

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1768
Wednesday, **November 8, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 7, 1989 at 11:00 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 1:32 p.m.

MINUTES:

Approval of the Minutes of October 25, 1989, Meeting #1766:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-1** (Coutant, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Carnes, Kempe, Randle, Selph, "absent") to **APPROVE** the **Minutes of October 25, 1989, Meeting #1766**.

REPORTS:

Committee Reports:

Mr. Coutant advised the **Comprehensive Plan Committee** had met this date to review proposed amendments to the District 5 & 16 Plans as a result of the Tulsa International Airport's FAR 150 Noise Study. (These amendments are set for public hearing November 29th.)

Mr. Paddock announced the **Rules & Regulations Committee** would be meeting November 15th to discuss additional change(s) to the proposed amendments to Section 1170 as relates to minor amendments to PUD's. Another agenda items for Committee consideration would be review of the TMAPC's procedure relating to the "six month rule" for rezoning applications on the same property.

Director's Report:

Mr. Gardner provided an update on recent City Commission actions relating to zoning items. He also briefed the TMAPC members on work with the City Legal Department in regard to wording for the proposed additions and/or revisions to the suggested guidelines for PUD minor amendments.

CONTINUANCE(S):

Application No.: PUD 455 Present Zoning: OM
Applicant: **Moody (HBM 71)** Proposed Zoning: CS (pending)
Location: North of East 71st Street & South Yale Avenue
Date of Hearing: November 8, 1989
Continuance Requested to: November 15th (by applicant)

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, "absent") to **CONTINUE Consideration of PUD 455 Moody (HBM 71)** until Wednesday, **November 15, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6264 & PUD 456 Present Zoning: RS-3
Applicant: **Alberty (Retherford)** Proposed Zoning: OL
Location: East side of Memorial Drive at East 77th Street
Date of Hearing: November 8, 1989
Continuance Requested to: November 15th (by applicant)

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, "absent") to **CONTINUE Consideration of Z-6264 & PUD 456 Alberty (Retherford)** until Wednesday, **November 15, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: Z-6268 Present Zoning: OL
Applicant: **Moody (Burlingame)** Proposed Zoning: CS
Location: SE/c of East 21st Street & South 101st East Avenue
Date of Hearing: November 8, 1989
Presented to TMAPC by: Mr. John Moody, 7666 East 61st, #240 (254-0626)

Relationship to the Comprehensive Plan:

The District 17 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 CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.58 acres in size and located at the southeast corner of East 21st Street and South 101st East Avenue. It is nonwooded, flat, vacant, and is zoned OL.

Surrounding Area Analysis: The tract is abutted on the north across 21st Street by a used car lot zoned CS; on the east by single-family homes zoned RS-3; on the south by single-family homes zoned RS-3; and on the west across 101st East Avenue by a shopping center zoned CS.

Zoning and BOA Historical Summary: The subject tract was rezoned from RS-3 to OL in 1973 creating a transition buffer between the shopping center and the single-family residences. No medium intensity zoning has been allowed in the residential subdivision east of 101st East Avenue.

Conclusion: CS zoning on the east side of 101st East Avenue would be contrary to the Comprehensive Plan and in Staff's opinion would be very detrimental to the single-family dwellings it adjoins. The existing OL zoning provides a reasonable use of the tract while creating a buffer between the CS uses to the north and west.

Therefore, Staff recommends **DENIAL** of CS zoning for Z-6268.

Applicant's Comments:

Mr. John Moody, representing the applicant, reviewed the zoning history of the subject tract and surrounding area as to commercial uses and presented photos showing current retail uses. Mr. Moody stated the subject property was platted prior to the surrounding areas being commercially zoned. He also reviewed the surrounding residential developments abutting CS zoning on the west. Mr. Moody commented that, according to today's standards, single-family uses would not be placed between commercial uses, as is the situation with this residential development. He advised of meetings in 1985 when the applicant met with the residential property owners to seek a solution to better utilize the deteriorating single-family area on 21st Street. The consensus from those

meetings indicated many residents favored some type of redevelopment for this area (including the applicant's lots), but neither the City nor any private developers were sure how to accomplish this due to the inability to assemble the single-family lots in this area. Mr. Moody submitted photos of dwellings in this area.

Mr. Moody advised the applicant has met with the owner of the dwelling abutting the southern boundary of the subject tract to discuss development alternatives. He pointed out that over the past four years, the applicant has been unable to market these three lots for office use and the lots remain undeveloped and vacant. Mr. Moody stated they had originally received an offer from the Circle K Corporation to purchase the subject property in order to relocate the existing Circle K store which is currently housed in the retail center across the street to the west. He commented on the poor design of the existing Circle K and the inconvenient location of their gas pumps. Mr. Moody reviewed a proposed site plan which indicated the location of the new Circle K store, canopy, gas islands, and related screening, landscaping, lighting, etc.

Mr. Moody advised of a proposed written agreement with the abutting property owners committing to the concept plan as presented in regard to screening and landscaping, etc. in order to protect their privacy and property. He commented these property owners (M/M Woodard) supported this concept as they also desired to do something positive about this situation.

Mr. Moody, therefore, amended the original CS application to cover only the west 100' of Lot 1, the north 10' of the west 100' of Lot 2, which would create an 80' x 100' area of CS zoning. This area would allow enough commercial building area under the existing 50% FAR of CS that, with a PUD, would permit the convenience store. Mr. Moody reiterated that, if approved by the TMAPC and City Commission, the Woodards were also in agreement with this concept. He requested the TMAPC give an indication or consensus of acceptability for this concept before the applicant goes to the expense of filing a PUD. Further, if the Commission looked favorably on this approach, he suggested the minutes of this zoning hearing be withheld until such time as the PUD was filed and approved. He added that the PUD would, of course, incorporate the conditions of the proposed agreement with the Woodards. Therefore, the amended application would retain a 25' buffer of OL zoning adjacent to the single-family on the east and a 110' OL buffer for the property owners (Woodards) to the south. He added the applicant had also agreed to improve the drainage and waterflow situation by grading the lot in such a manner that it would drain to 21st Street.

In his summary, Mr. Moody noted that, by amending the application as proposed, it would be possible to contain and limit commercial uses. Further, he considered a significant fact to be the residential cul-de-sac dead ending into 21st Street, as the TMAPC and City could rely upon this lot arrangement to deny the spread of further commercial development,

until such time as the marketplace improved and it became economically feasible to do a redevelopment plan for the entire area. Mr. Moody stated that, given these facts, the applicant's offer was the best solution to what was, admittedly, a difficult problem.

Interested Parties:

Ms. Linda Woodard (2127 South 101st East Avenue) advised she has resided on the tract immediately south of the subject tract for 28 years. Ms. Woodard commented she would rather have these lots developed under the agreement worked out with the applicant for the amended zoning since this offers some form of control.

Mr. Coutant asked Ms. Woodard if a key to her support was the fact that the Circle K would relocate to be adjacent to and not in front of her dwelling. Ms. Woodard stated this had not really been a consideration, but she added that there were many nights that loud noise came from this operation which was open 24 hours. She added that, if relocated, the store would be next to her garage and they would, therefore, not hear as much noise as they now do.

Review Session:

Mr. Gardner stated the amended application would not change the Staff's recommendation for denial as this would still be contrary to the District Plan.

Chairman Doherty remarked that, as stand-alone zoning, he could not support the request, but the concept plan presented appeared to address some of his concerns, especially if submitted with a PUD.

Mr. Parmele stated this was one of those problem areas in the City and he felt the applicant had made an honest attempt to work with the abutting property owner on a compatible solution. However, he did not feel this will impact or be detrimental to the other residential dwellings in this area, based on his driving through this area and viewing the situation. Further, with the PUD and the amended application, he would move for approval of the amended application resulting in a 80' x 100' area of CS zoning, withholding transmittal of the minutes until the PUD was reviewed and approved. On counsel of Mr. Linker, Mr. Parmele amended his motion to stipulate withholding the minutes until January 10, 1990 at which time the PUD would be reviewed.

Mr. Paddock commented he had a problem handling the matter under this procedure, as he felt the Commission should find a better way to handle this situation. He commented that, if the PUD was denied by the TMAPC, for whatever reasons, it would immediately bring into question the prior approval of the rezoning. General discussion followed as to the best method of handling this type of situation, with the Commission agreeing study was needed as to a better method.

Z-6268 Moody (Burlingame) - Cont

Ms. Wilson inquired if, on January 10th when the TMAPC reviews the PUD, should it be determined the rezoning needs amending by 10' or so, would this need to be reposted. Mr. Linker commented this was one of the problems Mr. Paddock was referring to and if the Commission, for some reason, does not agree on the PUD, this could create some legal questions. However, he felt it would still be in the Commission's control to reconsider the zoning at that time since a date certain was established and no further action was being taken during the interim. Additionally, the TMAPC has made it very clear the recommendation on zoning was based on the PUD submittal and review. Mr. Linker agreed this was not the best procedure and the Commission was improvising to handle the situation in the best possible manner under the circumstances.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Randle, Selph, "absent") to **APPROVE Z-6268 Moody (Burlingame)**, as amended for CS zoning only on the west 100' of Lot 1, the north 10' of the west 100' of Lot 2, creating an 80' x 100' area of CS zoning. Further, to withhold transmittal of these minutes until January 10, 1989 at which time a related PUD would be presented for review.

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Application No.: **Z-6269** Present Zoning: **RS-3**
Applicant: **Johnston (Christ United Methodist Church)** Proposed Zoning: **PK**
Location: North side of 36th Street on both sides of Indianapolis Avenue
Date of Hearing: November 8, 1989
Presented to TMAPC by: Mr. Larry Johnston, 4906 East 26th (582-7129)

Relationship to the Comprehensive Plan:

The District 6 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 PK District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 0.63 acres in size and located on both sides of Indianapolis Avenue north of East 36th Street South. It is nonwooded, flat, contains a parking lot on the west side of Indianapolis Avenue, and a parking lot and two single-family dwellings on the east side of Indianapolis and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a church west of Indianapolis and single-family dwellings east of Indianapolis zoned CS and RS-3 respectively; on the east by single-family dwellings zoned RS-3; on the south by single-family dwellings zoned RS-3; and on the west by commercial establishments zoned CS.

Zoning and BOA Historical Summary: The Methodist Church (the applicant) has continued to expand its main buildings at the southwest corner of 35th Street and Indianapolis, which has produced an ever increasing need for off-street parking. The BOA has on three separate occasions permitted parking lots on RS-3 zoned property on both sides of Indianapolis. BOA case 13470 did, however, impose a condition that the lot at the northwest corner of 36th Street and Indianapolis be acquired by the church prior to using three of the lots on that block for parking. Our records show that the church has not acquired that lot, but has developed off-street parking on two of those lots in apparent violation of the BOA's conditions.

Conclusion: Off-street parking on the subject tract is contrary to the Comprehensive Plan and adversely impacts the single-family dwellings on the east and west sides of Indianapolis. If the church could acquire all the residences on Indianapolis between 35th and 36th Street, then parking in this area would be acceptable.

Therefore, Staff recommends **DENIAL** of PK zoning for Z-6269, but could support such zoning if all the dwellings fronting on Indianapolis are acquired by the church.

Applicant's Comments:

Mr. Larry Johnston, representing the Christ United Methodist Church, reviewed the site plan as to existing parking under lease and tie contracts for additional parking space. Mr. Johnston answered questions from the Commission regarding the number and location of parking spaces in and around the church area.

Interested Parties:

Ms. Betty Weddle	3513 South Indianapolis Avenue
Mr. John Terral	3513 South Jamestown Avenue

Ms. Weddle and Mr. Terral both spoke on the increasing problems throughout the residential streets as the church has increased their parking areas. They both expressed concern that the church, while expressing they were not planning to "buy out" additional dwellings, were in fact doing just that. Ms. Weddle strongly opposed this application due to the current traffic problems during church services. Mr. Terral concurred and shared the concern that the need for parking would continue to grow.

Applicant's Rebuttal:

Mr. Johnston advised they had made an offer to purchase the former Red Cross building for church space and parking, but they were unable to finalize the terms. Mr. Johnston commented he feels there has been a lack

of proper communication between the church administrators and the neighborhood residents. Mr. Johnston answered questions from the Commission members to further clarify parking arrangements at the Red Cross lot on Sundays, and the number of lots they currently use.

TMAPC Review Session:

Mr. Draughon commented he was puzzled as to the one remaining lot on the south end of the existing lots used for parking on 36th Street. Mr. Stump advised that the applicant was to negotiate with the property owner for use of all three lots. However, the most southern dwelling remains and the two remaining lots were developed for parking.

Mr. Coutant commented that when the church expanded their sanctuary, he would assume there were requirements for adequate parking. Mr. Gardner advised the Code required one space for each five sanctuary seats; i.e. 950 seats divided by 5). He pointed out the church might actually need more since the Code requirement was a minimum.

Mr. Parmele stated confusion and concern as to the BOA action regarding the increase in floor area ratio from 50% to 61%, as it appeared that some of those subsequent actions ('85, '86) may have amended the approval in '83. Therefore, it may be that six of those eight lots have been approved for parking by the BOA. If this was the case, the TMAPC would only be looking at the addition of two lots. Mr. Parmele commented he felt it unfair and unreasonable that an applicant would be required to acquire additional property in order to get this application approved, as an applicant might make his best efforts to acquire property, but be unable to do so. He agreed the parking in this area was a problem, but he was unsure as to the best solution; however, he favored consideration of the request.

Ms. Wilson stated support of the Staff recommendation for denial as she felt the Commission should not approve PK to solve the church's immediate needs, as they should submit a comprehensive plan to accommodate their growth and future parking needs. Therefore, she moved for denial. The Commission members discussed the motion voicing their positions for or against the request, as indicated below.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the TMAPC voted **4-3-0** (Doherty, Paddock, Wilson, Woodard, "aye"; Coutant, Draughon, Parmele, "nay"; no "abstentions"; Carnes, Kempe, Randle, Selph, "absent") to **DENY Z-6269 Johnston (Christ United Methodist Church) for PK Zoning**, as recommended by Staff.

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Application No.: Z-6270

Present Zoning: IH

Applicant: TMAPC

Proposed Zoning: IL/AG

Location:

Tract A - 1/4 mile South of the SW/c of East 56th St North & N 145th E Ave

Tract B - SE/c of East 56th Street North & North 137th East Avenue

Date of Hearing: November 8, 1989

Presented to TMAPC by: INCOG Staff, 201 West Fifth, #600

(584-7526)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Development Sensitive and Medium Intensity when 145th Street between 56th Street North and the Port Road is upgraded to at least a two-lane arterial street.

According to the Zoning Matrix, the requested IL District is not in accordance with the Plan Map because 145th has not been extended or improved. The AG District is in accordance with the Plan Map. The existing IH zoning is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: Tract A is approximately 0.94 acres in size and is located approximately 1/4 mile south of the southwest corner of East 56th Street North and North 145th East Avenue. Tract B is approximately 20 acres in size and is located at the southeast corner of East 56th Street North and North 137th East Avenue. Both tracts are partially wooded, gently sloping, vacant and zoned IH.

Surrounding Area Analysis: Tract A is abutted on the north, east and west by vacant land zoned AG; and on the south by a single-family dwelling zoned AG. Tract B is abutted on the east and west by vacant land zoned AG; on the south by vacant land and a single-family dwelling zoned AG, and on the north by single-family dwellings zoned RS.

Zoning and BOA Historical Summary: The tracts were originally zoned IH in June 1970. (Mr. Gardner commented that, as of this date, Staff cannot find a single application or document as to how this happened.)

Conclusion: The surrounding development, arterial access and soil types do not support the present IH on the tracts. AG zoning would be in conformance with the District 16 Plan and IL zoned would be in conformance once 145th is extended and improved. Neither tract has ever been used for activities requiring IH zoning, but if they were to be used in such a manner it would be quite detrimental to the residences in the area.

Therefore, Staff recommends **APPROVAL** of AG zoning on both tracts if the owners do not object, or IL zoning in the alternative.

Comments & Discussion:

Mr. Parmele inquired as to the number of property owners in these two areas under consideration for rezoning. Staff advised there was one property owner in Tract A; four in Tract B. Mr. Gardner verified all

property owners had been contacted and notified of this hearing. Staff was in receipt of one letter which stated no opposition to downzoning from IH to IL on Tract A. In response to Mr. Draughon, Mr. Gardner explained that any new applications in this area requesting IL/IH zoning from AG would not receive a favorable recommendation based on the Comprehensive Plan. However, this was a different situation as these two tracts already had IH zoning, which was the basis for the unusual recommendation.

Interested Parties:

Mr. Eddie Douglas (14141 East 56th Street North, Owasso), a resident on the north side of Tract B across 56th Street North, stated he preferred the AG zoning and was in agreement with the Staff recommendation.

Mr. John David Heckel (13907 East 56th Street North, Owasso) also favored the AG zoning in order to maintain the country environment in this area.

Chairman Doherty advised receipt of a letter from the single property owner of Tract A, **M/M Richard W. Conatzer** (PO Box 11, Owasso), stating "no objection to the rezoning of our IH property to IL, if it will not cause us any problem with our two trucks being parked on this property. We have no intention of using this property for any other commercial business."

TMAPC Review Session:

Mr. Woodard moved for approval of the Staff recommendation; then amended said motion in order to consider Tracts A and B separately.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE Z-6270 TMAPC, Tract A, for IL Zoning**, as recommended by Staff. (Tract A is located 1/4 mile South of the SW/c of East 56th Street North & North 145th East Avenue.)

Mr. Parmele advised he had a problem with downzoning of property in Tract B without the owners consent and could not agree to do so. Discussion followed among the Commission members with Mr. Parmele reiterating his feelings against downzoning without property owner consent.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **5-1-0** (Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; Parmele, "nay"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE Z-6270 TMAPC, Tract B, for AG Zoning**, as recommended by Staff. (Tract B is located at the SE/c of East 56th Street North & North 137th East Avenue.)

Legal Description:

Tract A - IL Zoning: The N/2 of the NE/4 of the NE/4 of the SE/4 of the NE/4, Section 9, T-20-N, R-14-E, Tulsa County, Oklahoma less and except the north 100' of the east 160' thereof.

Tract B - AG Zoning: The N/2 of the NW/4 of the NE/4, Section 9, T-20-N, R-14-E, Tulsa County, Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Homeland No. 0102 (PUD 360-A)(1483) NW/c of East 91st Street & South Memorial

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the Final Plat of **Homeland No. 0102** and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 435-A: Detail Landscape Plan - Laureate Psychiatric Clinic & Hospital
SE/c of East 66th Street & South Yale Avenue

Staff Recommendation:

Staff has reviewed the proposed Detail Landscape Plan for PUD 435-A and finds the type and location of plantings and schedule of plantings to be acceptable. Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan including schedule of installation for PUD 435-A.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the **Detail Landscape Plan for PUD 435-A**, as recommended by Staff.

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PUD 179-P: Detail Landscape Plan & Detail Sign Plan for Taco Bell
NE/c of East 74th Street and South Memorial Drive

Staff Recommendation:

Staff has reviewed the Detail Landscape Plan and Detail Sign Plan for Taco Bell in PUD-179-P and found them to be in conformance with the PUD Development Standards. Therefore, Staff recommends **APPROVAL** of the Detail Landscape and Sign Plans for Lot 1, Block 1 of Randall Plaza in PUD 179-P.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **5-0-1** (Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; Parmele, "abstaining"; Carnes, Coutant, Kempe, Randle, Selph, "absent") to **APPROVE** the **Detail Landscape Plan & Detail Sign Plan for PUD 179-P**, as recommended by Staff.

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

Date Approved Nov 29, 89
[Signature]
Chairman

ATTEST:

Art Draughon
Secretary