indicated in Mr. Bradley's letter, ODOT is willing to do this, but added that there were provisions for protective buying ahead of that process, but he was not committing the Department.

Ms. Wilson, commenting that the rumor was ODOT would only fund the 96th Street route, asked Mr. Murphy if it made a difference to ODOT as to how aggressively they would pursue the funding for acquisition of right-of-way. Mr. Murphy answered it did not make a difference, but it was his understanding that the only route being presented today was the 96th Street route, as recommended by the previous Committees. Mr. Murphy added that the 96th Street route is the only one that they have seen that generates traffic which would warrant an expressway. He stated the traffic volumes of the diagonal route (19,000 to 20,000) would not generate enough traffic to be classified as an expressway; therefore, they could not use federal funds. Ms. Wilson then inquired how critical the mileage of the proposed Creek Expressway might be to the state maps and the state's calculation in obtaining federal funds. Mr. Murphy advised that, as far as he knew, mileage for the Creek Expressway would not affect the amount of federal highway funds that the state receives.

In response to Mr. Carnes, Mr. Murphy stated that the traffic figures used by INCOG is a projected 20 year volume, and ODOT would establish their design standards based on these projections.

Mr. Charles R. Ford, Oklahoma State Senator, next addressed the Planning Commission by reviewing the history, since 1961, of the planning going into the highway system for the south metro area, and stated he felt it was premature to make any decisions that would affect Bixby, Coweta, Broken Arrow, etc. Senator Ford requested that a decision on this matter not be made as he did not feel the plan, as submitted, was a total plan to accommodate all of the metro area, specifically the south metro area.

Mr. Paddock asked Senator Ford how he would account for the fact that the representatives from the Cities of Jenks, Bixby, Sapulpa, etc. all voted in favor of the 96th Street as a part of the Long Range Transportation Plan. Mr. Paddock remarked he was interpreting the Senator's statements to mean that this should be a part of the Long Range Transportation Plan, and if so, that Plan is not under the jurisdiction of the TMAPC but the TMATS Policy Committee and the INCOG Board. The TMAPC is involved with the Major Street and Highway Plan as it relates to the City of Tulsa and the unincorporated areas of Tulsa County. Senator Ford replied that these people voted for it because they were offered no additional options.

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Mr. Ronald LaPelle

5253 East 97th Street 74137

Mr. LaPelle stated he felt the study submitted by INCOG may not be correct. In addition, Mr. LaPelle stated that nothing has changed since the decision made last November, and he was still opposed to the 96th Street route.

Mr. Roy Hinkle

5556 East 113th Street 74136

Mr. Hinkle advised he lives near the Diagonal Route, and at the time he purchased his house, he examined the maps to verify where the expressway was proposed. Mr. Hinkle stated, as a zoning attorney, he has advised people of the proposed 96th Street Corridor. In reply to Ms. Wilson, Mr. Hinkle stated he did not think an expressway at 96th Street was necessary.

Ms. Billie Loshbaugh

1915 East 52nd Street 74105

Ms. Loshbaugh, representing residents of Pine Crest, stated opposition to the option Diagonal-C alternative.

Mr. Bill Darr

5113 East 97th Street 74137

Mr. Darr stated he felt a more southerly route at a later date would be a better alternative. He also felt the north/south traffic problems should be addressed, rather than the east/west problems.

Mr. James Addington

5007 East 97th Place 74137

Mr. Addington, an engineer with 36 years experience, stated he disagreed with the reports presented today. He stated opposition to the 96th Street route and asked if the property adjacent to I-44 was as developed as the 96th Street Corridor when that road was built.

Mr. Ben Latham

9622 South Maplewood 74137

Mr. Latham, President of Mill Creek Homeowners Association, agreed that not enough consideration has been given to this issue as to a more broad, and southerly route and stated he was not convinced that the 96th Street route was the best alternative. Mr. Latham stated he felt the 91st Street Parkway would be sufficient for southeast Tulsa traffic.

Mr. Harvey Gaspar

5525 East 113th 74137

Mr. Gaspar advised he was against any 121st Street alternative as he felt this was conceived to bypass the 96th Street issue. Mr. Gaspar stated concerns about the existing drainage problems in the 121st Street area. He commented he felt neither alternative was acceptable.

Mr. C.M. Reinkemeyer

4032 East 111th 74137

Mr. Reinkemeyer discussed the hydrocarbons issue and addressed questions to INCOG as to the slight differences in the cost for the Diagonal Route and the 96th Street route. He also expressed objections to the data included in the formulas.

Mr. Bill Latting

9404 South Lakewood 74137

Mr. Latting stated opposition to the 96th Street route alignment and voiced concerns about the integrity involved on this issue.

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Ms. Ann Johnson 6136 East 97th Street 74137
Ms. Johnson, a resident of Mill Creek Pond, expressed her opposition to the 96th Street alignment.

Mr. Mike Yeats 1010 E. 121st Street 74107
Mr. Yeats advised he was opposed to the Diagonal Route going through 121st Street and he did not feel there has been proper notification.

Ms. Anka Baker 5038 South 97th Street 74137
Ms. Baker voiced concerns about the statements made by INCOG and stated she did not feel that just technical aspect should be considered, as the social impact must also be considered. Ms. Baker was also opposed the 96th Street route.

Mr. Gary Cameron 9909 South Quebec 74137
Mr. Cameron advised he had strong exception to the INCOG report and was opposed to the 96th Street route.

Mr. Jim Walters 9631 South Urbana 74137
Mr. Walters, as a resident in the 96th Street Corridor, also spoke in opposition to this alignment.

Ms. Donna Puckett 4203 East 96th Place 74137
Ms. Puckett had strong concerns as to the 96th Street route and joined those in opposition to this expressway location.

Chairman Parmele announced all those who had signed to speak have spoken and the TMAPC voted 10-0-0 to close the public hearing portion on this issue, and proceed with the review session by Commission members.

TMAPC Comments & Discussion:

Mr. VanFossen commented the TMAPC has no jurisdiction over the Long Range Transportation Plan being considered by other agencies. Since the Long Range Transportation Plan does, by law, determine the use of state and/or federal funds, the decision on that Plan would provide important input on TMAPC's consideration. Therefore, Mr. VanFossen made a motion that TMAPC continue their consideration until September 10th, with the expectation of receipt of that information.

Mr. Carnes stated, before voting on a continuance, he would be interested in getting some thoughts on this from the other TMAPC members. As he made the motion at last November's meeting, Mr. Carnes advised he has not been shown any reason to reactivate the 96th Street route. Mr. VanFossen commented that the TMAPC has been told many times that the two Plans (Long Range Transportation Plan and the Major Street and Highway Plan) should be in compliance, regardless of final placement. Therefore, if the TMAPC does not have jurisdiction over those areas outside of the City, it is important to wait and see what the agencies, who do have the jurisdiction, decide to do so the TMAPC can be better equipped to make their decision.

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Chairman Parmele commented he would consider a request for continuance based on the fact that the TMAPC has received a great amount of information and input at today's meeting, some of which they have not had an opportunity to review. For that reason, he would be interested in more time to make up his own mind.

Mr. Doherty also agreed with a continuance request as he was wanting some additional information from Staff. Mr. Doherty expressed his personal resentment to the personal nature of some comments against the speakers and especially against the staff, as the staff is charged with the responsibility to take the facts available, draw the best conclusion they can, and make a recommendation, not a decision. Mr. Doherty stated he felt they have done this quite well. Mr. Doherty continued by stating there was some confusion as to the funding issue, and he felt this should be addressed and would like some written comment from the appropriate bodies (Oklahoma Transportation Commission and ODOT).

Ms. Wilson agreed with Mr. Carnes that there really has not been any significant changes from the November vote. Although she could understand why some Commissioners might want to continue deliberations, Ms. Wilson commented the City officials have not taken a position, in a public sense, in that most of those on the TMATS Policy Committee abstained.

Chairman Parmele, addressing Mr. Lasker, stated the TMAPC inserted itself in the process prior to the INCOG Board which will meet tomorrow (August 14th), and he wondered what difference or affect there might be if the TMAPC does (or does not) reach a decision this date. Mr. Lasker stated that, if the TMAPC did reach a decision, it would certainly be taken into account by the INCOG Board members. Commissioner Selph interjected that, as a member of the INCOG Board, he had urged the Commission to have this public hearing to provide public input prior to the INCOG Board. Commissioner Selph continued by stating that, while not wishing to prolong the process, he agreed that time should be given to the TMAPC to review the information submitted by public and staff at this meeting, before making a decision.

Mr. Paddock remarked that it was coming down to a matter of, (1) do we need an expressway; and (2) if the answer is yes, then it is whether it should be the 96th Street Route or the Diagonal Route. Mr. Paddock advised that he was persuaded that if there is to be an expressway, it should not be on the Diagonal Route. Mr. Paddock, referencing a letter received from the Mayor which he has not had a chance to review, along with the fact that there was a lot of other information to review, and as expressed by other Commissioners, stated he would be in favor of a continuance.

Mr. Carnes reiterated that the TMAPC did make a unanimous vote in November which led the people to feel confident that the TMAPC had expressed their desires on this matter, and he did not feel it was fair to come back nine months later and still not provide an answer.

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Ms. Kempe stated that she felt the public would rather have the TMAPC make a well considered, thought out judgement, rather than vote in haste. Therefore, she stated favor of a continuance.

Chairman Parmele commented that the TMAPC has a very difficult decision to make, and regardless of what is decided, there will be some unhappy people. But it is up to the Planning Commission to consider, not only what the public has said, and what Staff has stated, but also consider the City and County of Tulsa before a decision is made.

Mr. Draughon stated agreement with Chairman Parmele and stressed, for those in attendance, that what is being considered for continuance is the TMAPC review session. Mr. Draughon inquired of Staff as to the September 10th agenda, and Staff advised that the TU Special District Study had been continued to that date and suggested this review session be continued to September 3rd. Therefore, Mr. VanFossen amended his motion to continue to September 3rd.

TMAPC ACTION: 10 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-1-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; Carnes, "nay"; "abstentions"; Crawford, "absent") to **CONTINUE Consideration of the TMAPC Review Session on the Amendments to the Tulsa City-County Major Street and Highway Plan, as relates to the Creek Expressway and Related Items, until Wednesday, September 3, 1986 at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.**

Additional Comments and Discussion:

Chairman Parmele thanked those who attended today, and reiterated that the September 3rd meeting is not a public hearing, but a public meeting. The difference being that the TMAPC will not accept public input at that meeting. Ms. Kempe confirmed that it would be appropriate to accept written information. Mr. Paddock requested Staff to provide their comparison of the 96th Street Expressway versus a 91st Street Parkway, and submit their opinion as to whether or not we need an expressway.

There being no further business, the Chairman declared the meeting adjourned at 9:02 p.m.

Date Approved

8-27-86



Chairman

ATTEST:



Secretary