

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1781  
Wednesday, **February 28, 1990**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes, 2nd Vice Chairman	Kempe	Frank	Linker, Legal Counsel
Coutant	Parmele	Gardner	
Doherty, Chairman	Randle	Lasker	
Draughon, Secretary		Setters	
Paddock		Stump	
Rice		Wilmoth	
Wilson, 1st Vice Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 27, 1990 at 10:20 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 1:38 p.m.

**MINUTES:**

**Approval of the Minutes of February 14, 1990, Meeting #1779:**

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-1** (Carnes, Coutant, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; Doherty, "abstaining"; Kempe, Parmele, Randle, "absent") to **APPROVE** the **Minutes of February 14, 1990, Meeting #1779**.

**REPORTS:**

**Committee Reports:**

Mr. Paddock announced the **Rules & Regulations Committee** will be meeting next Wednesday to continue discussion and review of proposed Zoning Code amendments relating to signage.

**Director's Report:**

Mr. Lasker provided an update on the status of House Bill 1888 dealing with enabling legislation Planned Unit Developments (PUDs).

**PUBLIC HEARING:**

**TO CONSIDER AMENDMENTS TO THE  
PARK, RECREATION & OPEN SPACE PLAN  
FOR THE TULSA URBAN AREA: 1988 - 2005**

**Comments & Discussion:**

Mr. Irving Frank, INCOG, provided a review of the proposed amendments to the Plan and answered general questions from the TMAPC. Mr. Frank commented on the input and cooperation provided by the City and County Park Departments, the TMAPC's Comprehensive Plan Committee and various citizens.

Commissioner Rice stated he had talked with several citizens in the agricultural community who expressed their support for this proposal.

A summary report was provided by representatives of the following departments as to their input and participation in this matter. Each of the listed Park Department representatives advised of their endorsement for the proposed amendments to the Park, Recreation & Open Space Plan. A question/answer session with the TMAPC members followed the briefing by each representative.

Hugh McKnight	Director, City of Tulsa Park Department
Richard Bayles	Director, Tulsa County Park Department
Jackie Bubenik	Director, River Parks Authority

**Interested Parties:**

Mr. Robert Bookout (8705 South Lakewood), District 18 Co-Chair, encouraged consideration of: greater cooperation between the three park agencies; more land acquisition along the Arkansas River; a children's science or history museum at the old Warehouse Market building at 11th & Elgin; additional softball fields in areas near the airport; zoo expansion; a park development fee for new development; and meeting the goals of the Tulsa Trails System.

Mr. Terry Wilson (7728 East 30th), District 5 Chairman, advised of work done by homeowners associations in this district with the Department of Stormwater Management regarding plan for park/recreation areas during development of detention or retention areas. Mr. Wilson referred to particular sections of the District 5 Plan as to preservation and park considerations. He initiated discussion on possible neighborhood park locations in District 5 for development and inclusion in this Park Plan.

Mr. David Brown (2728 South 117th East Avenue), District 17 Chairman, submitted a statement with the following comments from citizens in District 17:

PUBLIC HEARING - Cont

1. Strongest possible support for preserving the integrity of existing park lands and open recreation areas".
2. The Citizen Planning Team endorses and encourages the use of public lands as outlined in their District Plan.
3. The Citizen Planning Team of District 17 encourages the TMAPC to approve and adopt the proposed Plan.

Mr. Brown added the residents of Park Plaza III and IV Additions "encourages the TMAPC to include in its plan special consideration of the extensive (20+ acre) Williams Tract as a community park with appropriate facilities." (This tract is located between 31st & 41st Streets and Garnett Road & 129th East Avenue.) In regard to the mentioned need to acquire additional community park land in East Tulsa (page 52 of the Plan), Mr. Brown advised the Citizen Planning Team also supported the proposed Plan's assessment.

TMAPC Review Session:

Mr. Coutant, as Chairman of the Comprehensive Plan Committee, advised of the Committee's review and recommendation in support of the proposed Plan. Therefore, he moved to recommend adoption of the amendments to the Park, Recreation and Open Space Plan for the Tulsa Urban Area: 1988 - 2005 by the TMAPC.

Mr. Carnes suggested this matter be tabled or continued in order to allow Staff time to incorporate the changes/comments suggested by the interested parties for specific areas in their districts. Mr. Frank commented Staff could incorporate any changes into the document to be attached to the resolution for review by the TMAPC in a two or three week time period. Discussion followed on whether there was any urgency to approve the amendments at this time or to table the matter. Mr. Coutant stated he did not see any urgency for the TMAPC to take action today. Therefore, he withdrew his previous motion for adoption and moved to close the public hearing and table TMAPC action until March 14th.

TMAPC ACTION: 8 members present

On **MOTION** of **COUTANT**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to **CLOSE the Public Hearing on the Park, Recreation & Open Space Plan for the Tulsa Urban Area: 1988 - 2005, and TABLE TMAPC Action** until Wednesday, **March 14, 1990** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: **CZ-179** Present Zoning: AG  
Applicant: **Harger** Proposed Zoning: IM  
Location: West of the NW/c of 209th West Avenue & the Keystone Expressway  
Date of Hearing: February 28, 1990  
Continuance Requested to: March 28, 1990 (timely request by applicant)

Comments & Discussion:

Staff advised the applicant has requested a continuance in order to readvertise for commercial zoning. Discussion ensued on the procedure to follow, with some TMAPC members expressing the thought that, with the withdrawal for industrial zoning to readvertise for commercial, this was, in fact, a new application. Staff confirmed that a lower industrial category could be considered without readvertising, but not a commercial category. Discussion continued on the course of action to take in regard to the application(s) and the amount of fees involved.

Mr. Draughon moved to continue the IM request to March 28th, with a request to have Staff advise the applicant of options available regarding industrial/commercial uses.

TMAPC ACTION: 7 members present

On **MOTION** of **DRAUGHON**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Parmele, Randle, "absent") to **CONTINUE Consideration of CZ-179 Harger** until Wednesday, **March 28, 1990** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: **CZ-180** Present Zoning: RS  
Applicant: **Slavens** Proposed Zoning: CG  
Location: NE/c of West 61st Street & South 64th West Avenue  
Date of Hearing: February 28, 1990  
Presented to TMAPC by: Chester Slavens, 1921 West 48th Place (446-5640)

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 75' x 135' in size and is located at the northeast corner of West 61st Street South and South 64th West Avenue. It is partially wooded, flat and contains outdoor storage of various materials and is zoned RS.

**Surrounding Area Analysis:** The tract is abutted on the north, east and west by single-family dwellings zoned RS; on the south by a mixture of mobile homes and single-family dwellings zoned A-1 (Creek County).

**Zoning and BOA Historical Summary:** A previous rezoning case (1977) approved CS zoning in the area, and was in accordance with the Comprehensive Plan.

**Conclusion:** Based on the Comprehensive Plan and existing zoning patterns abutting the subject tract, Staff views the request as an example of spot zoning and cannot support the request. Staff cannot justify the rezoning of property based on the existing use of the property as outdoor storage of various materials.

Therefore, Staff recommends DENIAL of CG and any less intensity commercial zoning.

Comments & Discussion:

Mr. Chester Slavens commented there were several commercial uses in this area although these were not indicated on the map, and these may in fact be illegal uses. In reply to Ms. Wilson, Mr. Slavens advised he purchased this property last November. He also confirmed the property has been used for storage of junk for the past four years, and he planned to clear out the junk and clean off the lots, install a 6' fence around the tract, and construct a "hobby" garage to work on his six classic cars. In reply to Ms. Wilson he identified the various locations where the cars were currently being stored. Mr. Slavens advised he has discussed his plans with abutting neighbors and has had no opposition as the residents felt his proposal would be an improvement over the current "junk yard" on the tract.

Mr. Gardner clarified the applicant did not intend to live on the tract, only have a garage for auto restoration. In response to Mr. Draughon, Staff advised the applicant could request a building permit to construct a residence with a detached garage. Staff also advised that since this lot was adjacent to a secondary arterial street, normally required setbacks would preclude placement of a building on this property unless a variance was granted by the BOA.

Mr. Slavens strongly protested the fact that the INCOG Staff had not advised him on his visits to their offices of the options available, and he was upset that he was just now learning of the recommendation for denial and the basis for the denial.

Mr. Coutant commented there seemed to be two areas of confusion on this, one being the probability of success on the rezoning application; and even if successful, whether the applicant could use the tract as desired due to the setback issue. As to the grievances about the mistakes made on this case, Mr. Coutant commented this could be addressed through approval of a waiver of the fees paid by the applicant. He then moved for denial per the Staff recommendation.

**CZ-180 Slavens - Cont**

Mr. Draughon advised he would be voting against the denial motion as he felt the applicant should have been told at the time the application was taken that his proposed use would be illegal or nonconforming, or just what his chances would be for getting the zoning requested and/or options available. Mr. Linker explained to Mr. Slavens that the TMAPC was a recommending body to the County Commission who made the final decision on zoning.

Mr. Slavens was recognized to speak and he requested that, if denied by the TMAPC, all of the fees paid be returned, including advertising, due to the number of mistakes made and the unknowns that were not provided to him.

**TMAPC ACTION: 7 members present**

On **MOTION** of **COUTANT**, the TMAPC voted **6-1-0** (Coutant, Doherty, Paddock, Rice, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstention"; Carnes, Kempe, Parmele, Randle, "absent") to **DENY CZ-180 Slavens**, as recommended by Staff.

Mr. Coutant moved to approve the waiver and return of all fees (out of pocket costs) in connection with this application. Discussion followed on the total amount involved with Staff advising it totaled approximately \$700.

**TMAPC ACTION: 7 members present**

On **MOTION** of **COUTANT**, the TMAPC voted **5-2-0** (Coutant, Draughon, Rice, Wilson, Woodard, "aye"; Doherty, Paddock, "nay"; no "abstaining"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE the waiver and return of all fees (out of pocket costs) for CZ-180 Slavens.**

**SUBDIVISIONS:**

PRELIMINARY PLAT:

**Litchfield (PUD 320-A)(1783)** E. 82nd Place & S. Delaware Avenue (RD, RS-2)

**TAC Minutes:**

This plat has a sketch plat approval by TAC dated 11/9/89 subject to the conditions as listed in the minutes of that date and provided below. An amendment to the PUD to permit a 25' building line along Delaware is pending TMAPC review, so this plat, as well as the proposed amendment, will be scheduled for the TMAPC meeting of 2/28/90.

The Staff presented the plat with the applicant represented by Clayton Morris.

The TAC and Staff advised that the underlying plat and/or easements should be vacated in accordance with the recommendations of legal counsel. This is only stated for the record, since the vacating process is separate from the plat process.

City Engineering recommended that, if the minimum paving on the private streets is 20', then they would recommend "NO PARKING" on one side. The applicant indicated they plan 24' paving, so this would not apply to the wider pavement.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Litchfield subject to the following conditions:

1. Applicant should take care that any existing facilities (utilities, etc.) in place, and to be utilized in the new plat, are included in the necessary easements and/or relocated to the satisfaction of the applicable utility. Relocations will be at the expense of the developer.
2. All conditions of PUD 320-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied or related to property lines and/or lot lines. Provide sufficient data on existing easements so they can be plotted. Include provision in covenants that private streets are also utility easements.
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. On-site detention and public storm sewer required.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer. (No sidewalks required by Subdivision Regulations.)
8. Street names shall be approved by City Engineer.
9. All curve data, including corner radii, shall be shown on final plat as applicable.

10. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
11. Show a 20' rear building line on north, east, and south perimeters of the plat. Show building line on Delaware as per PUD or amended PUD.
12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

**Staff Recommendation: PUD 320-A-1 Minor Amendment**

PUD 320-A is a 16 acre, more or less, development that has been approved to permit 78 single-family dwelling units and customary accessory uses. The applicant is requesting a minor amendment to the required 35' setback from South Delaware Avenue (85' from the centerline) to 25' (75' from the centerline). The request affects 12 lots as shown on the preliminary plat.

After review of the applicant's submitted plat, Staff would not the abutting developments to the north and south have similar or less setbacks than the applicant's proposal. Approval of the 25' setback was given by the TAC for the subdivision plan (see above).

Therefore, Staff recommends APPROVAL of the Minor Amendment PUD 320-A-1 reducing the required 35' setback from South Delaware Avenue to 25'.

**Comments & Discussion:**

Mr. Roy Johnsen, representing the applicant, advised the property to the north did not have full dedication of right-of-way and the subject property proposes full dedication.

Mr. Wilmoth confirmed Delaware Avenue was a collector street when the plats on the north and south were done, and now that Delaware was upgraded to a secondary arterial by amendment to the Major Street and Highway Plan, this property was required to dedicate more right-of-way.

**TMAPC ACTION: 7 members present**

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-1** (Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 320-A-1 Litchfield**, as recommended by Staff.

**TMAPC ACTION: 7 members present**

On **MOTION** of **PADDOCK**, the TMAPC voted **5-0-1** (Doherty, Draughon, Paddock, Rice, Wilson, "aye"; no "nays"; Coutant, "abstaining"; Carnes, Kempe, Parmele, Randle, Woodard, "absent") to **APPROVE** the **Preliminary Plat for Litchfield (PUD 320-A)**, subject to the conditions as recommended by the TAC and Staff.



**FINAL PLAT APPROVAL & RELEASE:**

**Phillips 66 Centre #27636 (183)** NW/c of East 71st Street & South Mingo Rd (CS)

On **MOTION** of **DRAUGHON**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE** the Final Plat of **Phillips 66 Centre #27636** and release same as having met all conditions of approval.

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**Lincoln Oaks (182)** SE/c of East 66th Place and Riverside Drive (RM-2)

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE** the Final Plat of **Lincoln Oaks** and release same as having met all conditions of approval.

**OTHER BUSINESS:**

**PUD 339-2: Minor Amendment of Parking Requirements**  
NE/c of East 101st Street & South Sheridan Avenue

**Staff Recommendation:**

The Galleria apartment complex, part of PUD 339, includes 256 multifamily units which was approved in September 1983 as an elderly housing project. Required parking was established at 429 spaces (1.676 spaces per unit), and provisions were made for a change to conventional parking requirements. Minor Amendment PUD 339-1 was approved in January 1986 establishing 25% or 64 units as a minimum number of elderly housing units, and establishing a parking requirement of 404 parking spaces (1.578 spaces per unit). The applicant is now requesting a minor amendment to modify the parking requirements from 404 spaces to 370 spaces or 1.445 spaces per unit. Based on the current rent roll information and applying the current Code provisions, the required parking would be 364 spaces.

The Staff recommends **APPROVAL** of the minor amendment subject to the following conditions:

1. That not less than 25% of the units be restricted to occupancy by the elderly.
2. That the parking requirements of Use Unit 8 be applied as follows:
  - .75 spaces per elderly dwelling unit
  - 1.50 spaces per one bedroom or efficiency non-elderly unit
  - 2.00 spaces per two or more bedroom non-elderly dwelling unit

3. That not less than 370 (present existing) parking spaces be provided.
4. Any subsequent change reducing the minimum required number of elderly dwelling units shall require approval of a minor amendment and compliance with the revised parking requirements applicable to the increased number of non-elderly units.

Comments & Discussion:

Mr. Roy Johnsen, representing the applicant, clarified there was a set minimum percentage of units to be occupied by the elderly (25%). Mr. Johnsen advised all of the parking was inside the complex and no one should be parking in the nearby neighborhood. He also mentioned the complexity of limiting to 25% elderly in consideration of the Federal Fair Housing Acts. Mr. Johnsen submitted suggested language to be added to condition #1 and Legal Counsel advised the language would be acceptable as follows:

1. That not less than 25% of the units be restricted to occupancy by the elderly (55 and over), unless compliance with this restriction would result in a violation of applicable federal or state law.

Mr. Paddock and Mr. Johnsen discussed the 25% limitation relating to the number of units restricted to elderly since required parking was related to who rents the units. Mr. Paddock requested Legal Counsel's thoughts on a suggestion to remove the word "restricted" in condition #1 and replacing it with "should be made available". Discussion followed on language for condition #1 with the consensus being:

1. Not less than 25% of the units must be restricted to occupancy by the elderly (55 and over), unless compliance with this restriction would result in a violation of applicable federal or state law.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE** the **Minor Amendment to PUD 339-2 Johnsen**, subject to the conditions as recommended by Staff, as modified to read:

1. Not less than 25% of the units must be restricted to occupancy by the elderly (55 and over), unless compliance with this restriction would result in a violation of applicable federal or state law.
2. The parking requirements of Use Unit 8 be applied as follows:
  - .75 spaces per elderly dwelling unit
  - 1.50 spaces per one bedroom or efficiency non-elderly unit
  - 2.00 spaces per two or more bedroom non-elderly dwelling unit
3. Not less than 370 (present existing) parking spaces be provided.
4. Any subsequent change reducing the minimum required number of elderly dwelling units shall require approval of a minor amendment and compliance with the revised parking requirements applicable to the increased number of non-elderly units.

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**PUD 351-A: Detail Site Plan**  
North of the NE/c of East 45th Street & South Harvard Avenue

Staff Recommendation:

Staff has reviewed the proposed site plan for a bank building with drive-in facilities north of the northeast corner of 45th Street and Harvard Avenue, and finds it to be generally in conformance with the Development Standards for PUD 351-A. However, at the time of preparation of this agenda, the applicant had not provided required information as to what agreement has been worked out with the residents for screening/buffering on the east and south side of the tract nor what requirements the Department of Stormwater Management and the residents placed on the tract to control drainage problems. Unless the applicant obtains this information prior to the February 28th meeting, Staff recommends this item be continued to a later meeting when this information would be available.

Comments & Discussion:


Mr. Bill Jones, representing the applicant, advised they have met with the neighbors regarding stormwater management and screening concerns. Mr. Jones stated they have also met with the Department of Stormwater Management and this project will be under a PFPI, which was underway. As to screening, Mr. Jones stated the applicant has agreed to do whatever the abutting residents wished as to a 6' or 8' fence, etc.


Ms. Kathy Bochardt (3331 East 45th) confirmed she has met with the applicant's architect and was in agreement with the proposal. Ms. Bochardt stated that no one had contacted her regarding the drainage.

TMAPC ACTION: 7 members present

On **MOTION** of **DRAUGHON**, the TMAPC voted **7-0-0** (Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Parmele, Randle, "absent") to **APPROVE** the **Detail Site Plan to PUD 351-A Jones**, as submitted with the condition that the screening fence meet the requirements of the abutting residents.

There being no further business, the Chairman declared the meeting adjourned at 4:21 p.m.

Date Approved 3/14/90  
  
Chairman

ATTEST:  
  
Secretary 1st vice-chmn.

