TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1698 Wednesday, **May 25, 1988,** 1:30 p.m. City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT Carnes Coutant, Secretary Draughon Kempe, Chairman Paddock, 2nd Vice-Chairman Wilson Woodard MEMBERS ABSENT Doherty Harris Parmele Randle STAFF PRESENT Frank Gardner Setters OTHERS PRESENT Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 24, 1988 at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:30 p.m.

MINUTES:

Approval of the Minutes of May 11, 1988, Meeting #1696:

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Parmele, Randle, "absent") to **APPROVE** the **Minutes of May 11, 1988**, Meeting #1696.

Approval of Correction to the Minutes of April 27, 1988, Meeting #1694:

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Parmele, Randle, "absent") to **APPROVE** the Correction to the Minutes of April 27, 1988, page 9, to add the motion closing that part of the public hearing pertaining to spacing requirements for sexually-oriented businesses, and continue that portion of the hearing relating to other aspects of the regulation of sexually-oriented businesses until May 11, 1988.

Chairman's Report:

Chairman Kempe requested a follow up report on the status of Senate Bill 602, as previously reviewed by the Rules and Regulations Committee (see 5/18/88 TMAPC minutes). Mr. Paddock advised the bill, per Mr. Richard Cleverdon of the Tulsa Bar Association, had passed the Senate and House the day after TMAPC review. Mr. Paddock stated that Mr. Cleverdon had interpreted that Senate Bill 602 with the House amendments did not include subdivision plats, as the language in the bill was "deed or conveyance". Staff reported that the TMAPC concerns had been communicated to Representative Russ Roach.

Committee Reports:

Mr. Carnes announced the **Comprehensive Plan Committee** had a meeting scheduled this date following the regular TMAPC meeting to consider matters related to the District Citizens Planning Team.

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to consider an amendment to the TMAPC Rules of Procedure to clarify that members whose terms have expired will continue to serve until reappointed or until their successor is appointed. On motion of Mr. Paddock, the TMAPC voted unanimously to APPROVE the modification to Section 1(B) of the TMAPC Rules of Procedures, as recommended by the Committee, and as follows:

"Members selected by the Mayor and Board of County Commissioners shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the official appointing the original holder of said membership. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office."

Mr. Paddock commented the R&R Committee had also reviewed the Open Meeting Law and Zoning Code amendments relating to manufactured housing, and would be meeting again on June 15th to continue discussions on manufactured housing. Ms. Kempe announced copies of the Open Meeting Law would be forwarded to the Commission members.

Chairman Kempe advised the Budget & Work Program Committee would be meeting on Wednesday, June 1st at 11:30 to continue review of the FY88-89 budget and work program.

Application No.:Z-6197Present Zoning: RS-3Applicant:HillProposed Zoning: ILLocation:SW/c of East Apache Street and North Kingston AvenueDate of Hearing:May 25, 1988Presentation to TMAPC by:Mr. Joe Hill, Box 582503, 74158(834-1220)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -Residential.

According to the Zoning Matrix, the requested IL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .82 acres in size and located at the southwest corner of East Apache Street and North Kingston Avenue. It is partially wooded, gently sloping, vacant, and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north across East Apache Street by the Gilcrease Expressway and mostly vacant property zoned RS-3 and IL; on the east across North Kingston Avenue by both commercial and residential uses, zoned CS; and on the south and west by vacant property, zoned RS-3.

Zoning and BOA Historical Summary: All concurred in approval to rezone the tract to the east across North Kingston Avenue from RS-3 to CS.

Conclusion: Review of the Staff recommendation for Z-4156 shows support for commercial zoning based on it's location at the intersection of East Apache Street and the Gilcrease Expressway. The Staff recommendation goes on to say, ... "Staff supports commercialization of the major intersection only, and in no way should this recommendation be construed as support for retail stripping west of the major intersection along Apache." Staff finds the requested IL zoning as a start of strip zoning as well as departing from the commercial intensity with a more intense designation. Based on the Comprehensive Plan and previous zoning decisions, Staff cannot support the requested rezoning.

Therefore, Staff recommends DENIAL of IL zoning.

Applicant's Comments:

Mr. Joe Hill advised he wished to build some metal buildings to rent to airport related businesses for storage, etc. He pointed out that there were no residents along this portion of the street, and there were several other metal buildings in this area serving the aircraft industries. In response to Mr. Coutant, Mr. Gardner reviewed the current IL zoning across from the subject tract to the north. He added that Staff's basis for denial was the Comprehensive Plan and the feeling that there were other land uses that could be supported under the Plan without going all the way to industrial. Mr. Gardner pointed out that the shape of the tract indicated that the frontage lots were completely different than the interior lot which faced residential dwellings. Therefore, should the Commission feel inclined to approve a zoning change, the southern lot did not have the same physical facts as the frontage lots.

Mr. Paddock inquired as to why the properties on either side of the Gilcrease Expressway would not qualify for Corridor zoning. Mr. Gardner commented that the properties south of Apache would not meet the definition for corridor, and the properties on the north and east of the Expressway were already designated IL. He added that the Commission, upon review of the physical facts, could make the determination that this was no longer a residential area.

Mr. Carnes remarked that he felt this area was in a transition phase with the influence of the airport industry, and he felt inclined to support IL zoning. Ms. Wilson suggested IL zoning on the three lots fronting Apache and keeping RS-3 zoning on the southern lot; Mr. Carnes agreed. Mr. Hill advised that he was intending to use the southern lot for parking. Mr. Gardner clarified that there was a provision in the Code which states that property which abuts industrial, commercial or office could be granted a special exception for off-street parking, but this would require BOA approval.

Mr. Paddock, Mr. Draughon and Staff voiced a preference for keeping RS-3 zoning on the southern lot and going to the BOA for a parking special exception. Mr. Gardner confirmed that Parking rezoning could not be considered at this time as it was not advertised. Mr. Paddock then inquired, should the southern lot not be rezoned, if there was anything to prevent the applicant from using the lot for parking. Mr. Gardner stated the applicant must seek BOA approval for any parking use.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Carnes, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Doherty, Harris, Parmele, Randle, "absent") to **APPROVE Z-6197 Hill** for IL zoning on the three northern lots, with RS-3 remaining on the southern lot.

Legal Description:

IL Zoning: Lots 1, 2 and 3, Block 2, AUDAS ADDITION to the City of Tulsa, Tulsa County, Oklahoma. (Note: Lot 6 of this application to remain zoned RS-3.)

Application No.:PUD 232-A (Abandonment) & Z-6198Present Zoning: RS-3, RM-1Applicant:JohnsenProposed Zoning: CS & RM-1Location:North side of West Pine Street at North Union AvenueDate of Hearing:May 25, 1988Presentation to TMAPC by:Mr. Roy Johnsen, 324 Main Mall(585-5641)

NOTE: PUD 232-A is a request to abandon PUD 232 and retain the underlying RM-1 zoning. Z-6198, if approved, would create a Type I Node (467' x 467') of CS zoning at the northwest and northeast corners of West Pine and North Union.

Relationship to the Comprehensive Plan:

The District 11 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Low Intensity - No Specific Land Use.

According to the Zoning Matrix, the requested CS District per Z-6198 is in accordance with the Plan Map and Text subject to a PUD, and the existing RM-1 District is a may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: PUD 232-A is 13.18 acres in size located at the northwest corner of West Pine Street and North Union Avenue, is partially wooded, steeply sloping, vacant, and has underlying RM-1 zoning.

The subject tracts being considered for CS zoning are located at the northeast and northwest corners of West Pine Street and North Union Avenue, gently sloping, vacant, with the northwest corner being zoned PUD 232-A/RM-1/RS-3 and the northeast corner zoned RM-1.

Surrounding Area Analysis: The subject tracts for PUD 232-A and Z-6198 are abutted on the north by both vacant property and single family dwellings zoned RM-1 and RS-3; on the south across West Pine Street by single-family dwellings zoned RS-3, and on the east and west by vacant property zoned RM-1.

Zoning and BOA Historical Summary: Zoning patterns in this general area include both RM-1 (with and without a PUD), and RS-3.

Conclusion: The nodal portions of the subject tracts are planned for Medium Intensity - No Specific Land Use subject to a PUD, based on a recent amendment to the District 11 Plan. This amendment also included redesignation and down zoning of the northwest corner of West Pine and the Osage Expressway from medium to low intensity to recognize its public ownership and use as a detention pond (see Z-6199). The request to retain the underlying zoning of RM-1 in conjunction with abandonment of PUD 232 is consistent with zoning patterns in this immediate area.

Therefore, Staff recommends **APPROVAL** of abandonment of PUD 232-A while retaining the underlying RS-3 and RM-1 zoning, and approval of Z-6198 for a Type I (467! \times 467!) medium intensity node at the northeast and northwest corners of West Pine and North Union.

STAFF NOTE: The Comprehensive Plan for District 11 contains the following requirements:

- 4.4.1.2.5 The medium intensity designations at the northeast and northwest corners of West Pine and Union should be limited to ten acres (one 5-acre node at each corner).
- 4.4.1.2.6 Before release of any subdivision plats or building permits for the nodes at the northeast and northwest corners of West Pine and Union, a PUD shall be filed and approved. Uses permitted in the PUD should be limited to neighborhood-serving office and retail.
- 4.4.1.2.7 At such time as the West Pine/Union nodes are rezoned to a Medium Intensity classification, the CS-zoned property at the intersection of the Osage Expressway and West Pine should be downzoned to an R or an AG classification.

Applicant's Comments:

Mr. Roy Johnsen advised he was representing the applicant, Gilcrease Hills Development Company. He reviewed the history of development in this area, as well as the land dedication near the expressway which had been dedicated with the understanding that the existing commercial could be relocated to the area at Pine and Union, as referenced by the amendments to the District 11 Plan (above). Mr. Johnsen assured that at the time of development a PUD would be submitted for TMAPC review and notices would be given to the neighborhood. In reply to Mr. Paddock, Mr. Johnsen stated that preliminary plans for a PUD had been done, but some factors affected by key users had not yet been resolved; therefore, the applicant was not ready to come forward with a PUD at this time.

Interested Parties:	Address:	
Mr. Curtis M. Proud	1935 North Nogales	74127
Ms. Kathryn B. Hinkle	1730 West Virgin Street	99
Ms. Janet Larsen	1434 North Union	11
Mr. Larry Duke	1919 West Seminole	11
Mr. Thomas Bingham	1716 North Union	ŧ1
Mr. T.H. Shinn	1429 North Waco	TT

Mr. Curtis M. Proud requested a 60 day continuance to allow time for various homeowners to work with the developer and Staff on specific safeguards, restrictive covenants, land use controls, etc. Mr. Proud advised he was past president of the Gilcrease Homeowners Association, but he was only representing himself and two other residents today. He stated his concern was that the literature and brochures used as selling tools for the Gilcrease Hills area assured future residents that they would know what would be built or could go in on adjacent property through restrictive covenants, restrictive land uses, etc. and that these controls helped to maintain the quality of life offered by this subdivision. He felt that, should the applicant's requests be granted, it would go against what these brochures offered as incentives, and would go against the Gilcrease Hills Master Plan.

Mr. Proud clarified for Mr. Paddock that the restrictive covenants were private. Ms. Wilson stated that it appeared the homeowners were more interested in restrictive covenants and private agreements than going through the public processes. Ms. Wilson inquired if Mr. Proud was opposed to any kind of commercial development in this area. Mr. Proud agreed that the subject tract was a good place for commercial and the Gilcrease Hills Development Company had dealt in good faith with the residents. However, he wanted to have in place certain prohibitions and restrictive covenants for the resident's protection. In reply to Mr. Coutant, Mr. Proud advised there were no restrictive covenants with the homeowner's association established for the area at Pine and the Osage Expressway (Z-6199).

Ms. Kathryn Hinkle, District 11 Chairman, reiterated statements made at the time of the District 11 Plan amendments, whereby the Gilcrease Homeowner's Board and the District 11 Planning Team had indicated they were not opposed to the moving of the commercial zoning from Pine/Osage Expressway to the subject tracts for rezoning. Ms. Hinkle agreed that the developer has bargained in good faith with the residents, and there was a good possibility that negotiations could be made to satisfy concerns on covenants before the hearing on the PUD. She commented that she did not see any reason to delay the zoning request.

Ms. Janet Larson requested denial of these applications, mainly due to her concern for the number of senior citizens living in this area. Ms. Larson mentioned the crime she has witnessed, and pointed out that this was a natural setting for animals she would not want to see it disturbed. She also mentioned that the residents have been unsuccessful in getting the zoning in order to put sidewalks for the children walking to school along Union Avenue. In reply to Ms. Wilson regarding crime in the area, Ms. Larson stated she felt there was more than adequate police protection, but the proximity of the expressway aided those committing crimes.

Mr. Larry Duke, General Manager of the Gilcrease Hills Homeowners Association, advised the Association supports this application as they support development of the Gilcrease Hills area and additional shopping would be of benefit to this area. Further, they were aware that a PUD would be submitted and they would have an opportunity to supply specific input at that time. Mr. Duke added that they were presently involved in the negotiations with the developer on restrictive covenants.

Mr. Linker pointed out that there was no PUD accompanying the rezoning application, and stated that the TMAPC does not engage in conditional zoning. Therefore, he had a question as to whether or not the Commission could mandate a PUD if it was not put in affect at the same time as approval on the zoning. He asked the Commissioners to keep this in mind. **Mr. Thomas Bingham**, a ten-year resident in Gilcrease Hills, stated opposition to the request as the residents moved to this area for the "out in the country feeling", and commercial development was not in line with the original intent of Gilcrease Hills. Mr. Bingham also requested a continuance to allow the homeowners an opportunity to meet with the developer to provide input for the PUD prior to rezoning.

Mr. T.H. Shinn advised he has lived in Gilcrease Hills for 11 years and he, too, was concerned with the negative impact of commercial development to the area. Mr. Shinn echoed comments of those speaking in protest to the application.

Applicant's Rebuttal:

Mr. Johnsen pointed out that the areas to the north and east of the subject tract were also owned by the applicant, Gilcrease Hills Development Company, and as such, the applicant shared the homeowners! interests for these residential areas as to guality and development. Mr. Johnsen also pointed out that the existing RM-1 zoned property fronting along Pine and at Union was never planned to remain as open space. He noted that RM-1 zoning is a multi-family classification (apartments) and these tracts have never been identified for single-family development. He added that there was a substantial amount of open space provided for and established by the Gilcrease Hills Development Company to the Gilcrease Hills Homeowner's Association. Mr. Johnsen commented that he had drafted a document based on agreements reached at his meeting with Ms. Hinkle and Mr. Proud. However, in the meantime, other members of the Association had some concerns as to language and after their discussions, they concluded as evidenced by Mr. Duke, they would support the rezoning knowing that the applicant would be doing a PUD. Mr. Johnsen reiterated that the applicant remained willing to covenant, as they had before, that they would do this PUD. Mr. Johnsen stated he felt the rezonings were in accordance with the Comprehensive Plan as presented.

Additional Comments & Discussion:

Mr. Linker reiterated that the Commission was relying on a PUD to grant zoning and this was not the procedure the TMAPC has followed, as the Commission should not rely on submission of a PUD after the fact. Mr. Johnsen restated his position that the District 11 Plan required a PUD and he felt the Commission could, therefore, consider the zoning request. Discussion continued among Legal Counsel, the Commission and the applicant on this issue, with no consensus being reached. Therefore, Mr. Johnsen suggested a two week continuance might be in order.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Parmele, Randle, "absent") to **CONTINUE Consideration of PUD 232-A (Abandonment) and Z-6198 Johnsen** until Wednesday, **June 8, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center. Application No.:Z-6199Present Zoning:CSApplicant:INCOGProposed Zoning:RS-3Location:West side of the Osage Expressway at West PineDate of Hearing:May 25, 1988Presentation to TMAPC by:INCOG Staff

Comments & Discussion:

Mr. Gardner advised that this application was presented in conjunction with PUD 232-A and Z-6198 Johnsen, which had just been continued two weeks. Therefore, he suggested this application also be continued two weeks. There being no objection from the Commission, Chairman Kempe advised Z-6199 was to be continued to June 8, 1988.

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Application No.:CZ-167Present Zoning: RSApplicant:KniggeProposed Zoning: CHLocation:SE/c of North Peoria Avenue & East 73rd Street NorthDate of Hearing:May 25, 1988Presentation to TMAPC by:Mr. W. Knigge, 7306 E. 116th St. No., Collinsville

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 Zoning Matrix, the requested CH District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .33 acres in size and located at the southeast corner of East 73rd Street North and North Peoria Avenue. It is partially wooded, flat, contains a single-family dwelling, and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north across East 73rd Street North by a vacant commercial building zoned RS; on the south by a single-family dwelling, zoned CG; and on the west across North Peoria Avenue by an automobile salvage yard, zoned IL.

Zoning and BOA Historical Summary: Commercial zoning has been approved on the east side of North Peoria Avenue and industrial zoning on the west.

Conclusion: Based on the Comprehensive Plan and existing zoning pattern in the area, Staff can support commercial zoning on the subject tract, but not the requested CH intensity. Due to the subject tract's location abutting the existing CG zoning to the south, Staff can support similar CG zoning. Therefore, Staff recommends **DENIAL** of the requested CH zoning and approval of CG zoning in the alternative.

Applicant's Comments:

Mr. Knigge advised his request for CH zoning was based on the intent to use the property for wholesale warehousing purposes. He pointed out that this portion of Peoria Avenue was in a special zoning district and was located across from existing IL zoning.

Chairman Kempe if CG zoning would accommodate warehouse and storage. Mr. Gardner stated CG would accommodate certain types, while other warehouse uses would be permitted by exception through the BOA. He pointed out that the County Commission recently approved CG zoning on the property to the south, while the TMAPC only recommended CS. Therefore, the previous action was the basis for Staff's recommendation for approval of CG.

After further clarification as to the intended storage of lawn and garden equipment and parts, Mr. Knigge stated he could live with CG zoning, and he would be providing the required setbacks.

Interested Parties:

Mr. Jeff Kirk (1727 East 73rd Street North) protested to the rezoning request. Mr. Kirk pointed out the commercial uses in this area, citing those which were illegal or inappropriate. He voiced his frustrations over what appeared to be a lack of interest by the County as to the development in this part of Tulsa. He verified that he has talked repeatedly with the County Commissioner for this district, as well as the County Inspector's office. Ms. Wilson suggested Mr. Kirk submit a request to the County Commission to appear on their agenda. Mr. Kirk raised the question as to the uses in this area that were illegal, and not merely nonconforming, as he felt the RS zoning offered some protection, but a lot of these areas were being rezoned. The Commission suggested Mr. Kirk compile a list of those properties that appeared to be illegal uses and submit to the TMAPC so the INCOG Staff can verify if the uses were illegal or nonconforming and then follow up with the County. The Commission cautioned Mr. Kirk that some of these uses may, in fact, have been grandfathered in and be legal nonconforming uses.

Mr. Kirk expressed concerns that Mr. Knigge might store old or junk cars on this property. Mr. Gardner clarified storage of cars would not be permitted in CH, CG, CS, IL or IM zoning, but only under IH. Mr. Knigge assured Mr. Kirk that his storage would not include any vehicles.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Carnes, Harris, Parmele, Randle, "absent") to **DENY CH Zoning and APPROVE CG Zoning for CZ-167 Knigge**, as recommended by Staff.

Legal Description:

CG Zoning: The north 75.0' of the east 190.0' of Lot 6, Block 6, GOLDEN HILL ADDITION of Tulsa County, Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Southbrook V (784) East 76th Street & South Garnett Road (CO)

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Doherty, Harris, Parmele, Randle, "absent") to **APPROVE** the Final Plat of Southbrook V and release same as having met all conditions of approval.

PUBLIC HEARING:

TMAPC ACTION: 6 members present

On MOTION of PADDOCK, the TMAPC voted 6-0-0 (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Doherty, Harris, Parmele, Randle, "absent") to CONTINUE Consideration of the Public Hearing to Consider Amendments to Title 42, City of Tulsa Zoning Code and the Tulsa County Zoning Code, more Specifically Pertaining to the Regulation of Sexually-Oriented Businesses until Wednesday, June 22, 1988 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 243 (Burrows): Detail Site Plan - Lots 34 and 35, Glenoak Addition, East of the NE/c of South Harvard & East 59th Place

Staff Recommendation:

PUD 243 is a 14 acre development containing 51 lots and an open space reserve area (Lot B) with an underlying zoning of RS-2. The Glenoak Addition is located on the northeast corner of East 59th Place South and South Harvard Avenue. Detail Site Plan approval is required on all lots abutting the reserve area prior to issuance of a Building Permit. The submitted plans for Lots 34 and 35 meet the amended PUD 243 requirements.

Therefore, Staff recommends **APPROVAL** of the Detail Site Plans for Lots 34 and 35 per the submitted plans.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Coutant, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Doherty, Harris, Parmele, Randle, "absent") to **APPROVE** the **Detail Site Plan for PUD 243 Burrows**, as recommended by Staff. There being no further business, the Chairman declared the meeting adjourned at 3:55 p.m.

Date Approved June 8, 19 Cherry Kempe Chairman 1988

ATTEST: Z

Secretar

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