

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2180

Wednesday, October 28, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Horner	Beach	Myers, Legal
Carnes	Selph	Dunlap	Counsel
Harmon		Huntsinger	
Hill		Stump	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 26, 1998 at 12:44 p.m., posted in the Office of the City Clerk at 12:35 p.m., as well as in the office of the County Clerk at 12:33 p.m.

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

Minutes:

Approval of the minutes of October 14, 1998, Meeting No. 2178:

On **MOTION** of **HARMON** the TMAPC voted **5-0-3** (Carnes, Harmon, Jackson Ledford, Westervelt "aye"; no "nays"; Boyle, Hill, Pace "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of October 14, 1998 Meeting No. 2178.

REPORTS:

Chairman's Report:

Mr. Boyle introduced Mary Hill as the new member of the TMAPC. Mr. Boyle stated that Ms. Hill was confirmed by the City Council on October 15th and will serve until January 18, 2000. Mr. Boyle welcomed Ms. Hill to the TMAPC.

Mr. Boyle reported that Mr. Harmon has agreed to serve as Chairman for the Community Participation Committee. He asked Ms. Hill to service on the same committee as well. He requested Mr. Harmon to continue his service on the Rules and Regulations Committee.

Mr. Boyle stated that he will review the Planning District Liaison assignments for next week's meeting. He requested that anyone who has any opinions to express regarding the Planning Districts contact him prior to the November 4th meeting.

Mr. Boyle reported that he has been contacted by and tentatively agreed, subject to anyone's objection, that the TMAPC would be a supporter of and partner in Project Impact, which is a disaster resistance project that is being undertaken by the City of Tulsa. He explained that this project is in conjunction with FEMA and INCOG staff. Mr. Boyle stated that he intends to give TMAPC's support unless there is an objection. Mr. Boyle confirmed that there were no objections.

Director's Report:

Mr. Stump reported that the full Infill Task Force conducted a meeting on Monday, October 26. He explained that there were reports from all five sub-committees; however, two of the sub-committees were not ready to finalize their reports and three are close to completing their reports. He stated that the Task Force was expecting to have a draft-final together by the November 16th meeting. He indicated that it may be January before the reports are completed.

Mr. Boyle asked Mr. Stump what will occur once the final report is completed. In response, Mr. Stump stated that since the Infill Task Force was part of TMAPC's work program and the Mayor organized the task force, the report will be forwarded to both the Mayor's office and TMAPC for their consideration and possible action.

Mr. Boyle asked Mr. Stump if the TMAPC would consider the final report and act on that report. In response, Mr. Stump stated that there is a broad range of recommendations coming from the various committees. Mr. Stump explained that some may be more appropriate to be handled by the Mayor administratively and others may require zoning ordinance revisions, which would be handled by the Rules and Regulations Committee. Mr. Boyle asked if the Planning Commission would eventually hear the final report and act on it. In response, Mr. Stump answered affirmatively.

Mr. Stump reported that there is only one zoning case at the City Council meeting and Mr. Dunlap will be representing the INCOG staff. In response, Mr. Boyle stated that Mr. Ledford will be representing the Planning Commission.

Mr. Boyle stated that Barbara Huntsinger, TMAPC recording secretary, circulated a memorandum regarding the TMAPC website. He requested that anyone with comments regarding the website contact Barbara. He stated that if anyone has a problem with the suggestion, maybe there should be a work session to discuss the matter. If everyone agrees then the Planning Commission should proceed.

Subdivisions:

FINAL PLAT:

Crown Woods (PUD-563) (2083) (PD-18) (CD-2)
Southeast corner East 91st Street and Riverside Parkway

Mr. Boyle announced that the Final Plat for Crown Woods would be stricken from the agenda.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18732 – Terry Lee Addington (3194) (PD-18) (CD-5)
5950 South Garnett Road

L-18737 – City of Tulsa (1083) (PD-18) (CD-8)
5808 East 71st Street

Staff Recommendation:

Mr. Beach stated that everything is in order for these lot-splits and staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Midget, Horner, Selph “absent”) to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations as recommended by staff.

CHANGE OF ACCESS ON RECORDED PLAT:

Part of Lot 2, Block 1, River Creek Village
East of the northeast corner of 101st and South Delaware Avenue

Staff Recommendation:

Mr. Beach stated that the proposal is for two 40-foot access points, which has been signed off by the Traffic Engineer. Staff recommends approval of the change of access on recorded plat for Part of Lot 2, Block 1, River Creek Village.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Horner, Midget, Selph “absent”) to **APPROVE** the Change of Access On Recorded Plat for Part of Lot 2, Block 1, River Creek Village as recommended by staff.

Part of Riverbend Addition

South of East 81st Street and South Riverside Parkway

Staff Recommendation:

Mr. Beach stated that the access change proposes the addition of a 40' access where there formerly was no access permitted. He indicated that the Traffic Engineer has approved the change of access and staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **APPROVE** the Change of Access on Recorded Plat for Part of Riverbend Addition as recommended by staff.

Zoning Public Hearings:

Z-6660 – John Moody

RM-2 to CS

West of southwest corner East 38th Street and Sheridan Road

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Commercial.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 25' x 380' in size and is located west of the southwest corner of East 38th Street and South Sheridan Road. The property is gently sloping, non-wooded, contains a parking lot, and is zoned RM-2.

Surrounding Area Analysis: The subject tract is abutted on the north by a vacant building previously used as a children's day care and convenience store, zoned CS; to the east a tire sales business, zoned CS; to the west by a private fraternal lodge and accessory parking, zoned RM-2 and to the south by I-44 highway right-of-way, zoned RS-2.

Zoning and BOA Historical Summary: The subject property was approved for the Tulsa Scottish Rite facilities and accessory parking in 1963.

Conclusion: The Comprehensive Plan designates Medium Intensity – Commercial to a depth of 250' fronting Sheridan Road, which would include the subject strip of land. Based on the Comprehensive Plan, the existing zoning and development in this area, staff recommends **APPROVAL** of CS zoning for Z-6660.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

Midget in at 1:40 p.m.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-1** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Midget "abstaining"; Boyle, Carnes, Pace, Selph "absent") to recommend **APPROVAL** of the CS zoning for Z-6660 as recommended by staff.

Legal Description for Z-6660:

The East 25' of a part of the SE/4 of Section 22, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, said part being more particularly described as follows: commencing at the Northeast corner of the SE/4 of said Section 22; thence S 00°06'45" E along the East line of said Section 22, a distance of 921.81'; thence S 89°47'15" W a distance of 200' to the Point of Beginning; thence S 00°06'45" E a distance of 380.16'; thence S 48°53'48" W a distance of 31.90'; thence S 89°44'01" W a distance of 1,092.67'; thence N 00°08'56" W a distance of 402.07'; thence N 89°47'15" E a distance of 1,067.00' to the Point of Beginning.

Z-6661 – R.L. Reynolds

AG to CS & IL

Northeast corner East 11th Street South and South 145th East Avenue

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District - Low/Medium Intensity Mixed Use Development. The Comprehensive Plan indicates this area is generally suited for low intensity development. However, some medium intensity uses may be appropriate, and medium intensity zoning may be appropriate if accompanied by a Planned Unit Development (PUD) which would establish appropriate uses and adequate buffering from residential development.

According to the Comprehensive Plan the requested CS or IL zoning is **not** in accordance with the Plan Map. This request is not accompanied by a Planned Unit Development.

Staff Comments:

Site Analysis: The subject property is approximately 20 acres in size and is located on the northeast corner of East 11th Street South and South 145th East Avenue. The property is flat, non-wooded, vacant, and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north and east by vacant property, zoned AG; to the south by vacant property, zoned CS; to the southeast by single-family dwellings, zoned RS-3; to the west by single-family dwellings, zoned CS and RS-3; and to the southwest by a convenience store, zoned CS.

Zoning and BOA Historical Summary: The most recent rezoning activity in this area approved IL zoning on a 119-acre tract located north of the subject tract in the southwest corner of East Admiral Place and S. 145th East Avenue from AG.

Conclusion: Therefore, staff recommends **DENIAL** of CS or IL zoning for Z-6661 because of surrounding land uses and inconsistency with the Comprehensive Plan.

Applicant's Presentation:

R. L. Reynolds, 2727 East 21st Street, Tulsa, Oklahoma, stated that when he filed his application he was under the impression that the Comprehensive Plan permitted an industrial down to 11th Street; however, there have been some amendments and text changes to the Comprehensive Plan. Mr. Reynolds stated that because of the misinformation he requested to amend his application. He explained that he would like to delete the request for IL zoning and request CS zoning, which lines up with the existing CS zoning on the south and west of the subject property.

Mr. Reynolds stated that the subject area is heavily underlain by limestone, which is very shallow and thick. He explained there is no need for a PUD at this time because he aligns with the existing CS zoning. He indicated that the subject area is located on an intersection with a primary and secondary arterial street. He stated that there are no homes located on the north side of the street and to the west the nearest home is nine blocks away, to the south the nearest home is 350 feet away and there is a home directly across from the subject property; however, it is zoned CS. He commented that the property directly across the subject property is able to do by right the same activity that he is requesting.

TMAPC Comments:

Mr. Boyle asked, for the benefit of the interested parties, Mr. Reynolds to explain what his intentions will be for the CS zoning area. In response, Mr. Reynolds stated that he hopes to have a convenience-type use for the proposed CS zoned area.

Mr. Carnes asked staff how many acres will be zoned CS. In response, Mr. Stump stated that it appears to be approximately three to five acres. Mr. Reynolds commented that the proposed area will be approximately four acres.

Mr. Ledford asked staff what the Comprehensive Plan indicates for this area. In response, Mr. Stump stated that before the recent changes it was a ten-acre node.

Ms. Hill asked staff what the plans are for sewer being installed the subject area. In response, Mr. Stump stated that there are no plans at this time that he is aware of. Ms. Hill asked if the applicant is proposing more septic tanks in the subject area. In response, Mr. Stump stated that with the rock in the subject area, he would doubt if the applicant could install a septic tank. Mr. Reynolds stated that his client does not believe that a septic tank is possible.

Interested Parties:

Senator Kevin Easley stated that he supports the staff's recommendations on the subject application. Senator Easley requested all of the homeowners in the surrounding area to stand to show their support of the staff's recommendation. He indicated that there were three different neighborhoods present.

Senator Easley stated that the neighborhoods are concerned about several issues. He explained that one of the concerns is the development along Admiral, the greenbelts that are needed due to the development, and the blasting due to the limestone rock. He stated that the blasting could cause damage to the neighborhood's foundations. Another concern is the rural flavor of the community changing.

Senator Easley informed the Planning Commission that the neighborhoods are not the type of neighbors who do not want new development in their area, but they do have serious concerns with the blasting. He stated that the neighbors are not sure what activity will be occurring on the subject property and have heard several rumors of the applicant's intent. He commented that the applicant needs to meet with the neighborhoods and address their concerns.

Senator Easley stated the neighborhoods have concerns with the infrastructure needs. He explained that Eastland Mall is nearby on 145th and 21st Street and the traffic patterns are already dangerous with the hills that go through the area. He expressed concerns that the infrastructure needs would not keep up with the development as it is currently going. He indicated that in the past three years he has been told that 11th Street will be changed to five lanes. He commented that the improvement on 11th Street will begin in February of 1999 in order to finish the East Central High School stadium. He stated that the zoning should not get in front of the infrastructure needs, although it does happen often.

Senator Easley stated that he has talked with the City Councilor for the district and the Councilor has concerns with this application. Senator Easley acknowledged that the Planning Commission had a tough decision to make and thanked the Planning Commission for their time.

TMAPC Comments:

Mr. Carnes informed Senator Easley that the applicant has amended his application and is only seeking CS zoning for the four-acre node. Senator Easley commented that he did not know about the amended request before the meeting. Senator Easley indicated that he did not feel that the notice was enough in advance to look into this issue. Senator Easley commented that the layman does not understand the different zonings, such as CS, IL, etc.

Mr. Carnes asked the Chairman if the Planning Commission would be in agreement to continue this application, since they are amending their application. Mr. Carnes informed Senator Easley that it has been the history of the Planning Commission to allow the five-acre node to be rezoned to CS. Mr. Boyle stated that he understands that the interested parties had just recently learned of the amendment to the application. Mr. Boyle explained that the Planning Commission is in a very difficult position to deny the CS request since it would create the node that Mr. Carnes mentioned. Mr. Boyle stated that he has no objections to continuing this application for one week in order to allow the interested parties and Mr. Reynolds to meet and work something out.

Mr. Midget stated he is not against the continuance, but for the interested parties who have taken off work and cannot make it to another hearing, it may be appropriate for the Planning Commission to hear their concerns today. He further stated that their comments would be on record and would not have to take another day off from work.

Mr. Easley stated that he supports the continuance.

Mr. Boyle asked Mr. Stump what the staff's position be on the revised CS zoning on the corner node. In response, Mr. Stump stated that CS zoning is more restrictive as to the types of uses allowed than IL zoning. Mr. Stump commented that the requested CS zoning is the same as the property across the street and they are closer to the residential area than the proposal. Mr. Stump indicated that there is no residential in the northeast corner of the intersection. Mr. Stump stated that it would be difficult for the staff not to support the CS zoning since it will align with the CS to the south because of the established zoning pattern.

Senator Easley asked staff if the CS would allow a bar or night club. In response, Mr. Stump stated that it would not in this area, without a special exception from the Board of Adjustment. Mr. Stump explained that if a tract is within 150' of a residential area then it would require a special exception to allow a bar or night club because it is not allowed by right. Mr. Stump stated that the Board of Adjustment would have to find the request compatible with the surrounding area and this would require another public hearing, which would generate another notice to the surrounding properties within 300'.

Senator Easley stated that he has tried to keep the interested parties' comments down to a minimum. He stated that the amended application is still a concern. Mr. Boyle stated that the Planning Commission assumes that the neighborhoods in attendance share the same concerns and support Senator Easley's comments.

The following interested parties expressed the same or similar concerns:
James Mautino, 14628 East 12th; **Bob Johnson**, 15324 East 13th; **Charles Reeve**, 14823 East 12th; **Randy McPherson**, 14326 East 11th Street.

The above interested parties expressed the following concerns:
Sewage concerns due to the limestone rock in the subject area; possibility of a lagoon being installed; adding to the flooding on 145th East Avenue and 11th Street; increase in traffic concerns; losing the agricultural atmosphere; blasting through the limestone rock may damage the homeowner's foundations and damage their homes; neighborhood does not know what the applicant's intent is for the subject property; belief that the subject property is in a floodplain.

TMAPC Comments:

Mr. Ledford stated that if the Planning Commission decided to rezone the subject property today, then the next step for the applicant to do would be to go through the platting process. He explained that platting is confirmation of zoning, and to plat the property the developer would have to design public water, public storm sewer, and public sewer. He stated that if Stormwater Management requires on-site detention in order to mitigate the downstream problems, then it will have to be approved before the Planning Commission would approve the plat. He stated that all the conditions would have to be met before the Planning Commission would approve the plat. He explained that zoning is only the first step in the planning process.

Mr. Ledford informed the interested parties that if the developer does not have public sewer he will have to bring it to the subject property. He explained that the approved zoning would not allow the developer to start construction immediately. He stated that the developer will have to go through the planning, engineering and platting process prior to obtaining a building permit.

Ms. Pace stated that the City of Tulsa does not allow lagoons in the city limits. She explained that the Health Department reviews any applications for septic facilities.

Mr. Boyle asked the interested parties if they were against the amended application for the CS zoning for the four-acre node. In response, the interested parties stated that they are against the rezoning because of the necessity of blasting, which would damage their homes. The interested parties further stated that they have concerns with the CS request because they do not know the intent of the applicant. In response, Mr. Boyle explained that the Planning Commission deals with land issues and cannot ask the applicant what their intent is for the property. Mr. Boyle stated that there is CS zoning surrounding the subject property and it would be difficult to deny the CS zoning on the four-acre node.

Mr. Boyle asked the interested parties how they feel regarding continuing the request one week. The interested parties were in favor of the one-week continuance.

Mr. Westervelt stated that the applicant has asked to hold the CS line down to the south of the residential lot, which makes it difficult for the Planning Commission not to give it consideration. He further stated that if the Planning Commission were to deny the CS node on the corner, with the dimensions that are already existing on all three corners, for fear of limestone being underneath, it would not take Mr. Reynolds very long to have the District Court overturn the Planning Commission's decision. Mr. Westervelt concluded that when the subject property is developed, it would bring sewer to the subject area and could be a positive solution to the neighborhoods' septic tank problems.

Applicant's Rebuttal:

Mr. Reynolds stated that he has no problem with the one-week continuance. He explained that his client does not have any immediate plans for the subject property. He commented that most of the concerns expressed by the interested parties are dealt with through different stages of the process.

Mr. Reynolds informed the Planning Commission that there is a pending zoning application to the north of the subject property for IL zoning. He explained that the applicant's intention is to run the water and sewer lines to the south, which would be within 660' of the subject property. He stated that there are plans for the ten-acre tract across the street to develop as church use. He commented that the applicant for the ten-acre tract is looking for other developers to cooperate in order to have the water and sewer lines installed in the area. He stated that the changes that are required by the process will be positive for the subject area.

Mr. Reynolds stated that the companies that would conduct the blasting have to be bonded and would cover any damages that may occur to the surrounding homes.

Mr. Reynolds stated that he would be happy to accommodate the neighbors by continuing this case. He agreed to meet with the neighborhoods in order to work on any concerns that they may have. He concluded that his client fully intends to follow the processes required to develop the subject property.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Selph "absent") to **CONTINUE** Z-6661 to November 4, 1998 at 1:30 p.m.

Carnes out at 2:20p.m.

Westervelt out at 2:20 p.m.

Other Business:

PUD-306F – Glenn Gregory

(PD-18) (CD-2)

Northeast corner South Delaware and Creek Turnpike
(Detail Site Plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 352-unit multifamily apartment complex on 18.39 acres (net) within a Corridor District. The site is bounded by the Vensel Creek channel on the north and the Creek Turnpike on the south.

Staff has reviewed the request and finds conformance to bulk and area, land coverage, livability space, height, setback, access, circulation, parking, screening and total landscaped area standards as outlined in the PUD Major Amendment-Corridor District approval. Staff notes that the gate width for the security gate meets minimum standards for emergency vehicles. A second non-gated access has also been provided to South Delaware Avenue.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-306 F as submitted.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with the staff's recommendation.

TMAPC Action; 7 members present:

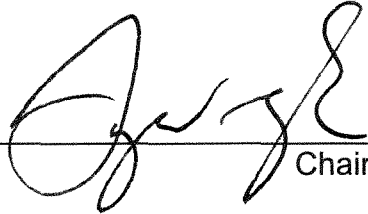
On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Harmon, Hill, Jackson, Ledford, Midget Pace "aye"; no "nays"; none "abstaining"; Carnes, Horner, Selph, Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-306-F as submitted and as recommended by staff.

COMMISSIONER'S COMMENTS:

Mr. Midget requested the e-mail address for the INCOG staff. In response, Mr. Stump stated that INCOG will provide him a list of the e-mail addresses.

There being no further business, the Chairman declared the meeting adjourned at 2:21 p.m.

Date approved: 11-12-98


Chairman

ATTEST: Brandon J. Jachon
Secretary