

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1772
Wednesday, **December 13, 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 Setters	Linker, Legal Counsel
Coutant Doherty, Chairman Draughon, Secretary Paddock Parmele Wilson, 1st Vice Chairman Woodard	Selph	Stump	

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 12, 1989 at 11:05 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 November 29, 1989, Meeting #1772:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Coutant, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Kempe, Randle, Selph, "absent") to **APPROVE** the **Minutes of November 29, 1989, Meeting #1772**.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to review recommendations received from the Sign Advisory Board on the preliminary draft of Zoning Code amendments relating to signage. He commented the Committee was in agreement with several of their recommendations and a follow up meeting will be scheduled in the near future to continue this review.

Director's Report:

Mr. Gardner briefed the Commission members on recent City Commission actions relating to zoning.

Mr. Gardner commented on the possibility of revising the TMAPC agendas in the upcoming year so as to include committee work sessions on the third Wednesday of each month. He mentioned this could be considered in more detail at the January 3rd agenda meeting.

RESOLUTION(S):

Resolution No. 1770:695
Resolution No. 1770:696

District 5 Plan Map & Text
District 16 Plan Map & Text

Ms. Dane Matthews reviewed the resolutions amending the above stated District Plans as relates to the results of the Tulsa International Airport's FAR Part 150 Noise Study and other housekeeping-type amendments. (The public hearing on this matter was held November 29, 1989.)

TMAPC ACTION: 8 members present

On **MOTION** of **COUTANT**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, "absent") to **APPROVE** the **Resolutions Amending the District 5 and 16 Plan Maps & Text**, as outlined above.

CONTINUANCE(S):

Application No.: **PUD 457** Present Zoning: **RS-3**
Applicant: **Poe & Associates (Stephen Prop.)** Proposed Zoning: **Unchanged**
Location: **NE/c of East 81st Street & South Yale Avenue**
Date of Hearing: **December 13, 1989**
Continuance Requested to: **January 10, 1990** (Timely request by the applicant)

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, "absent") to **CONTINUE Consideration of PUD 457 Poe & Associates (Stephens Prop.)** until **Wednesday, January 10, 1990** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6275 Present Zoning: RT
Applicant: Norman (Brumble) Proposed Zoning: OL
Location: NE/c of East 91st Street & South College Avenue
Date of Hearing: December 13, 1989
Continuance Requested to: January 10, 1990 (Timely request by the applicant)

Comments & Discussion:

Mr. Charles Norman, representing the applicant, advised that he would like to amend the continuance request from January 10th to January 24th. He stated he had just discussed this matter with the interested parties in attendance, and none voiced an objection to the January 24th continuance.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, "absent") to **CONTINUE Consideration of Z-6275 Norman (Brumble)** until Wednesday, **January 24, 1990** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: Z-6272 Present Zoning: RS-3
Applicant: Joe Hill Proposed Zoning: IL
Location: N & S sides of East Zion Street, N & W of East Kingston Avenue
Date of Hearing: December 13, 1989
Presented to TMAPC by: Mr. Joe Hill, Box 582503, Tulsa 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 5.3 acres in size and is located on the north and south sides of East Zion Street North and west of 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 by an industrial building zoned IL; on the east across Kingston Avenue by a mobile home and single-family dwelling zoned RS-3; on the south by vacant property zoned RS-3; and on the west by vacant property zoned RS-3.

Zoning and BOA Historical Summary: Property at the southeast corner of Kingston Avenue and Apache Street was zoned CS in 1972. In 1988 the three lots at the southwest corner of Kingston and Apache were zoned IL.

Conclusion: The area has a significant amount of industrial zoning north of Apache, but only the three lots immediately northeast of the subject tract are zoned IL south of Apache. Since the Comprehensive Plan designates the area Low Intensity - Residential, Staff cannot support IL on this tract unless a study of the entire area resulted in a change in the Comprehensive Plan designation which would allow IL zoning. (Staff noted a study would take approximately 60 days before bringing to public hearing.)

Therefore, Staff recommends **DENIAL** of IL zoning for Z-6272.

Applicant's Comments:

Mr. Joe Hill submitted photos of the area and advised the rezoning was desired in order to accommodate a building on the tract for industrial uses. He confirmed that he intended to asphalt the portion to be utilized for the industrial uses.

Mr. Gardner clarified the applicant has a building on that part already zoned industrial and has a prospective client to lease the entire tract if one additional building could be constructed.

TMAPC Review Session:

In response to Mr. Carnes, Chairman Doherty advised there were no interested parties or protestants in attendance on this case.

Chairman Doherty confirmed with Staff that industrial zoning on a portion of the tract might be appropriate. Mr. Gardner commented that completion of the Gilcrease Expressway made this site much more accessible, and it would probably be suitable for aircraft related uses. He added that, in Staff's opinion, this would not develop residential, but the question remained with "where to draw the zoning lines". General discussion followed on development in this area.

Mr. Carnes pointed out this property has not developed over the past 20 years, and he felt there was a need for the type of use proposed. He added that he could not see penalizing the applicant or his potential client by making them wait 60 days for a study. Mr. Parmele agreed, noting he could understand Staff's need for a study, but he felt the results could probably be predicted. Therefore, he could see no reason to not approve at least a portion of the tract IL. Mr. Paddock concurred and moved to approve IL zoning on the portion of the tract north of Zion Street, leaving that portion south of Zion as is. The applicant indicated the motion as stated would satisfy his immediate needs.

Chairman Doherty agreed that establishing the zoning line at Zion Street was the logical thing to do. Further, since the loop on Coal Creek cuts across the subject tract, he did not anticipate this ever developing other than for industrial uses. Mr. Gardner noted, if rezoning was limited to the property north of Zion Street, then the Commission would probably not be approving anything in a floodplain except the extreme western edge of the property. He agreed with the proposed logic to keep the southern portion RS-3 until such time as a study was completed. Discussion followed on possibly amending the motion to include that portion south of Zion Street outside the floodplain. Mr. Paddock commented that he was not comfortable doing this since the area could not be defined until the study was completed. Therefore, the motion remained as originally made.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, "absent") to **APPROVE Z-6272 Hill for IL Zoning only on the portion of the tract north of Zion Street.**

Legal Description:

IL Zoning: Lots 4, 5 and 6, Block 2, Auda's Addition, AND All that part of the NW/4 of the NE/4 of Section 27, T20N, R13E, Tulsa County, Oklahoma according to the US Government Survey, more particularly described as follows, to-wit: BEGINNING at a point on the north line of Section 27, 2024' west of the northeast corner; thence south and parallel with the east line a distance of 355' to a point; thence west and parallel with the north line a distance of 122.7' to a point; thence north and parallel with the east line a distance of 355' to a point; thence east along the north line a distance of 122.7' to the POB, AND

All that part of the NW/4 of the NE/4 of Section 27, T20N, R13E, Tulsa County, Oklahoma according to the US Government Survey, more particularly described as follows, to-wit: BEGINNING at a point on the north line of Section 27, 2146.7' west of the northeast corner; thence south and parallel with the east line a distance of 355' to a point; thence west and parallel with the north line a distance of 122.7' to a point; thence north and parallel with the east line a distance of 355' to a point; thence east along the north line a distance of 122.7' to the POB.

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Application No.: Z-6273 Present Zoning: RS-1
Applicant: Albery (Oschsner) Proposed Zoning: CS/RM-0
Location: NE/c of East 121st Street & South Yale Avenue
Date of Hearing: December 13, 1989
Presented to TMAPC by: Mr. Wayne Albery, 4325 East 51st, #115 (492-6691)

NOTE: Due to the following application being located at the southwest corner of this intersection, Chairman Doherty requested comments on Z-6273 and Z-6274 be heard prior to taking action on either case.

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium and Low Intensity - No Specific Land Use.

According to the Zoning Matrix, the requested CS zoning is in accordance with the Plan Map for a 467' x 467' node at the intersection, the requested RM-0 may be found in accordance with the Low Intensity portion of the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 11.6 acres in size and is located at the northeast corner of East 121st Street South and South Yale Avenue. It is nonwooded, gently sloping, vacant and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north and west by vacant property zoned RS-1; on the east by a drainage easement and a developing single-family subdivision zoned RS-1 and on the south by a wholesale plant nursery with greenhouses zoned AG.

Zoning and BOA Historical Summary: A single-family PUD was approved with private streets and RS-1 standards east and north of the property in 1984. The subject tract was rezoned from AG to RS-1 at that time.

Conclusion: Based on the Comprehensive Plan, Staff can support rezoning to CS a 467' x 467' node at the intersection and a wrap around buffer of RM-0 to depth of 300' on the north and 191.76' on the east.

Therefore, Staff recommends **APPROVAL** of CS and RM-0 zoning in the above mentioned pattern.

Comments & Discussion:

In reply to Mr. Paddock, Staff confirmed that water services were available to this area and sewer would be available in approximately 18 months. Discussion followed on the Development Guidelines standards for nodes such as this intersection, and the Department of Stormwater Management (DSM) comments on this and the following zoning case.

Applicant's Comments:

Mr. Wayne Alberty, land planner, stated the property owner was seeking the rezoning in order to better market the property for sale. Therefore, an application was made that would conform with the Comprehensive Plan for District 26. Mr. Alberty agreed with the Staff recommendation for approval in the stated patterns. He reiterated the applicant does not have any development plans at this time, as they only wish to establish zoning patterns in order to market the property.

In reply to Ms. Wilson, Mr. Alberty agreed it would be about 18 months before anyone could hook-up to a sewer system. Therefore, it would seem likely that it may take at least that long before considering any development on the tract(s) as the cost of a septic system would certainly be prohibitive if developed prior to that time.

In response to Mr. Draughon regarding the DSM's written comments, Mr. Alberty stated surprise as he was not aware that DSM had initiated a policy to issue recommendations on the appropriateness of zoning cases. Further, he felt it was entirely outside their jurisdiction to do so, especially considering the fact that development may not be proposed for several months or years.

NOTE: Due to the following application (Z-6274) being at the southwest corner of this intersection, interested parties were asked to submit comments on both cases at this time.

Interested Parties: (for Z-6273 & Z-6274)

Ms. Jane Freeman, Dist 26 Co-Chair	5842 East 98th Street	74137
Mr. Don Blaser	4610 East 118th Street	"
Mr. R.T. Elder	4609 East 119th Street	"
Ms. Sara Davenport	5202 East 121st Street	74008
Ms. Crystal Sprik	4619 East 119th Street	74137
Mr. Dennis Barnett	11818 South Yale	"
Mr. W.C. Tomsen	4990 East 114th Place	"
Ms. Patricia Eland	4710 East 118th Street	"

Letters submitted by:

Dr. & Mrs. Donald R. Craig	4305 East 118th Street	"
M/M Roy Keeton	4618 East 118th Street	"
Ms. Barbara K. Jones	4719 East 119th Street	"

All of the above listed parties spoke in protest to the rezoning due to concerns of increased waterflow and drainage problems, increased traffic congestion, and lack of a sewer system. The major concern involved the overland waterflow, with most of the comments suggesting no rezoning or development be permitted until such time as a complete study was done to update the floodplain maps, and/or until the sewer issue was resolved. Ms. Freeman referred to Section 4.8 of the District 26 Plan as to maintaining agricultural land uses south of 121st Street. She also remarked on concerns with possible Environmental Protection Agency violations. The protestants expressed a desire to keep the agricultural zoning so as to preserve the rural atmosphere of this area.

Ms. Freeman interjected that some of the concerns shared and expressed by the residents regarding drainage could be alleviated with proper communication and involvement between the residents and any future developer.

Applicant's Rebuttal:

Mr. Alberty pointed out that any development on this property would be required to meet the DSM guidelines, which would help to alleviate some of the existing drainage problems. He repeated his agreement with the Staff recommendation for approval.

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In response to a request from the Commission, Chairman Doherty tabled the vote on Z-6273 until after review of the related zoning application, Z-6274, as follows:

Application No.:	Z-6274	Present Zoning:	AG
Applicant:	Cox (Cousins)	Proposed Zoning:	CS/RM-0
Location:	SW/c of East 121st Street & South Yale Avenue		
Date of Hearing:	December 13, 1989		
Presented to TMAPC by:	Mr. Jack Cox, 7935 East 57th		(664-3337)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium and Low Intensity - No Specific Land Use.

According to the Zoning Matrix, the requested CS zoning is in accordance with the Plan Map for a 467' x 467' node at the intersection, the requested RM-0 may be found in accordance with the Low Intensity portion of the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 13.5 acres in size and is located at the southwest corner of East 121st Street South and South Yale Avenue. It is partially wooded, flat, vacant, and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned RS-1; on the east by a wholesale plant nursery with greenhouses zoned AG; on the south by vacant property zoned AG; and on the west by vacant property zoned AG.

Zoning and BOA Historical Summary: NONE

Conclusion: Based on the Comprehensive Plan Staff can support rezoning to CS a 467' x 467' node at intersection and a wraparound buffer of RM-0 to a depth of 300'.

Therefore, Staff recommends **APPROVAL** of CS and RM-0 zoning in the above mentioned pattern.

Comments & Discussion:

Mr. Gardner commented that Staff has had several discussions with DSM regarding this property since a portion of the southwestern corner is in a floodplain. He stated that, if zoned, then it must be platted and, if platted, then a drainage easement would be required. If left unzoned and unplatted, no conditions for a drainage easement could be imposed.

Applicant's Comments:

Mr. Jack Cox, engineer for the applicant, reiterated that water services were available to the site and sewer would be available in about 18 months and would alleviate a lot of the existing water problems. Mr. Cox stated he felt the applicant was following the Comprehensive Plan for this District, and noted this was one of the more complicated District Plans approved. He stated in agreement to the Staff recommendation.

Ms. Wilson inquired if the applicant would have to size any future drainage to accommodate the subject tract plus the water coming overland from surrounding tracks uphill. Mr. Cox remarked that, in this particular case, "if sized just to serve the area, when the rain falls, it's going to run off before the other water gets here." Therefore, it should alleviate some of the existing upstream problems. However, at this point, he could only speculate. Mr. Cox added that, if a developer was willing to invest "x" number of dollars, then it would behoove the city to join in to solve some of the problems in this area rather than resolve just one problem for one tract.

Chairman Doherty interjected that, not only does Stormwater Management review such cases, but the TMAPC would also be seeing this and could address these concerns at the platting process, if approved.

Interested Parties:

Due to the relationship of the preceding case (Z-6273), the interested parties commented on both applications; see pages 7 and 8.

Mr. Carnes informed the protestants that the applicants were requesting only five acres of CS, even though the Development Guidelines, a part of the Comprehensive Plan would allow up to ten acres per corner. He added he felt confident that upon completion of the sewer system and drainage developments, current waterflow problems would be greatly reduced.

Chairman Doherty advised that, while understanding the concerns and desires of the protestants, the Planning Commission could not legally require a development plan prior to rezoning. He added the specific plans for developing property come at the platting stage or through a PUD, not at the time of a zoning application.

TMAPC Review Session: Z-6273 & Z-6274

Mr. Parmele commented that, regardless of whatever action the TMAPC may take today, he felt Stormwater Management should be contacted to review the culvert under Yale Avenue to see what, if anything, could be done to alleviate some of the problems in this neighborhood. He added that he did not feel these two particular pieces of property were going to contribute to the existing problems since any future development will be required to meet today's strict standards for drainage. Mr. Parmele recalled the Plan for District 26 was one of the "hardest fought battles" of all the Comprehensive Plans and was one of the last to be approved. He advised one of the major concerns at that time had been the preservation of the low intensity residential uses, which he feels was recognized in the District 26 Plan by a reduction of commercial and multifamily uses at the nodes. Further, the proposed CS zoning was less than the usual Development Guidelines standards for this type node.

In response to an inquiry by Mr. Draughon regarding DSM involvement in the zoning process, Mr. Linker stated the procedure normally followed "divorces" the drainage issue from the zoning aspect of the process. He stated that, if the requested zoning was approved, the applicant would have to process a subdivision plat, and at that time they would be required to meet reasonable DSM requirements as to drainage. Mr. Linker further advised this may or may not require the applicant to take action which could improve the situation for the existing development. However, any future development would not be able to do anything that would create **additional** flooding.

Mr. Gardner clarified the subject tracts had never been part of the platted property for development of the 70+ single-family homes. The tract on the northeast corner was a part of the zoning, but was not a part of the PUD or plat for residential development.

Mr. Parmele moved for approval of Z-6273 as requested. He pointed out that approval of the rezoning was not an indication these tracts would develop tomorrow, but was merely an indication of how development could occur at some point in the future. Mr. Parmele stated the Major Street and Highway Plan called for Riverside Drive to be extended to 121 Street, a Primary Arterial programmed for six-laning to Memorial Drive. Therefore, he felt this node lends itself more to commercial and multifamily development rather than single-family uses.

Mr. Paddock commented he did not agree with the concept of placing commercial uses at every node in the city. Further, he felt any action was premature due to the physical facts at this particular location. Therefore, he would not be supporting the motion.

Mr. Coutant expressed his support of the motion as he felt the TMAPC must be consistent in the zoning process and follow the established system. He pointed out that today's concern was planning/zoning and the water or drainage issues would be handled at a later date during the platting

process. Mr. Coutant reiterated the concern as to the appropriateness of the commercial use at this intersection was addressed during the Comprehensive Plan phase, and he felt bound to consistently apply the established guidelines.

Ms. Wilson spoke in favor of the motion and suggested a copy of these minutes be forward to the Department of Stormwater Management with a request that the following information be provided to the City Commission prior to their hearing: (1) the drainage basin of these tracts; (2) the City's plans for improvements; and (3) DSM requirements for the subject tracts of land.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **5-2-0** (Carnes, Coutant, Doherty, Parmele, Wilson, "aye"; Draughon, Paddock, "nay"; no "abstentions"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE Z-6273 Aliberty (Ochsner) for CS/RM-0 Zoning**, as recommended by Staff.

For the reasons previously stated, Mr. Parmele moved for approval of Z-6274 as requested.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **5-2-0** (Carnes, Coutant, Doherty, Parmele, Wilson, "aye"; Draughon, Paddock, "nay"; no "abstentions"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE Z-6274 Cox (Cousins) for CS/RM-0 Zoning**, as recommended by Staff.

Mr. Parmele agreed with the suggestion to forward a copy of these minutes to DSM, and Chairman Doherty requested Staff to do so. In regard to notifying the interested parties of any future development plans on these tracts, Mr. Gardner stated the plat may not be filed for five years or more. However, Staff would attempt to keep the names and addresses current in order to notify those on record. As suggested by Mr. Coutant, Chairman Doherty asked Staff to verbally communicate with DSM as to the Commission's feeling on the questioned appropriateness of receiving recommendations from DSM on zoning applications since development plans are not available until the platting or PUD stages.

Legal Description:

Z-6273 Aliberty (Ochsner): CS Zoning on the south 467' of the west 467' of the SW/4 SW/4 of Section 34, T18N, R13E, Tulsa County, Oklahoma; AND RM-0 Zoning on the south 767' of the west 658.76' of the SW/4 SW/4 of Section 34, T18N, R13E, Tulsa County, Oklahoma, LESS AND EXCEPT the south 467' of the west 467' thereof.

Z-6274 Cox (Cousins): CS Zoning on the north 467' of the east 467' of Government Lot 4 (NE/4 NE/4) Section 4, T17N, R13E, City & County of Tulsa, Oklahoma; AND RM-0 Zoning on the north 467' of the west 300' of the east 767' and the south 300' of the north 767' of the east 767' of Government Lot 4 (NE/4 NE/4), Section 4, T17N, R13E, City & County of Tulsa, Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Hampton South (Z-4789-SP-2)(784) East 76th Street & South Garnett Rd. (C0)
(Staff advised this was for Phase I only.)

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-1** (Carnes, Coutant, Doherty, Paddock, Parmele, Wilson, "aye"; no "nays"; Draughon, "abstaining"; Kempe, Randle, Selph, Woodard, "absent") to **APPROVE** the Final Plat of **Hampton South - Phase I** and release same as having met all conditions of approval.

There being no further business, the Chairman declared the meeting adjourned at 4:07 p.m.

Date Approved

1/3/90


Chairman

ATTEST:


Secretary