

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1740
Wednesday, **April 12, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Coutant, Secretary	Carnes	Gardner	Linker, Legal
Doherty	Draughon	Kane	Counsel
Paddock, 2nd Vice Chairman	Kempe	Matthews	
Selph	Parmele	Setters	
Wilson	Randle	Stump	
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 11, 1989 at 11:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Paddock called the meeting to order at 1:39 p.m.

MINUTES: N/A (No TMAPC meeting on March 29, 1989)

REPORTS:

Chairman's Report:

Mr. Tom Kane, INCOG, advised the Mayor's Ad Hoc Committee addressing the Creek Bypass project would be meeting on April 15th. Mr. Kane briefed the TMAPC as to the Committee's members, their work projects, and commented that representatives from the Oklahoma Turnpike Authority had also attended the Committee meetings. In response to Commissioner Selph, Mr. Kane confirmed that Staff would provide copies of the Ad Hoc Committee's report on this topic to the TMAPC.

Committee Reports:

Mr. Paddock announced the **Rules & Regulations Committee** would be meeting this date upon adjournment of the TMAPC meeting to continue review of recommendations relating to the Infill Development Study.

Director's Report:

Ms. Dane Matthews requested a public hearing be set to consider amendments to the District 1 Plan (Central Business District). Ms. Matthews commented that the City Commission had set a June 13th hearing date to review any proposed amendments to the recently adopted District 1 Plan. Therefore, she suggested May 3rd as the TMAPC public hearing date, with a review by the Comprehensive Plan Committee on April 26th.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Coutant, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Kempe, Parmele, Randle, "absent") to **SET a Public Hearing** to Consider Amendments to the **District 1 Plan** for Wednesday, **May 3, 1989**, as suggested by Staff.

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Mr. Kane advised that the consulting firm of Parsons, Brinkerhoff, Quade and Douglas, Inc. would like to present a briefing to the TMAPC on the Fixed Guideway Feasibility Study - Phase I. Hearing no objection from the Commission members, the Chair set May 10th as the date for this briefing.

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Mr. Gardner advised that at yesterday's City Commission meeting, the Commission confirmed the reappointments of TMAPC Commissioners Marilyn Wilson and Bob Parmele for another three year term.

He also advised that the City Commission had approved amendments to the Zoning Code relating to sexually-oriented businesses per the TMAPC action, except with a two year amortization period for nonconforming businesses.

SUBDIVISIONS:

FINAL APPROVAL & RELEASE:

First City Bank Addition (1894) South of East 21st St & So 109th E Ave (CS)

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

ZONING PUBLIC HEARING:

Application No.: **CZ-172** Present Zoning: CS
Applicant: **Hackett (Simpson)** Proposed Zoning: CH & IL
Location: NE/c of North Peoria & East 71st Street North
Date of Hearing: April 12, 1989
Continuance Requested to: April 26, 1989 (Untimely request)

Comments & Discussion:

Mr. Gardner stated the applicant's attorney, Mr. Mike Hackett, had telephoned the INCOG office just prior to this meeting to advise of an emergency which would prevent him from presenting this case. Therefore, he requested a two week continuance.

Ms. Patsy Simpson (3404 East 66th Street North), applicant, confirmed that Mr. Hackett had just informed her of the emergency meeting, and she was not prepared to present the case as all the materials were at the attorney's office.

Mr. Jeff Kirkham (1727 East 73rd Street North) commented that this case has previously been before the Board of Adjustment and District Court trying to obtain approvals. Therefore, he was opposed to any continuance of this hearing.

Mr. Paddock noted this was an untimely continuance request. Mr. Doherty commented that under normal circumstances, he would vote against an untimely continuance; however, he did have sympathy for the applicant who was not prepared at this time to present the case. Therefore, he reluctantly moved for a two week continuance.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Coutant, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Kempe, Parmele, Randle, "absent") to **CONTINUE Consideration of CZ-172 Hackett (Simpson)** until Wednesday, **April 26, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6238** Present Zoning: RS-3
Applicant: **Williams** Proposed Zoning: OL
Location: SW/c of East 21st Street & South Jamestown Avenue
Date of Hearing: April 12, 1989
Continuance Requested to: April 19, 1989 (Timely request by the applicant)
April 26, 1989 (Untimely request by protestants)

Comments & Discussion:

Mr. Paddock advised the applicant has submitted a timely request to continue this case to April 19th. He advised receipt of a letter from Ms. Victoria Conwell requesting the application be heard today. However, if a continuance was granted, she requested an April 26th hearing date.

Mr. James Lewis (2110 South Jamestown), representing several protestants, commented that this request has been presented to the TMAPC on two previous occasions and they were denied. Mr. Lewis stated he was ready to proceed at this time, but if a continuance was granted, he preferred the suggested two week request to April 26th.

Ms. Nina Miller (3516 East 21st Place) remarked that she was not opposed to a continuance but requested that, if granted, no future continuances be considered. In reply to Commissioner Selph, Ms. Miller stated she was not opposed to the suggested two weeks.

TMAPC ACTION: 6 members present

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Coutant, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Kempe, Parmele, Randle, "absent") to **CONTINUE Consideration of Z-6238 Williams** until Wednesday, **April 26, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6239** Present Zoning: AG
Applicant: **TMAPC** Proposed Zoning: RS-3 & CS
Location: NW/c of 61st Street North & North Cincinnati Avenue
Date of Hearing: April 12, 1989
Presentation to TMAPC by: Bob Gardner, INCOG, 201 West 5th, #600 (584-7526)

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property low intensity - residential and medium intensity - commercial.

According to the Zoning Matrix, the requested RS-3 and CS Districts are in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 113 acres in size and is located at the northwest corner of North Cincinnati Avenue and 61st Street North. It is partially wooded, flat, contains both vacant property and developed single-family subdivisions and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by mostly vacant property zoned AG; on the east by scattered single-family dwellings outside the City limits zoned AG and RS; on the south by scattered single-family dwellings out of the City limits zoned RS; and on the west by mostly vacant property.

Zoning and BOA Historical Summary: The subject tract was zoned RS and CS when in unincorporated Tulsa County. When it was annexed into the City of Tulsa, it automatically became zoned AG.

Conclusion: Based on the existing development and previous residential and commercial zoning when outside the City limits, Staff can support the requested rezoning.

Therefore, Staff recommends **APPROVAL** of RS-3 and CS zoning as requested.

Comments & Discussion:

Mr. Gardner commented that the Zoning Ordinances require that all areas annexed into the City from the County automatically be converted to a Agriculture (AG) Zoning classification pending review. This application merely reverted the zoning back to the previous classifications of RS-3 and CS.

Mr. Gardner reiterated the Staff recommendation for the interested parties, confirming the area would remain as is since the previous zoning classifications were being reinstated. The interested parties in attendance were:

Mr. Bela Fernande	14 West 61st Street North	74126
Mr. Alfred Higgins	336 West 61st Place North	"
Ms. Birdie Clifton	218 East 58th Street North	"

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Coutant, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Kempe, Parmele, Randle, "absent") to **APPROVE Z-6239 TMAPC for RS-3 and CS Zoning**, as recommended by Staff.

Legal Description:

RS-3: All of NORTHGATE ADDITION, all of NORTHGATE SECOND ADDITION, and all of NORTHGATE THIRD ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma.

CS: All of the NORTHGATE CENTER ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

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Application No.: **Z-6240** Present Zoning: AG
Applicant: **TMAPC** Proposed Zoning: RS-3
Location: NW/c of 61st Street North & North Cincinnati Avenue
Date of Hearing: April 12, 1989
Presentation to TMAPC by: Bob Gardner, INCOG, 201 West 5th, #600 (584-7526)

Relationship to the Comprehensive Plan:

The District 24 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 RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 64 acres in size and located north and east of the northeast corner of North Cincinnati Avenue and 56th Street North. It is non-wooded, flat, contains a developed single-family subdivision and zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by scattered single-family dwellings on large tracts; zoned AG, on the east by both vacant property and scattered dwellings outside the Tulsa City Limits zoned AG and RS; on the south by a developed single-family subdivision zoned RS-3; and on the west by both vacant property and scattered dwellings zoned AG.

Zoning and BOA Historical Summary: Prior to annexation, the subject tract was zoned RS. When annexed into the City of Tulsa, the property was automatically reclassified to AG.

Conclusion: Based on the existing development and Comprehensive Plan, as well as the previous RS designation when outside the City, Staff can support the requested rezoning.

Therefore, Staff recommends **APPROVAL** of RS-3 zoning for Z-6240 as requested.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Coutant, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughton, Kempe, Parmele, Randle, "absent") to **APPROVE Z-6240 TMAPC for RS-3 Zoning**, as recommended by Staff.

Legal Description:

RS-3: Blocks 1 - 9, and Blocks 14 - 19, SUBURBAN HILLS ADDITION to the City of Tulsa, Tulsa County, Oklahoma.

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Application No.: Z-6241 Present Zoning: RS-3
Applicant: Schneider (McDonald) Proposed Zoning: OL
Location: North of the NE/c of East 15th Street & South Yale Avenue
Date of Hearing: April 12, 1989
Presentation to TMAPC by: Teresa White, 500 Oneok Plaza (587-0000)

Relationship to the Comprehensive Plan:

The District 5 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 OL District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is .18 acres in size and is located 294' north of the northeast corner of East 15th Street South and South Yale Avenue. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwellings zoned RS-3; on the south by single-family dwellings, some being used for office use zoned OL; and on the west by single-family dwellings and a grocery store zoned RS-3.

Zoning and BOA Historical Summary: Office zoning has been permitted from the corner of 15th North to a point even with the northern boundary of the District Court approved grocery store to the west.

Conclusion: Based on the Comprehensive Plan and existing residential zoning and residential uses across South Yale, Staff cannot support the requested rezoning. Staff feels the existing OL zoning line should remain with those lots that face the commercial use to the west. Any extension to the north of this OL area would encourage non-residential uses on both sides of Yale to 14th Street.

Therefore, Staff recommends **DENIAL** of Z-6241 as requested.

Comments & Discussion:

Commissioner Selph advised that one of the interested parties had approached him prior to this hearing regarding a possible continuance of this case.

Ms. Teresa White, representing the applicant, stated opposition to a continuance, but requested a longer than two week period be considered if a continuance was granted for the protestant.

Ms. Shirley Hoppes (1226 South Fulton) advised she was representing Mid Tulsa Neighborhood Association, and she requested a continuance in order to have more time to address this rezoning with the neighborhood. Ms. Hoppes added that, should a continuance be denied, she would support Staff's recommendation for denial.

Z-6241 Schneider (McDonald) - Cont

Ms. Wilson moved for denial of a continuance due to the untimely nature of the request. The Commission voted unanimously to proceed with Z-6241 at this time.

In reply to Mr. Coutant, Mr. Gardner reviewed the previous District Court action with regard to the commercial use at the northwest corner of 15th and Yale. Mr. Gardner added that this use established the depth of nonresidential zoning north of 15th Street, which was also used to establish the limits of nonresidential zoning on the east side of Yale Avenue, north of 15th Street.

Applicant's Comments:

Ms. Teresa White, the applicant's attorney, stated the abutting property owner was interested in purchasing the subject tract in order to extend his legal practice. Ms. White commented that she did not feel this transaction would affect the character or integrity of the neighborhood. She added that the applicant has not been able to rent the property for residential use since the area has become more commercial. Therefore, the proposal for OL zoning to accommodate the existing law office would be the best use of the property. Ms. White clarified that the previous application, which was denied, involved a request for commercial, not office, zoning.

Interested Parties:

Mr. Edward Lutz (owner of the abutting law practice; did not give address on the record) reiterated the proposal to purchase the subject tract in order to expand his current law practice. He requested approval of the OL rezoning as it would be the best use of the tract. In reply to Mr. Gardner, Mr. Lutz advised he pursued purchasing the tract to the north rather than the property to the south, which was currently zoned OL, because only the tract to the north was for sale.

Ms. Fran Pace (1326 South Florence), District 4 Chairman, stated support of the Staff recommendation for denial in order to keep the established OL zoning alignment.

Applicant's Rebuttal:

Ms. White commented that the protestants did not live on Yale or own property along this busy arterial street and, therefore, did not share the same concerns as her client in trying to utilize the property for its best use. She reviewed the existing surrounding nonresidential uses, pointing out that the adjacent property owner to the north currently displayed a business type sign, which appeared to be an illegal use.

TMAPC Review Session:

Mr. Doherty stated an inclination to vote for the rezoning on this tract, as he questioned if the TMAPC was being realistic in asking these properties to remain residential given the proximity to a busy intersection and being located on a main arterial street.

Z-6241 Schneider (McDonald) - Cont

Mr. Gardner confirmed that the painting sign displayed on the property to the north of the applicant's tract was an illegal use, and was a Code Enforcement problem. He commented that the mere presence of a major street was no justification for rezoning.

Mr. Doherty remarked that had this been located one lot farther north, he would agree with Staff; however, the Commission has traditionally used OL as a buffer. Further, he did not feel this was "leap frog" zoning as an OL tract would be abutting another OL tract. Therefore, he reluctantly moved for approval of OL zoning as requested. There was no second to the motion.

Commissioner Selph stated support for the Staff recommendation and moved for denial of OL zoning. Mr. Paddock stated that the existing OL zoning was actually a buffer to the commercial zoning on the northeast corner, and granting approval of this request merely increased the length of the OL buffer. Mr. Coutant commented that the TMAPC should be careful in allowing zoning to "creep" away from a major intersection, and this appeared to be more of a logic than legal issue.

Ms. Wilson suggested a letter be sent to Code Enforcement regarding the mentioned illegal sign on the property to the north of the subject tract.

TMAPC ACTION: 6 members present

On **MOTION** of **SELPH**, the TMAPC voted **5-0-1** (Coutant, Paddock, Selph, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Carnes, Draughon, Kempe, Parmele, Randle, "absent") to **DENY Z-6241 Schneider (McDonald) for OL Zoning**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:49 p.m.

Date Approved April 26, 1989
Cherry Kempe
Chairman

ATTEST:
[Signature]
Secretary
1st Vice-Chairman

