

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1727
Wednesday, **January 4, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Randle	Dickey	Linker, Legal
Coutant, Secretary	Selph	Frank	Counsel
Doherty		Gardner	
Draughon		Matthews	
Kempe, Chairman		Setters	
Paddock, 2nd Vice-Chairman		Stump	
Parmeale, 1st Vice-Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 30, 1988 at 1:50 p.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 1:34 p.m.

MINUTES:

Approval of the Minutes of December 21, 1988, Meeting #1725:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Harris, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Randle, Wilson, "absent") to **APPROVE** the **Minutes of December 21, 1988, Meeting #1725**.

REPORTS:

Director's Report:

- a) In regard to the December 28th hearing on Z-6224 Tracy (Stokely Outdoor Advertising), Mr. Gardner advised that a representative from the Oklahoma Department of Transportation (ODOT) had called him this morning and advised of a federal regulation that could impact this case. Mr. Gardner stated that the ODOT representative was mailing the information to INCOG for review. After discussion as to how best to proceed, Chairman Kempe requested Staff to withhold transmittal of the TMAPC minutes on Z-6224 until the ODOT information was received and reviewed. Chairman Kempe further requested the

Director's Report - Cont'd

applicant be advised of the situation in order to participate in any discussions. She suggested the matter be placed on a future TMAPC agenda as a "Discussion Item" after Staff has had time to review the information to see if the regulation did, in fact, affect the Z-6224.

- b) Ms. Carol Dickey, INCOG, advised the Surplus School Site report and analysis was completed and would be mailed to the TMAPC in their weekly agenda packet. She stated Staff would be returning on January 11th for a more formal presentation, and would at that time ask the TMAPC for their recommendation. Ms. Dickey commented the report would also be sent to the Board of Adjustment members. Chairman Kempe stated the Commission would review the study for consideration of further direction.

SUBDIVISIONS:

PRELIMINARY & FINAL PLAT

Francis Hills Amended (Lots 1-8, Block 1)(PUD 426)(2883)

102nd Street & South Louisville

(RS-1)

This replat is to reduce eight lots in Francis Hills to six lots as per plat submitted. One easement is to be relocated between Lots 5 & 6 and one to be eliminated as no longer necessary on Lot 4. The same developer still owns this part of the plat. It is still in compliance with the PUD conditions and all restrictions, covenants, etc., on the recorded plat of Francis Hills still apply. All conditions, PFPI, drainage, sanitary and storm sewers and utility requirements made on the previous plat still apply.

Staff recommends APPROVAL as submitted, requesting new release letters for the file on this amended plat.

The TAC advised that costs for any relocation of utilities or other facilities will be at the developers expense. There were no objections to the plat as submitted.

The Staff presented the plat with the applicant represented by Bill Lewis.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY AND FINAL PLAT of Francis Hills Amended (Lots 1-8, Block 1) subject to the following conditions:

- a) New release letters required for this resubdivision,
b) Costs for relocation of facilities to be borne by developer.

Francis Hills Amended - Cont'd

Comments & Discussion:

Mr. Bill Lewis (6420 South 221st East Avenue), engineer for the developer of the project, advised the developer owned all of the lots in the subdivision. Mr. Lewis commented that a maximum of 64 lots was allowed in the PUD and they were proposing a reduction of two from that amount.

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** the **Preliminary and Final Plat of Francis Hills Amended** and release same as having met all conditions of approval.

FINAL PLAT APPROVAL & RELEASE

Diehl Addition (2092) 3500 Block of South 61st West Avenue (RS)

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** the **Final Plat of Diehl Addition** and release same as having met all conditions of approval.

APPROVAL OF PLAT CORRECTION

Riverbridge Center (683) NE/c of East 71st Street & South Peoria Avenue (CS)

The engineer for this plat discovered that there was a transposition in a lot line dimension that did not get corrected before the plat was filed of record. The dimension on the south line of Lot 2, Block 1 is shown on the plat as 113.30 feet should read 131.30 feet. This affect no other lots, no easements and or rights-of-way, and does not affect the outside overall boundaries of the plat. It is recommended that the correction be APPROVED, subject to review by the City Attorney as to form.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; Parmele, "abstaining"; Randle, Selph, "absent") to **APPROVE** the **Plat Correction for Riverbridge Center**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17127 (2993) Humes
L-17128 (3603) TDA

L-17129 (293) Superior

On **MOTION** of **WOODARD**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

PUD 187-18: Minor Amendment for a Home Occupation (beauty shop)
6755 South 78th East Avenue

Staff Recommendation:

The subject tract is located north of the northeast corner of East 68th Street South and South 78th East Avenue, being, the north 40.22 feet of Lot 2, Block 1, Shadow Mountain Amended Block 21. East 78th Street South is developed with duplex dwellings, many of which have been split along the common party wall to permit individual ownership. The applicant is requesting a minor amendment to permit a beauty shop as a home occupation in the north half of the duplex occupying Lot 2 per her submitted conditions. Notice of the request has been given per minor amendment policies.

After review of the applicant's application and submitted guidelines, Staff finds the request to be minor in nature and consistent with the original PUD. Therefore, Staff recommends **APPROVAL** subject to the following conditions:

1. Per home occupation guidelines, as follows:
 - a. The home occupation shall be engaged in only by the family or persons occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
 - b. No signs, display or advertising on premises, visible from outside the lot shall be permitted.
 - c. The home occupation shall be conducted entirely within an enclosed principal building.
 - d. No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.
 - e. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.

2. Appointments be scheduled so no more than two clients are present at any one time.
3. Hours of operation be limited to 9:00 a.m. to 6:30 p.m.
4. Days of operation be limited to three weekdays per week.

Comments & Discussion:

Chairman Kempe advised a request for a two week continuance on this application had been submitted by the Shadow Mountain Homeowner's Association. Staff confirmed the request was hand delivered yesterday since Monday was a legal holiday.

Ms. P. Gae Widdows (2021 South Lewis), representing the applicant, objected to a continuance as the required notice had been given and they were ready to proceed.

Mr. Ken Adams (7227 East 65th), President of the Shadow Mountain Homeowner's Association, repeated his request for a continuance in order to have the applicant submit the case to the homeowner's association for review prior to the TMAPC hearing. He also requested all future applications for amendment to PUD 187 be sent to the homeowner's association before consideration by the TMAPC.

The Commission discussed the timely manner of the continuance request. Mr. Parmele commented that he felt this should be a major, not minor, amendment. Mr. Gardner commented that the issue of major or minor amendment should be determined in order to readvertise and give notice, if necessary.

Mr. Linker commented that he felt a home occupation was a change in use and, therefore, should be a major amendment. Mr. Paddock commented that he felt this should be handled in the manner that the BOA handled requests for home occupations, and that he did not feel a home occupation was changing land use as the residential use would remain as the principal use. Discussion followed on the major/minor amendment issue and home occupation requests under a PUD versus home occupation requests through the BOA. Mr. Carnes made a motion that this case be handled as a major amendment in order to have broader notification, as was done for BOA applications for a special exception. Discussion continued among the Commission members, with Mr. Coutant suggesting that the TMAPC establish, through committee, a policy similar to that of the BOA in order to provide proper notification, but not require City Commission review, which was a part of the major amendment process through the TMAPC.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-1-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; Paddock, "nay"; no "abstentions"; Randle, Selph, "absent") to **CONSIDER** PUD 187-18 as a Major Amendment, and readvertise accordingly.

Additional Comments & Discussion:

Mr. Paddock commented that he could anticipate the City Commission's response when they get this application for review, as they do not review BOA applications for a special exception. Further, he agreed that the TMAPC should think this process through; therefore, he suggested a Rules and Regulations Committee be set for next Wednesday.

COMPREHENSIVE PLAN PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO
THE DISTRICT 16 COMPREHENSIVE PLAN

Comments & Discussion:

Ms. Dane Matthews advised the amendments to the District 16 Plan addressed the City Commission's concerns regarding further industrial zoning or development in Special District 2 prior to adequate improvements to South 145th East Avenue. Ms. Matthews reviewed the amendments to the resolution for the District 16 Plan.

Mr. Doherty commended Staff for expressing the wishes of the City Commission and the TMAPC, and he moved for approval of Resolution No. 1719:674. Mr. Paddock confirmed the interested parties of record at the previous hearings on this matter had received notice of this hearing. (No interested parties were in attendance.)

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Selph, "absent") to **APPROVE Resolution No. 1719:674** amending the District 16 Plan Map and Text, as recommended by Staff.

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PUBLIC HEARING TO CONSIDER AMENDMENTS
TO THE DISTRICT 18 PLAN

Comments & Discussion:

Ms. Dane Matthews advised there were three basic sets of amendments to consider for the District 18 update: (1) housekeeping-type amendments consisting of general text revisions and one map amendment; (2) text amendments proposed for the Mingo Valley Expressway Corridor area; and (3) map amendments related to the Mingo Valley Expressway Corridor.

Mr. Gardner reviewed the four basic reasons listed in the November 7, 1988 memo to the TMAPC as to why Staff would be supporting the proposed amendments relating to the Mingo Valley Expressway Corridor:

- 1) The proposed amendments will accommodate future land use needs.
- 2) The action was justified by the uncertain future extension of the Mingo Valley Expressway south of East 71st Street, and this recommendation was sound and would stand with or without the Expressway.
- 3) That several existing residential uses located in the study area pre-empt high intensity development from occurring in most of the interior portions of the Corridor.
- 4) This action was necessary based on confusion (past and present) that the "C" in Corridor stands for and is the same as the "C" in Commercial.

Mr. Carnes inquired if the TMAPC might be violating the Development Guidelines policy that no CO zoning would be permitted until after land acquisition of the right-of-way. Mr. Gardner explained that most of this area was zoned CO prior to the revised Development Guidelines. Staff felt the proposed amendments gave an indication, in advance, of the type and intensity of development they could support rather than wait until individual applications were made that Staff might not be able to support. Mr. Draughon agreed with the Staff's concept of planning ahead by attempting to identify these CO areas along the Mingo Valley Expressway. In order to avoid complications that arose at a previous expressway hearing, Chairman Kempe suggested the TMAPC members be cautious in considering the Mingo Valley Expressway as "just a line on the map".

Interested Parties:

Mr. Roy Johnsen, Attorney (324 Main Mall) agreed that it would be a false impression that the Mingo Valley Expressway was not a "real" expressway. Mr. Johnsen reviewed the high intensity of development currently along the west side of the expressway corridor between 71st and 81st, and stated he did not know what the factual basis would be for implying that the remainder of the corridor should develop in a low intensity fashion, as this implication seemed contrary to all the planning concepts. In summary, Mr. Johnsen stated his main point was that the TMAPC had the necessary tools through the Zoning Code and Development Guidelines to

PUBLIC HEARING: District 18 - Cont'd

achieve the desired planning results. Therefore, he had difficulty in understanding the need to separate this particular corridor from any of the City's other corridors, or to interfere with a process that apparently has worked. Mr. Johnsen reiterated that he did not see the need for a change, but if Staff was concerned that there were too many "if's and but's" associated with the Expressway, then he suggested an appropriate action would be to table consideration of this portion of the amendments pending the final outcome of the issue on the Mingo Valley Expressway.

Mr. Paddock asked Mr. Johnsen to comment as to reasons why there might be confusion about CO zoning. Mr. Johnsen stated that he felt there were very few people who would not find PUD's, sign code provisions, etc. confusing as zoning was a complex business and land use and development were complex issues. Therefore, he felt confusion would not only remain on these matters, but would increase with the suggested amendments. Mr. Johnsen responded further that unless a person wanted to specifically study the Code and Development Guidelines, then just seeing Corridor on a map would continue to exist as a form of confusion on zoning matters. In reply to Mr. Parmele, Mr. Johnsen commented that he had no opinion to offer regarding Linear Development Areas. In reply to Ms. Wilson regarding inconsistencies in wording, Mr. Johnsen agreed that the language in the Zoning Code relating to Corridor could be strengthened.

Mr. Charles Norman, Attorney, (909 Kennedy Building) agreed with the comments made by Mr. Johnsen regarding confusion by those who do not work with the Code on a consistent basis. Mr. Norman stated that he felt the proper place to make any language changes would be in the Corridor District Chapter of the Zoning Code. He advised of the properties owned by three of his clients in this corridor area. Mr. Norman asked the Commission to keep in mind that the effect of the Staff recommendation was to essentially reduce the area that might be considered for higher floor area ratios, and reduce intensities in the remainder of the area with respect to multifamily. Mr. Norman disagreed with Staff's position that the proposals would accommodate future land use needs, as he felt this was prejudging and was, in effect, an amendment to the Corridor District Chapter as related to this area. He commented that the date of Staff's memo stating their position (November 7, 1988) was also the date that the Turnpike Authority voted to proceed with the turnpike, and the same day that the Department of Transportation voted formally that the State would build the 3-1/2 mile extension of the Mingo Valley Expressway. Therefore, he felt there was a totally different set of facts than when the proceedings began on this matter.

Mr. Norman admitted puzzlement as to necessity for the proposed amendments on this 3-1/2 mile area of the expressway system. He commented he felt that this was the wrong approach conceptually and procedurally, as the proper place for amendment should be through the Zoning Code, and not piecemeal through the District Plans containing CO. Mr. Norman agreed that the Corridor District was a complex proceeding, but stated it has worked in previous areas such as the Joe Marina and the Fred Jones

PUBLIC HEARING: District 18 - Cont'd

developments along Memorial. He added that he felt there was an inconsistency in applying the Linear Development Area concept to the properties in question.

Mr. Norman stated support for Mr. Johnsen's suggestion that these amendments relating to the Mingo Valley Expressway Corridor be tabled pending engineering and design of the Expressway, and any desired amendments should be to the Zoning Code.

Ms. Eloise Bain (9902 East 81st) a property owner in the the corridor area near 81st & Mingo, agreed this matter should be tabled.

TMAPC Review Session:

Mr. Gardner stated that there would be no problem if the right-of-way for the Expressway was purchased with construction imminent. He commented on past practices whereby Staff may have erred in comparing the expressways which were, in effect, lines on a map, with section line roads having at least 50 feet of right-of-way. However, the update to the Development Guidelines in 1987 corrected this situation. Therefore, Staff was still concerned that development might occur without the expressway being assured.

Mr. Parmele stated that this leg of the expressway has been given as much assurance for completion as possible. He agreed that the correct approach would be to take a more detailed look at the CO chapter of the Zoning Code, tabling review of this portion of the amendments in order to do this. Mr. Parmele recalled that the intent for limiting future CO development at the time of the Development Guidelines update related to the Creek Expressway, not the Mingo Valley. He stated that he felt the CO was in place in this case and he did not feel the TMAPC should interfere with the densities currently allowed by right. Mr. Doherty stated support for a 60-day tabling of the CO amendments in the District 18 Plan.

Mr. Draughon disagreed with a comment made by Mr. Norman, and stated "as previous CO zoning has cost the taxpayers of Tulsa \$10 million for right-of-way acquisition. As a public body dedicated to the public welfare, it is not the duty of this Planning Commission to guarantee monetary income or profits to land speculators, developers and/or their representatives. It is the duty of this Commission to wisely plan ahead for the orderly and reasonable regulation of land uses that benefit all the citizens of the Tulsa metropolitan area."

Mr. Paddock supported the suggestion for tabling or continuance of this matter to review the CO Chapter of the Code, as any action at this time might be premature. Mr. Coutant commented that he was at a loss as to what might be accomplished by putting this matter off, as he felt the Commission needed to deal with that portion designated as a CO district, whether or not the Expressway was built. In regard to the confusion associated with CO zoning, Mr. Coutant remarked he felt the "whole concept was counterintuitive", and he elaborated on his reasons for supporting Staff's recommendation and proceeding with the issue at this time.

PUBLIC HEARING: District 18 - Cont'd

Mr. Parmele reiterated there were too many unanswered questions; therefore, he moved for a 60 day continuance of this issue. He further requested that a joint TMAPC Committee meeting be set to review the CO Chapter of the Zoning Code.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-1-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Coutant, "nay"; no "abstentions"; Randle, Selph, "absent") to **CONTINUE** Consideration of that portion of the District 18 Plan Amendments relating to the Mingo Valley Expressway Corridor until Wednesday, **March 1, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Randle, Selph, "absent") to **APPROVE** the remaining District 18 Plan Map & Text Amendments dealing with general, housekeeping-type revisions, as recommended by Staff, and to instruct Staff to proceed with drafting a resolution covering these amendments.

There being no further business, the Chairman declared the meeting adjourned at 3:47 p.m.

Date Approved

January 18, 1988

Cherry Kempe
Chairman

ATTEST:

Tom C. Coutant

Secretary