

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1764
Wednesday, October 11, 1989, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 2nd Vice Chairman	Kempe Randle	Gardner Lasker Setters Stump	Linker, Legal Counsel
Coutant Doherty, Chairman Draughon, Secretary Paddock Parmele Selph Wilson, 1st Vice Chairman Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 10, 1989 at 11:12 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:37 p.m.

MINUTES:

Approval of the Minutes of September 27, 1989, Meeting #1762:

On **MOTION** of **COUTANT**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to **APPROVE** the **Minutes of September 27, 1989, Meeting #1762.**

REPORTS:

Committee Reports:

Mr. Coutant advised the **Comprehensive Plan Committee** would be meeting next Wednesday to review proposed amendments to the District 2 Plan as relates to the Extension/Lincoln/Dunbar/Cherokee Sectors. He added the amendments to the District 4 and 6 Plan Maps and Text, based on the Utica Corridor Study recommendations, would also be reviewed.

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REPORTS: **Committee - Cont**

Mr. Paddock announced the **Rules & Regulations Committee** had met this date and had completed review of the preliminary draft of proposed revisions to the Sign Code. He commented this preliminary draft would be forwarded to various interest groups for review before the public hearing.

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Mr. Parmele advised the **Budget & Work Program Committee** had scheduled a meeting next Wednesday for the 1st Quarter FY 89-90 progress report on the TMAPC Work Program.

Director's Report:

Mr. Lasker gave a brief report on the October 5th public hearing of the Authorities, Boards and Commissions Task Force. He also reminded the TMAPC members of the District Planning Team elections on Tuesday, October 17th, and the Training Workshop scheduled for Saturday, November 4th. He encouraged the TMAPC members, as liaisons to the District Planning Teams, to attend these bi-annual sessions.

CONTINUANCE(S):

Application No.: **Z-6267 & PUD 454** Present Zoning: RS-1
Applicant: **Hammond Engineering (Wexford)** Proposed Zoning: RS-2
Location: East of 105th Street & South Canton Avenue
Date of Hearing: October 11, 1989
Continuance Requested to: November 1, 1989 (timely request by applicant)

Comments & Discussion:

Staff advised receipt of a timely request by the applicant for a continuance to November 1st.

Mr. Terry Young, representing abutting property owner (Tom Wenrick), advised his client had no objection to the requested continuance.

TMAPC ACTION: 9 members present

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randie, "absent") to **CONTINUE** Consideration of **Z-6267 & PUD 454 Hammond (Wexford)** until Wednesday, **November 1, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

RESOLUTION(S):

Resolution No. 1764:691 Amending the District 18 Plan Map & Text as relates to the Mingo Valley Expressway Corridor.

TMAPC ACTION: 9 members present

On MOTION of COUTANT, the TMAPC voted 6-0-3 (Coutant, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; Carnes, Parmele, Selph, "abstaining"; Kempe, Randle, "absent") to APPROVE Resolution No. 1764:691 Amending the District 18 Plan Map & Text as relates to the Mingo Valley Expressway Corridor.

ZONING PUBLIC HEARING:

Application No.: CZ-176 Present Zoning: AG
Applicant: Williams Proposed Zoning: CH
Location: East of the SE/c corner of North Cincinnati & State Highway 20
Date of Hearing: October 11, 1989
Presented to TMAPC by: Ralph Williams, 3240 E 186th St N, Skiatook (396-1763)

Relationship to the Comprehensive Plan:

The Skiatook Comprehensive Plan designates the subject tract as Agriculture and Development Sensitive.

According to the Zoning Matrix, the requested CH district would not be in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 7.6 acres in size and is located east of the southeast corner of North Cincinnati Avenue and State Highway 20. It is partially wooded, gently sloping, contains a large metal building that is used as a flea market with outside storage and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by both vacant property and a single-family dwelling zoned AG; on the east and west by vacant property zoned AG; on the south by sewage disposal lagoons in the town of Skiatook zoned AG.

Zoning and BOA Historical Summary: The Tulsa County Board of Adjustment denied a use variance to permit a flea market on the subject in May. The case is currently on appeal in District Court.

Conclusion: Based on the Skiatook Comprehensive Plan and the tracts location away from the node, Staff cannot support the requested rezoning due to the lack of commercial zoning in the area, Staff views the request as spot zoning.

Therefore, Staff recommends **DENIAL** of CH zoning or any less intense designation in the alternative.

Comments & Discussion:

Mr. Stump read a letter from the Skiatook Planning Commission advising that, although a quorum was not present, the two members in attendance discussed the case and expressed a consensus for denial, although no vote was taken. They based their feelings of opposition on the location of the floodplain on the subject tract, and their comprehensive plan indicated the area should remain AG because it is development sensitive and planned for open/recreational space. They also felt that, if approved, it would be spot zoning. Mr. Stump advised there were four interested parties at the Skiatook hearing, all speaking in support of the applicant's continued business (flea market) operation.

Applicant's Comments:

Mr. Ralph Williams reviewed a petition with approximately 200 signatures in support of his operation at this location. Mr. Williams pointed out that no one had come forward at the Tulsa or Skiatook public hearings to protest his request. He stressed the area was too small to farm or use agriculturally and the flea market seemed ideal as it was portable and could be easily moved to accommodate flooding situations. In reply to Mr. Paddock, Mr. Williams confirmed his operation has been located near Highway 20 for the past three years, with two other businesses located at this site before he began his operation.

Mr. Paddock asked Staff how many acres the applicant would need to continue his operation in case the TMAPC desired to rezone only a portion of the tract. Mr. Gardner stated the actual building and associated parking could be contained on an acre or less. He pointed out the applicant had, at one time, a great deal of outside storage, and he felt the Skiatook Commission's major concern was getting this storage cleaned up and inside the building. Mr. Gardner remarked that a concern to Tulsa County involved the impact of "legitimizing" zoning in an area designated as a floodplain, which could possibly effect flood insurance rates and/or eligibility.

In reply to Mr. Doherty, Mr. Gardner confirmed the zoning required to permit an indoor flea market with no outside storage would be a more intense commercial classification; i.e. CH or CG, not CS. Mr. Gardner added that, if the rezoning was limited to a small portion of the tract, it would accommodate the building, parking and, possibly, some outside storage. Therefore, the larger the zoned area, the larger the storage area. Mr. Gardner answered general questions from the Commissioners regarding floodway versus floodplain, impact on flood rates, etc.

Commissioner Selph commented that, on a regulatory floodway, the County Commission could not approve any new structures, but any existing structures could be grandfathered in and viewed on a different basis.

Chairman Doherty advised receipt of three letters in support of the flea market operation from Charles Carver, Richard E. Barnes of Skiatook Auction Service, and Harvey D. Jones.

After continued discussion regarding the floodway designation, Mr. Parmele commented he did not see how the TMAPC could approve anything in a floodway. He felt the BOA was the more appropriate forum to seek relief as they could place certain conditions as to storage, etc. Therefore, he moved for denial of the application.

TMAPC ACTION: 9 members present

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to DENY CZ-176 Williams for CH Zoning, as recommended by Staff.

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Application No.:	Z-6266	Present Zoning:	AG
Applicant:	Sack (Ellison)	Proposed Zoning:	RS-3
Location:	East of the NE/c of East 91st Street & South Lakewood Avenue		
Date of Hearing:	October 11, 1989		
Presented to the TMAPC by:	Ted Sack, 110 South Hartford, Suite 131 592-4111		

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.

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 8.5 acres in size and located east of the northeast corner of East 91st Street South and South Lakewood Avenue. It is partially wooded, gently sloping contains a single-family dwelling and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned AG; on the east by vacant property zoned AG and further to the east RM-1; on the south across 91st Street by single-family dwellings zoned CO and PUD 206; and on the west by single-family dwellings zoned RS-2.

Zoning and BOA Historical Summary: Low intensity residential has been allowed to the west and high intensity multifamily residential to the east of the property.

Conclusion: Staff feels the proposed RS-3 zoning would be a logical transition between the RS-1 and RS-2 to the west, and the RM-1 around the node at 91st and Sheridan east of the tract.

Therefore, Staff recommends **APPROVAL** of RS-3 for Z-6266.

Applicant's Comments:

Mr. Ted Sack, representing the applicant, stated agreement with the Staff recommendation for approval of RS-3 zoning.

Interested Parties:

Mr. Pierce Smith (8818 South Lakewood) submitted a written statement on behalf of Woodhill Heights Homeowners. Mr. Smith pointed out that, although the applicant was sincere in his intention to develop according to the preliminary plat, RS-3 zoning provided flexibility for very undesirable characteristics. Further, it raised several serious concerns for the Woodhill Heights residents, including:

- RS-3 zoning would allow for a greater density than the abutting RS-2 areas.
- A 60' east to west elevation drop on the north end of the subject tract would increase water runoff. Higher densities would make this issue more critical.
- All traffic from the proposed addition would go through the Woodhill Height subdivision for entry/exit to 91st Street. The 91st and Lakewood intersection was currently a traffic problem, and RS-3 densities would add to this problem.
- Construction traffic would also go through the Woodhill Heights subdivision which creates a very dangerous environment for the neighborhood children.
- With Woodhill, Woodhill Heights and Woodhill Second representing three connected subdivisions all entering/exiting through Woodhill Heights, it seemed logical to have consistent zoning of RS-2.

Therefore, due to the above listed concerns, Mr. Smith requested the TMAPC approve RS-2 zoning with a 5' setback variance. He also asked the TMAPC go on record in support of construction traffic entry/exit directly to 91st Street for the construction period.

Applicant's Rebuttal:

Mr. Sack confirmed a sketch plat has been submitted to the TAC for review. He pointed out the tract was only 280' wide, and considering the surrounding zoning, the applicant felt the request RS-3 would stand on its own merit. In regard to the narrowness of the tract, Mr. Sack pointed out that RS-2 setback requirements would place very harsh restrictions on

their design layout, unless the BOA approved several setback variances. In regard to drainage concerns, Mr. Sack commented that the street would be placed down the center of the tract which would divert and intercept the majority of the water into their sewer system and away from the abutting subdivision.

In reply to Mr. Parmele, Mr. Sack verified they have made an application to the BOA for a variance to the front setback only, as it was his understanding that multiple variances could not be requested. Mr. Gardner reiterated the applicant has been advised that a BOA application for a reduction of the front footages of all of the lots would be appropriate due to the shape of the lot. However, if multiple variances were needed on each lot (front and back), then a PUD filing would be more appropriate. Mr. Gardner explained the request for RS-3 avoided multiple variance filings and/or a PUD filing since RS-3 allowed a 20' rear yard and a 25' front yard. Therefore, the applicant could make this work even though it was not intended to increase the density. Mr. Gardner commented he felt the BOA would look favorably on a front yard setback variance since it would keep the streetscape alignment consistent.

TMAPC Review Session:

Chairman Doherty interjected the question before the TMAPC was only the zoning issue, and any comments from the applicant to platting concerns would be of an advisory nature since the TMAPC was not approving a plat at this time. Staff continued to answer questions from the Commission members regarding BOA action or review of variances.

Mr. Coutant commented that, considering the surrounding zoning patterns and development, there was a reasonable basis for the requested RS-3. He added that, had the applicant not shared his development intentions, he felt the Commission would have considered Staff's suggestion that this was in a transition area, considered the zoning patterns, and would have reasonably concluded RS-3 to be appropriate.

Mr. Parmele asked Mr. Sack his thoughts on the possibility of the TMAPC approving RS-2 zoning with a recommendation to the BOA for variance of the required front and rear yards, which would address the applicant's and neighborhood concerns. Mr. Sack replied the main concern involved the front and rear yards. If the Commission decided to go this route, then the applicant would make the necessary adjustments.

Mr. Carnes moved for approval of RS-2 zoning with a recommendation from the TMAPC to the BOA in support of the 5' front and rear yard variances. Commissioner Selph commented he felt the Commission should take advantage of this opportunity to reach a compromise that would appease both the applicant and residents.

Chairman Doherty remarked that he did not share the feeling this automatically called out for RS-3 zoning. He preferred to see a PUD on this property. However, considering the applicant's track record, he was comfortable proceeding with RS-2 zoning with transmittal of the TMAPC's recommendation to the BOA regarding variances.

Discussion followed regarding the TMAPC's submittal of a recommendation to the BOA on this case. Mr. Linker stated this would have no place in the legal action of the BOA in determining whether a variance can be granted. He added it would be persuasive to the Board if they felt a hardship did exist. Mr. Paddock commented he felt a recommendation from the TMAPC might also be persuasive, on this particular case, since the Commission felt the objectives of the PUD process could be achieved through variances. Mr. Linker stated he had a problem with this approach. Mr. Parmele remarked that the TMAPC's recommendation was based on circumstances presented at this hearing; i.e. the physical facts of the property, limited access through a residential subdivision, etc. Therefore, he agreed with Commissioner Selph that the TMAPC was attempting to reach a compromise to satisfy the applicant and residents, and the TMAPC could request the BOA to review the Commission's concerns. Discussion continued on the TMAPC's consideration of a recommendation to the BOA.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the TMAPC voted 8-1-0 (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Coutant, "nay"; no "abstentions"; Kempe, Randle, "absent") to APPROVE Z-6266 Sack (Ellison) for RS-2 Zoning, with a recommendation to the Board of Adjustment for consideration of 5' front and rear yard variances.

Legal Description:

RS-2 Zoning: Beginning at a point 1,038.5' west of the southeast corner of Section 15, T-18-N, R-13-E of the IBM, according to the US Survey thereof; thence west 281.5'; thence north 1,320.0'; thence east 281.5'; thence south 1,320.0' to the POB.

OTHER BUSINESS:

**PUD 342-1: Minor Amendment to the Height of a Ground Sign
SW/c of East 71st Street & South Mingo Road**

Staff Recommendation:

The applicant is proposing to construct a 29'2" tall ground sign for the Wimbley Square shopping center on its 71st Street frontage. PUD 342 standards permit only a 20' high sign. Also, the PUD Chapter of the Zoning Code permits a maximum ground sign height in PUD's of 25'. Since the request violates the provision of the PUD Chapter of the Zoning Code, the applicant would also need a variance from the Board of Adjustment.

PUD 342-1 Minor Amendment - Cont

Staff feels the original PUD sign height standards are reasonable. Therefore, Staff recommends DENIAL of the minor amendment to PUD 342.

Comments & Discussion:

Mr. Stump advised the applicant had just submitted a revision to the application to request a 25' tall sign instead of a 29'2" sign.

Mr. Arlon Mareburger, representing the applicant, commented they have very good exposure along Mingo Road, but not along 71st Street. He pointed out that this shopping center was not a traditional shopping center in that their clients would be more of a technical/service oriented type businesses and not mainly retail. Mr. Mareburger submitted drawings of the architectural concept of the center and a copy of the plat. He requested approval of the amended 25' sign height.

In reply to Mr. Parmele, Mr. Gardner confirmed the original PUD text had proposed the 20' height limitation. Discussion followed on the circumstances of this case, development in this area, etc. Mr. Carnes moved for approval of the amended request for a 25' sign height.

TMAPC ACTION: 9 members present

On MOTION of CARNES, the TMAPC voted 8-0-1 (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, "absent") to APPROVE the Minor Amendment to PUD 342-1 for a 25' Sign Height.

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Z-6254-SP-1: Detail Landscape Plan
NE/c of East 63rd Street & South Mingo Road

Staff Recommendation:

Staff recommends APPROVAL of the Detail Landscape Plan for Z-6254-SP-1 as presented.

TMAPC ACTION: 9 members present

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, "absent") to APPROVE the Detail Landscape Plan for Z-6254-SP-1 Melton, as recommended by Staff.

NEW BUSINESS:

Based on a suggestion from Mr. Paddock, Chairman Doherty indicated he would get with appropriate staff members in regard to the City Commission's notice to interested parties of record for upcoming City Commission hearing items such as District Plan amendments, Zoning Code amendments, etc.

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In reply to Mr. Coutant, Mr. Gardner stated he would be happy to report any City Commission actions on zoning and PUD cases under the Director's Report each week.

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Ms. Wilson initiated a discussion on sidewalks and the lack of monitoring to see if the Subdivision regulations relating to sidewalks were being adhered to. It was suggested that the Technical Advisory Committee (TAC) be aware of the Commission's concerns in order to more closely monitor this issue at the TAC meetings since they deal directly with the Subdivision Regulations during the platting process. Chairman Doherty suggested Staff "flag" cases having a collector street for the TMAPC in order to review these for consideration of sidewalks.

There being no further business, the Chairman declared the meeting adjourned at 3:28 p.m.

Date Approved 10/27/89
James Paddock
Chairman

ATTEST:
Art Draughon
Secretary