

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1969

Wednesday, March 23, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes, 2nd Vice
Chairman
Doherty, Secretary
Horner
Midget
Pace
Parmele
Chairman

Members Absent

Broussard
Harris
Neely
Wilson

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk and the County Clerk on Tuesday, March 22, 1994 at 1:14 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of March 9, 1994, Meeting No. 1967:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** the minutes of the meeting of March 9, 1994 Meeting No. 1967.

REPORTS:

Chairman's Report

Chairman Parmele reported that the City Council requested the Planning Commission to review and comment on the resolution presented by the Riverside Drive Task Force and report on the Commission's findings to the Public Works Committee. He informed the review is scheduled by the Comprehensive Plan Committee for April 6, 11:30 a.m., in the INCOG large conference room. It is expected that the Planning Commission will review and adopt that report and present the report to the Public Works Committee April 12.

Director's Report:

Mr. Gardner reported that on April 13 there will be two public hearings, one involving the east side of the Lincoln Extension-Dunbar sectors for blanket rezoning and the Brookside Parking Study update.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

Lansing Industrial Park III (3602)
SW/c of East Pine & North Norfolk Avenue.

(PD-2)(CD-1)

Staff Comments

Mr. Stump advised that all releases have been received and Staff was recommending approval subject to approval by the Legal Department as to form.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** the FINAL PLAT of Lansing Industrial Park III and **RELEASE** same as having met all conditions of approval as recommended by Staff subject to approval by the Legal Department.

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CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-181 Abandonment & Z-6431** Present Zoning: RS-3/PUD-1-1
Applicant: Dan Lackey III Proposed Zoning: AG
Location: North and west of East 21st Street South and South 145th East Avenue.
Date of Hearing: March 23, 1994

The applicant has not applied to enlarge PUD-181 to include a ten-acre tract owned by the applicant that is zoned AG so that agricultural uses could be permitted in the PUD. Staff believes this is the best method to accomplish what is desired by the applicant and the residents in the PUD. This alternative would not require abandoning or rezoning any portion of the PUD. Therefore, Staff recommends **DENIAL** of both Z-6431 and the abandonment of a portion of PUD-181.

TMAPC Comments

Mr. Doherty reminded the Planning Commission that this is the item where the applicant wanted to place livestock on the subject tract. He informed that the applicant has not applied for a major amendment to the PUD, which was the reason for continuance. Mr. Doherty noted that it is the recommendation of the District Planning Team and area residents for denial of the application.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **DENY** Z-6431 and the abandonment of a portion of PUD-181 as recommended by Staff.

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Zoning Public Hearing:

Application No.: **CZ-211**

Applicant: Gordon Gerhardt

Location: East of the Northeast corner of 96th Street North and 129th East Avenue.

Date of Hearing: March 23, 1994

Presentation to TMAPC: Jim Gerhardt

Present Zoning: AG

Proposed Zoning: RS

Relationship to the Comprehensive Plan:

The City of Owasso Comprehensive Plan designates the subject property as Rural Residential Intensity.

According to the Zoning Matrix the requested **RS** District is **not in accordance** with the Plan Map.

Staff Comments:

Site Analysis: The subject tract is approximately 19.4 acres in size and is located east of the northeast corner of 96th Street North and N. 129th East Avenue. It is nonwooded, rolling, and has a single-family home and accessory buildings on it.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned AG; to the west by a single-family home, zoned AG; and to the south and east by single-family homes on large lots, zoned RE.

Zoning and BOA Historical Summary: There has not been any activity in this immediate area.

Conclusions: RS zoning for this tract does not appear to be appropriate or compatible with the existing large lot residential development on the east and south, and therefore, Staff recommends **DENIAL** of RS zoning and **APPROVAL** of RE zoning for CZ-211.

TMAPC Comments

Chairman Parmele acknowledged receipt of a letter from the City of Owasso informing that the Owasso Planning Commission held an input hearing for this application with no interested parties attending.

Applicant's Comments

Jim Gerhardt

Mr. Gerhardt, son of the applicant, explained that RS zoning is being requested due to ease of platting. He answered questions from the Planning Commission regarding annexation and explained the proposal for development of the tract.

In response to a question from Chairman Parmele, Mr. Stump explained why Staff is recommending RE zoning, noting that development in the area, unless sewer was provided, has been RE. Not to require RE would be spot zoning and is contrary to the Comprehensive Plan to have RS zoning with its high density.

Mr. Doherty made a motion for approval of Staff recommendation. Motion died for lack of a second.

In response to a question from Mr. Midget, Mr. Gerhard, explained that the developer did not want this property to be annexed due to requirements for curbs, gutters, storm sewers and the difference in cost of development and density.

In response to a question from Mr. Horner, Mr. Gerhardt, conceded that accommodations could probably be made for RE zoning.

Mr. Doherty made a second motion for approval of RE zoning, which was seconded by Mr. Midget.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to recommend **DENIAL** of RS zoning and **APPROVAL** of CZ-211 for RE zoning as recommended by Staff.

LEGAL DESCRIPTION

The West Half of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 14 East, Tulsa, County, and located East of the Northeast Corner of 96th Street North and 129th East Avenue, Owasso, Oklahoma.

Application No.: **PUD 306-C**
Applicant: Roy Johnsen
Location: East of the NE/c of East 101st Street South and South Delaware Avenue.
Date of Hearing: March 23, 1994

TMAPC Comments

Chairman Parmele announced that the applicant is requesting a two-week continuance.

There were no interested parties present.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **CONTINUE** PUD 306-C to April 6, 1994.

Application No.: **Z-6436**:
Applicant: Stephen Schuller
Location: 1320 and 1328 East 34th Street.
Date of Hearing: March 23, 1994
Presentation to TMAPC: Stephen Schuller

Present Zoning: RS-3
Proposed Zoning: PK

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as Low Intensity Residential and Special Consideration Area - Brookside Commercial Area.

According to the Zoning Matrix, the requested PK zoning is not in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property contains approximately .48 acres. The lots are wooded and flat. One lot is vacant and the other has a single-family dwelling on the tract.

Surrounding Area Analysis: The east tract is abutted by single-family dwellings on the north and east, zoned RS-3, and to the south by an office, zoned PK/PUD-430. The western lot is abutted on the east by a vacant lot, zoned PK; to the north by a single-family dwelling, zoned RS-3; to the southeast by an office, zoned RS-3; to the southwest by an office, zoned OL and to the west by commercial uses, zoned CH.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that non-residential uses have been permitted south of the two lots and PK zoning has been approved for the single lot between the subject tracts.

Conclusion: The Comprehensive Plan designates the subject tracts as residential but they are included in the Special Consideration Area - Brookside Commercial Area. The special area can be zoned PK if it is adjacent to existing commercial zoning and/or existing parking lots. Both lots are separated by the vacant lot that is zoned PK and the west lot adjoins a commercial use; therefore Staff recommends **APPROVAL** of PK zoning for Z-6436.

Applicant's Comments

Mr. Schuller expressed agreement with Staff recommendation.

Ms. Pace questioned why this application would be accepted before the Brookside Parking Study is adopted.

Mr. Doherty explained that this application is within the old guidelines and west of the area the new Study will address.

There was an interested party present; however, he declined comment.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Ballard, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Harris, Neely, Wilson "absent") to recommend **APPROVAL** of Z-6436 for PK zoning as recommended by Staff.

LEGAL DESCRIPTION

Lot 5 and the East 50' of Lot 6, Block 2, Olivers Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

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Application No.: **Z-6437:**

Applicant: Roy Johnsen

Location: Northeast corner of East Admiral Place and Mingo Road.

Date of Hearing: March 23, 1994

Presentation to TMAPC: Roy Johnsen

Present Zoning: CS

Proposed Zoning: CG

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Corridor.

According to the Zoning Matrix the requested CG District **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property contains approximately 9.7 acres. The property is flat, non-wooded and has active trucking company with two large commercial buildings located on it.

Surrounding Area Analysis: The subject tract is abutted on the north by I-244 Right-of-Way, zoned RS-3; to the east by K-Mart, zoned CS; to the south by the Right-of-Way of Admiral Place, zoned CS; and to the west by mobile home sales, truck repair and storage, zoned CH and CS.

Zoning and BOA Historical Summary: The development in this area includes higher intensity commercial uses along Admiral Place due to the high exposure and proximity to major highways. The Comprehensive Plan designates Corridor zoning in this area and recommends commercial uses at major street intersections in a clustered manner. The proposed CG zoning is consistent with the existing development in the area. Therefore, Staff recommends **APPROVAL** for CG zoning for Case No. Z-6437.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to recommend **APPROVAL** of Z-6437 for CG zoning as recommended by Staff.

LEGAL DESCRIPTION

All that part of Block 1, of the Amended Plat of Van Estates No. 2, an Addition in Tulsa County, State of Oklahoma, according to the recorded Plat thereof, lying West of the center line of the drainage easement as shown on the recorded Plat thereof and more particularly described as follows, to-wit: Beginning at a point on the West line of Block 1 of the Amended Plat of Van Estates No. 2, said point being on the South line of Lot 4, Section 31, T-20-N, R-14-E on the North line of Lot 4, Section 6, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said point being 80' Easterly from the Westerly lines of said Sections; thence South along the West line of Block 1 a distance of 289.80' to a point; thence North 89°57'E a distance of 25' to a point; thence South 51.10' to a point; thence South 45° East a distance of 312.47' to a point on the South line of said Block 1, thence South 89°50.2341' East along said South line a distance of 164.50' to a point; thence North 0°12.0000' East a distance of 563.06' to a point on the common line between Sections 31 and 6; thence North 89°57.4070' East along said Section line a distance of 105.00' to a point on the centerline of the platted drainage easement; thence North 0°12.0000' East along the centerline of the drainage easement a distance of 250' to a point; thence continuing along the centerline of the drainage easement North 12°12'00" East a distance of 140.84' to a point at the intersection of the North line of said Block 1 and the Southerly right-of-way line of the Crosstown Expressway; thence South 89°15.9007' West along said expressway right-of-way a distance of 121.96' to a point; thence N 1°36.4160' West along said right-of-way line a distance of 60' to a point; thence South 89°23.5840' West along said right-of-way line a distance of 424.87' to the Northwest corner of said Block 1; thence South 0°02.2660' East along the Westerly line of said Block 1 a distance of 435.00' to a point, said point being the Point of Beginning, and containing 9.7675 acres, more or less, and said tract being entirely contained within Lot 4, Section 31, T-20-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof.

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ZONING PUBLIC HEARING

Application No.: **Z-6438**

Applicant: Floyd Springer

Location: The Northeast corner of 11th Street and 177th East Avenue.

Date of Hearing: March 23, 1994

Presentation to TMAPC: Floyd Springer

Present Zoning: AG

Proposed Zoning: CG

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CG District **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property contains approximately .58 acres. The property is flat, non-wooded, has a large, commercial building and a single-family dwelling on it.

Surrounding Area Analysis: The subject tract is abutted on the north and east by vacant land, zoned CS; to the south by a vacant lot and a church, zoned RS-1; to the southwest by an elementary school, zoned RS-1; and to the west by a commercial use and single-family dwelling, zoned CS.

Zoning and BOA Historical Summary: The area surrounding the subject tract was rezoned from AG to CS and OL in 1973 and no other zoning changes have occurred in this area.

Conclusion: The Comprehensive Plan allows CS zoning within a Type I node but does not permit CG except within Type II and III nodes. Staff recommends **DENIAL** of CG and **APPROVAL** of CS zoning for Z-6438. The existing and proposed automotive repair use would require Board of Adjustment approval of a special exception in a CS zone.

Interested Parties

Allen D. West

P.O. Drawer 310, Catoosa, OK 74015-0310

Mr. West expressed opposition to this application due to its adverse effect on the secondary arterial streets and setbacks. He disclosed that the major problem is with the applicant parking the vehicles too close to the street, causing difficulty seeing on-coming traffic and he noted that the applicant has been parking cars on the opposite side of the street on property he does not own. Mr. West deems the location to be inappropriate for the use the applicant is requesting unless other provisions are made for storing the vehicles.

There was considerable discussion over the building setback line and allowable parking.

Mark D. Sipe

Route 2, Box 566, Catoosa OK 74015

Mr. Sipe, affiliated with Lynn Lane Baptist Church, owner of the island where Mr. Springer has been parking his cars, expressed support of CS zoning of the property and asked that the City vacate the "Y" intersection. He informed that the problem of parking of vehicles on the island has been resolved.

David L. Chesney

18105 East 11th Street, 74108

Mr. Chesney resides immediately east of the subject property. He disclosed that no one in the adjacent neighborhood is opposed to the location of the automobile shop. He pointed out that the individual opposed to the application does not reside in the area. Mr. Chesney acknowledged that there has been infringement on the right-of-way and that has been addressed.

Applicant's Rebuttal

Mr. Springer, who resides in the adjacent neighborhood, explained that the property has been used for auto repair since 1928. He acknowledged that parking on the right-of-way has been resolved.

Chairman Parmele instructed Staff to notify interested parties when this application goes before the Board of Adjustment.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to recommend **APPROVAL** of Z-6438 for CS zoning as recommended by Staff.

LEGAL DESCRIPTION

Beginning in the Southwest corner of the Southwest Quarter, thence E 177', N 190', W 177', S 190' to Point of Beginning less .19 Acres for Road, Section 1, Township 19 North, Range 14 East, and located in the northeast corner of 11th Street and 177th East Avenue, Tulsa, Oklahoma.

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ZONING PUBLIC HEARING

Application No.: **PUD-405-9**

Applicant: Barry Moydell

Location: Minor Amendment to increase the height of a ground sign - northwest corner of South Memorial Drive and East 92nd Street South.

Date of Hearing: March 23, 1994

The applicant is requesting to increase the permitted height of an auto dealership sign from 25' to 36'. The new PUD chapter potentially allows ground signs up to 40' in height if set back 1' for every foot above 25'. Presently, all of the ground signs in the PUD are limited to 25' in height. If this sign is allowed to be higher, most of the other signs in the PUD will eventually be increased to 35'-40' high. Staff cannot support that. Therefore, Staff recommends **DENIAL** of PUD-405-9.

DETAIL SIGN PLAN

The applicant is also requesting approval of two new ground signs on East 92nd Street South; a 16 SF, 21' high Geo sign and a 121 SF, 36' tall GM Dealer sign. If the Minor Amendment is approved, both signs comply with the PUD conditions. If the Staff recommendation is supported and the amendment is denied, Staff recommends both signs be **APPROVED** conditioned upon reducing the height of the GM sign to 25'.

Applicant's Comments

Mr. Moydell noted that the ground is lower in the proposed sign location and the extra height is needed for sufficient view from the street. He informed that the sign is already in existence and ready for installation.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to recommend **APPROVAL** of PUD 405-9 **DETAIL SIGN PLAN** for the two ground signs, 21' and 25', and **DENIAL** of the **MINOR AMENDMENT** PUD 405-9 for the 36' high dealership sign.

LEGAL DESCRIPTION

Lot 5, Block 2, 9100 Memorial, Tulsa County Oklahoma.

OTHER BUSINESS:

PUD-179-S Revised Detail Site and Landscape Plans - east of the southeast corner of East 71st Street South and South 92nd East Avenue.

Floors-A-Plenty is revising the 71st Street entrance to their store to allow easier right-hand turns toward the Sonic Restaurant. Landscaped area is reduced by 575 SF but there is still enough to meet the PUD requirements. Therefore, Staff recommends **APPROVAL** of the revised Site and Landscape Plans for Floors-A-Plenty.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** PUD 179-S REVISED DETAIL SITE and LANDSCAPE PLANS as recommended by Staff.

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PUD-474: Revised Detail Site Plan for the east 65' of the PUD - east of the northeast corner of East 35th Place South and South Peoria Avenue.

This new Site Plan slightly revises the shape of the addition to the existing office building. The total building floor area is 2,647 SF which requires 9 parking spaces for non-medical offices. The revised Site Plan complies with this requirement. Therefore, Staff recommends **APPROVAL** of the revised Site Plan for non-medical office use.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** PUD 474 REVISED SITE PLAN as recommended by Staff.

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PUD-179-G: Revised Detail Site Plan - south of the southeast corner of East 73rd Street South and South Memorial Drive.

The McDonald's Corporation is proposing to enclose a play area at their existing restaurant. The building floor area will increase from 3,456 SF to 5,616 SF. There are already sufficient parking spaces on the lot to accommodate this expansion. Therefore, Staff recommends **APPROVAL** of the revised Detail Site Plan.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** PUD 179-G REVISED SITE PLAN as recommended by Staff.

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PUD-470: Detail Sign Plan - Development Area A - south of the southeast corner of South Memorial Drive and East 68th Street South.

The Boatmen's Bank is requesting approval of a 2' X 21'3" wall sign on the west elevation of the existing bank building. Previously, a 76 SF ground sign was approved on the Memorial Drive frontage. The two signs will comply with the PUD conditions if all the old bank signs are removed from the site. Therefore, Staff recommends **APPROVAL** contingent upon the removal of all other signs on the site except this wall sign and the previously approved ground sign.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** PUD 470 DETAIL SIGN PLAN as recommended by Staff.

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PUD-481: Revised Sign Plan - west of the northwest corner of East 71st Street South and the Mingo Valley Expressway - Lot 4, Block 1.

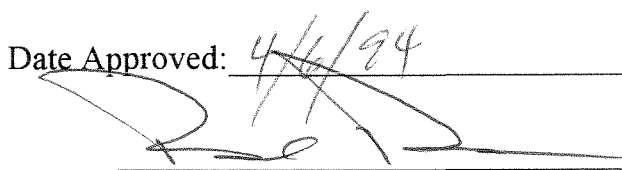
Braum's is revising their wall signs to add another sign on the north side of the building. With this additional sign, the signage still complies with the PUD conditions; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

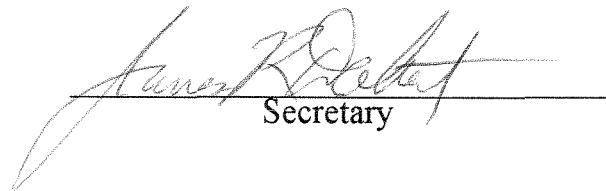
On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Harris, Neely, Wilson "absent") to **APPROVE** PUD 481 REVISED SIGN PLAN as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date Approved: 4/6/94


Chairman

ATTEST:


Secretary

