

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1337
 Wednesday, December 3, 1980, 1:30 p.m.
 Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Avey	Holliday	Armstrong	Linker, Legal Department
Eller	Inhofe	Brierre	
Gardner	Parmele	Gardner	
Keleher, 2nd Vice Chairman	C. Young	F. Howell	
Kempe, Secretary		J. Howell	
Petty		Lasker	
T. Young		Matthews	
		Wilmoth	

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, December 2, 1980, at 11:14 a.m., as well as in the Reception Area of the TMAPC Offices.

Second Vice Chairman, Tom Keleher, called the meeting to order at 1:30 p.m. and declared a quorum present.

CONTINUED ZONING PUBLIC HEARING:

PUD #248 Roy Johnsen (Quatro Property) North side of 91st Street, between
 Yale Avenue and Sheridan Road (RS-3)

The Staff advised that the applicant had requested a continuance of this item to December 17, 1980.

On MOTION of PETTY, the Planning Commission voted 6-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young, T. Young "absent") to continue PUD #248 to December 17, 1980, 1:30 p.m., Langenheim Auditorium, City Hall, Tulsa Civic Center.

Z-5477 Isaac & Ophilla Thompson North and East of the NE corner of 33rd
 Street North and Harvard Avenue RS-3 to IL

A letter from the applicant requesting withdrawal of the rezoning request and refund of the filing fee was exhibited at the November 26, 1980 meeting. At that time, the Commission was advised that all work had been completed on the application including the advertising of the rezoning hearing, with the exception of the public hearing.

The Commission discussed the refund of the entire fee of \$125 or returning the \$25 public hearing portion of the fee; however, an affirmative vote was not reached. The request was continued for one week to allow the applicant time to respond.

The applicant, Isaac Thompson, advised that he is retired and would like to have a garden and be able to sell the vegetables. However, Mr. Thompson preferred to market his vegetables at a stand on the

Z-5477 (continued)

property rather than having the public come to his house. The applicant stated that a minister, living adjacent to the subject tract, was opposed to the rezoning application. The neighbor was concerned that approval of the proposed IL zoning on the subject tract would set a precedent and lead to other properties in the area being rezoned.

The Staff suggested the applicant file a Board of Adjustment request for a home occupation to permit his vegetable stand. However, Mr. Thompson advised that he did not wish to pursue the request for a vegetable stand if it was going to cause problems with his neighbors.

Commissioner T. Young noted that the applicant was acting in good faith in trying to gain approval for the vegetable stand and he felt the entire filing fee should be returned to Mr. Thompson.

Commissioner Avey stated she felt the filing fee should be returned to the applicant since he was acting in good faith and trying to live in harmony with his neighbors. She questioned if the action on this application would set a precedent in regard to the refund of filing fees after the initial work had been completed.

Assistant City Attorney, Russell Linker, advised that this action would not set a precedent since each case must be decided on its own individual merits.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to refund the entire filing fee of \$125 for zoning Application Z-5477 to the applicant, Isaac Thompson.

SUBDIVISIONS:

Koger Executive Center II (1994) NE corner of 41st Street and South 102nd East Avenue (CS)

The Staff advised that all letters were in the file and approval and release of the final plat of Koger Executive Center II was recommended.

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to grant approval and release of the final plat of Koger Executive Center II.

Kensington II, Blocks 3-8 Amended (PUD #128) (783) 74th Street and South Trenton Avenue (RM-1)

Mr. Wilmoth advised that not all letters had been received and this item would need to be tabled.

The Chair, without objection, tabled Kensington II, Blocks 3-8 Amended.

CHANGE OF ACCESS ON RECORDED PLAT:

Eastpoint Addition (1894) 31st Street and South 108th East Avenue (CS)

Mr. Wilmoth advised that this request is to move one access point 30 feet east to allow for turning movements in conjunction with street improvements in progress on East 31st Street. No new or additional access points are being created. Traffic Engineering has recommended this change be approved by the Planning Commission.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to approve the change of access, to move one access point 30 feet east, on the recorded plat of Eastpoint Addition.

OTHER BUSINESS:

INCOG Work Program Review:

Director Jerry Lasker presented the INCOG Work Program and advised that the Division Chiefs would each present their portion of the program. He noted that the agency is divided into two divisions: The division of Regional Plan Analysis and Development which includes comprehensive planning, transportation, environmental management, community and economic development; and the Regional Services Division encompassing the zoning, subdivisions, Board of Adjustment, technical assistance and community planning. He introduced Richard Brierre, Assistant Director for Regional Plan Analysis and Development, who then presented an overview of the work program for his division.

Mr. Brierre reviewed the Research and Data Management portion of the program, noting that Jim Johanning, Chief of this area was out of the City at this time. The Geographic Base File is a computerized file for dispersing address information in geographic units; i.e., square mile, planning district, census tract, and sector. Currently, the GBF does not extend to the full City Limits and it is hoped to expand the file into the balance of Tulsa County in the future.

INCOG annually estimates the population of the cities, towns and counties in the region and is also involved in population projections for a variety planning purposes. The most immediate allocation of population projections for the Water Distribution Analysis is being provided. This division is involved in the local review program, assisting the cities and counties and challenging the preliminary results of the 1980 Census.

The Land Activity File (LAF) is an ongoing activity with the primary interest being the continuation of the file in the downtown area and then re-examining of detail in the file as to the requirement and usefulness of the data that is currently being collected.

An apartment survey has been conducted twice each year for the past seven years and this activity will be continued. Postal vacancy data is purchased annually to provide vacancy information on a Zip Code basis throughout the Tulsa region.

INCOG Work Program Review: (continued)

A draft report, based on a demographic study of the participants in a moderate income assistance program (HUD 235) will be available in the near future.

The Quality of Life Study is a new activity in the work program which will consider some data that is available through an Oklahoma University research program. This data contains a substantial amount of information on attitudes and perceptions related to neighborhoods, environment, quality of life, attitudes toward government and capital improvements.

Data on mortgage lending activity throughout the INCOG Region will be compiled and analyzed. A program evaluation framework for the Tulsa County single-family mortgage revenue bonds will be developed.

All residential building/move/demolition permits for area cities and counties will be collected, classified and encoded. A working paper and computerized file of residential permit activity will be compiled to track net growth.

The Cooperative Research Studies element of the budget is a joint project with the Department of City Development and two items will be addressed: To ascertain the motivating forces behind the students leaving the public schools to attend private schools; and to consider the feasibility of establishing a current population survey throughout the region.

The libraries of the INCOG and TMAPC will be combined to provide continued technical library services such as provision of professional journals, necessary texts and literature search assistance.

Director Lasker noted that an effort is being made to make one Division responsible for doing all of the population and land use forecasts so all of the studies undertaken by the agency will be using a consistent base.

Andy Armstrong advised that his Division provides administrative services to local governments in implementing HUD Small Cities Community Development Block Grant Programs. Final applications for CDBG Small Cities funds are prepared with assistance from the agency and periodic reports and presentations are undertaken as requested.

Another budget item for this Division is the Federal Grant Preparation and Development/Management Assistance. The Staff provides assistance to member governments in matching available federal, state and local resources with local needs.

The preparation of an economic development strategy for the INCOG Region will be initiated by the Staff. The primary objective of the regional strategy will be to strengthen and extend a joint public/private economic development planning and implementation function throughout the region.

Dane Matthews, Division Chief of the Comprehensive Planning Division, advised that this portion of the work program has nine basic elements. Phase II of the Park and Recreation Plan will be prepared for the INCOG Region. This document will contain information and recommendations on which the various park departments can base request for capital improvements and on which governing bodies can base evaluations for such requests.

INCOG Work Program Review: (continued)

The Division will assist the City of Tulsa Department of City Development review proposed capital improvement projects for conformance with the Comprehensive Plan. An analysis of each proposed improvement as to its relationship (in accord or not in accord) with the Comprehensive Plans involved, will provide a basis to decision-makers for allocating capital funds.

Ms. Matthews advised that her Division will also coordinate the INCOG A-95 review and comment process. Each proposed project will be analyzed in terms of compatibility with other projects, land uses and programs with a recommendation for funding.

Initiation of the development of a Metropolitan Housing Strategy will lead to the first major update of the Volume III Regional Housing Study of June, 1974. An assessment of past efforts in the housing field will provide direction for development of a strategy for neighborhood revitalization, conservation and housing programming.

The Areawide Housing Opportunities Program (AHOP) will provide an area-wide guide which details assisted housing opportunities and will be available to new residents moving into the Tulsa area; monitor the processing time for subdivision approvals; determine the local interest and feasibility in initiating a new type of housing assistance project within the Tulsa Metropolitan Area; and to seek available bonus AHOP funding to enhance regional housing planning efforts and assist in meeting identified housing and community development needs in the INCOG Region.

A Water Distribution Element for the Tulsa Comprehensive Plan will be prepared. The plan element will identify current and future water supply and distribution needs for the City based on existing conditions and accepted growth projections.

An updated Comprehensive Plan will be maintained and amended, as necessary, to serve as a basis for evaluating rezoning requests, capital improvement proposals and land development.

This Division will be providing review and analysis of the Master Drainage Plan for conformance with the Comprehensive Plan. Floodway zoning and floodplain mapping activities will be provided as they are needed. Local governments will be assisted in maintaining eligibility and continued participation in the Flood Hazard Insurance Program.

In response to a request by local developers, a reference guide will be compiled to assist in understanding the review and clearance procedures for proposed development activities. Information concerning acquisition of permits, the zoning, change process and compliance with miscellaneous regulations will be provided.

Division Chief of the Transportation Planning Division, Jerry Howell, advised that the work program included socioeconomic data for each transportation zone which will be used to determine present and future trip activity; transportation related data for day-to-day use for traffic and transit activity; and a transportation network update and system evaluation using data obtained in previous tasks.

INCOG Work Program Review: (continued)

The Rideshare Program which provides information and assistance to employers and citizens of the area for carpool, vanpool and transit information, is one of the special studies undertaken by the Transportation Department. Another special study of downtown transportation will provide recommendations for transportation system improvements to the traffic circulation system in the Central Business District.

A detailed evaluation of various transportation control measures giving their effectiveness and recommended method of implementation will be available in the Transportation Control Plan (Air Quality). The Goods Movement portion of the program will provide a data base and a suggestion for hazardous material routing for the metropolitan area.

The Transportation Department will monitor and refine the transportation system to provide services for the elderly and handicapped users; however, MTTA will have the primary responsibility for this effort.

In a joint effort with the MTTA, existing transit operations will be investigated on a route by route basis to provide information to improve operational procedures. In addition, transit energy contingency planning for the metropolitan area will be addressed. Information on possible actions which could be implemented if an energy shortage occurs, with special emphasis on transit fuel supplies, will be provided. Planning studies will be produced which provide information on existing transit service which will be used to improve the usability of the system.

Mr. Howell advised the Commission that citizen participation will be one of the major items of the work program this year since EPA, UMTA and FHWA have increased the requirements for public participation in future programs.

In regard to the transportation planning efforts, Commissioner T. Young noted that TMAPC needs to increase its interest in transportation planning, even to becoming an advocate for a complete rewrite of the plan. He pointed out that a number of Transportation Policy Committee meetings have been cancelled the past year due to lack of a quorum and suggested that attendance at the meetings by a representative of the Planning Commission should be somewhat mandatory.

In the absence of Gaylon Pinc, Division Chief of the Environmental Management Division, Jerry Lasker covered the work elements of this Division. He advised that the Division deals with water, sewer, solid waste and drainage. EPA funds the department for the 208 Water Quality Study. Several studies are underway at this time with the Staff considering the retention/detention systems and the impact on the water quality of the streams. Recommendations will be made concerning the design and operation of existing and future facilities so that maximum stormwater pollution reduction benefits can be realized from stormwater retention/detention programs.

INCOG Work Program Review: (continued)

Studies will be completed to determine possible regional and/or individual alternatives for the disposal of sewage sludge. The impact on water quality of oil field brine and erosion problems will be identified and management solutions to the problems will be recommended.

The Landfill Leachate Study will identify the magnitude of water quality problems caused by sanitary landfill leachates from two landfills in the INCOG area. The pollution control strategies identified in this Study may be applicable to other landfills in the region in order to prevent possible water pollution problems.

The Dog Creek Pollution Study will identify specific sources of point and nonpoint pollution affecting the water quality of Dog Creek and its tributaries in the Claremore area. The development of a detailed water distribution network analysis methodology for the City of Tulsa's water distribution system will also be undertaken.

In addition to the aforementioned elements of the work program, special studies will also be initiated in water supply, sewage facilities, solid waste, hazardous materials and other areas as required to meet the emerging needs.

Commissioner Avey questioned the status of the water detention/retention plans, specifically those for which fees have been collected from the builders in lieu of the facilities.

Terry Young expressed concern that the Planning Commission would be held liable for approving the zoning applications and leading the public to believe that the detention is going to be taken care of at the completion of the project when there is no intention of doing that and not even a plan for how to do it.

Director Lasker advised that he would check into this matter and inform the Commission as to his findings.

Bob Gardner, Assistant Director for Regional Services, advised that his Division is made up of four sections which include community planning, development coordination, technical assistance and mapping and graphics.

The Community Planning Section program consists of a full range of planning services for Skiatook, Collinsville, Owasso, Sperry, Sand Springs, Jenks, Bixby, and Glenpool. Each community planner attends the City Council, Planning Commission, Board of Adjustment and Technical Advisory meetings each month, in addition to processing daily applications, conducting special studies and producing and/or updating major planning programs, ordinances and regulations. Steve Carr is the Chief of this Section.

Zoning, land division, Board of Adjustment and building permit record searches for all of Tulsa County Unincorporated area, City of Tulsa and part of Osage County are functions of the Development Coordination Section headed by Wayne Alberty. This Section has recently completed the drafting and adoption of a Tulsa County Zoning Code and related Comprehensive Zoning Maps.

INCOG Work Program Review: (continued)

Mr. Gardner advised that the Technical Assistance Section consists, at present, of surplus property acquisition, energy audits and criminal justice. Future expansion in this Section will include circuit city engineer and circuit city manager programs.

The activities of the Mapping and Graphics Section (Tom Journey, Chief) consists of base mappings, aerial photo and contour mapping and report graphics. This Section maintains annually over 1,000 base and engineering maps in addition to preparing report graphics, modeling and providing the general public with copies of base maps, aerial photos, and aerial contour maps. This Section also prepares all of the District Court presentation maps and graphics for law suits filed for Zoning and Board of Adjustment cases.

In conclusion, Mr. Gardner advised the Commissioners that the leadership of this Division, Assistant Director and three Section Chiefs, averages 15 years of planning and technical services experience per individual.

PUD #239 Jack Cox South and West of Oxford Avenue and 66th Place

The Staff presented the Site Plan (Exhibit "A-1") and gave the following report:

Planned Unit Development #239 is located south and west of 67th Place and Oxford Avenue. The property was approved for 14 condominium units. The PUD required a 20-foot perimeter yard, 10-foot separation between structures and a 20-foot setback from the front of the garage to the street. The applicant is requesting a minor amendment to permit (1) a 15-foot rear building setback for one lot which abuts the dedicated cul-de-sac, (2) 12.5 foot perimeter yards on the east, (3) an 8-foot separation between two of the structures, and (4) a 19-foot setback between one garage structure and the private street.

The Staff considers the 12.5 foot perimeter side yards reasonable due to the fact that the RS-3 District permits a 5-foot side yard. The 15-foot building setback line adjacent to the dedicated street is also reasonable due to the fact that the structure has no access to the cul-de-sac (it is rear yard) and only one corner of the structure would encroach on the 20-foot setback. The 19-foot front setback between one garage and the private street is also reasonable. However, the Staff can not support the 8-foot separation between buildings unless there is no roof overhang on that particular side of each of the structures.

The Staff has reviewed the site plan and recommends approval of the site plan and minor amendment for PUD #239 as requested, except the 8-foot structure separation (unless the applicant is willing to restrict roof overhang on both structures on that side).

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to approve the site plan and minor amendments for PUD #239, and denied items 1, 2, and 4 of Item 3 above.

Rules & Regulations Committee:

Three members of the Rules and Regulations Committee, Chairman Tom Keleher, Betty Avey, and Bill Gardner, were present; however, the following items were considered by the entire Commission.

Zoning Matrix:

Bob Gardner noted that the Zoning Code has been recently amended to include two new districts, RM-T and OMH. Also, after some testing of the Matrix, it was felt some changes were in order for the CG District.

The Zoning Matrix is a specific part of each individual district included in the Comprehensive Plan. The Matrix is one of several checks which are made in determining whether or not an application is consistent with the Comprehensive Plan. The Matrix serves as a guide to the Staff and the Planning Commission in determining if a zoning application may be found in conformance with the Plan Map, or would require the Plan Map to be amended upon approval of the rezoning.

The RM-T District is the same as the RM-0 and RM-1 in terms of relationship to the Comprehensive Plan so it has been given the same designations with respect to the Matrix.

The OMH is similar to the OM District, but due to the fact that it is higher intensity and more floor area is permitted, it must be considered very separately.

The Staff recommended the above changes and Mr. Gardner noted that if the Commission was in agreement, it would be necessary to call for a Public Hearing and amend the Matrix since it is a part of the Comprehensive Plan.

On MOTION of AVEY, the Planning Commission voted 6-0-0 (Avey, Eller, Gardner, Keleher, Kempe, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty, C. Young "absent") to accept the Matrix as presented and instruct the Staff to include the Matrix as a public hearing item.

Health Department Request to Add Policy to Appendix A of the Subdivision Regulations:

Mr. Wilmoth advised that the Staff has received copies of memoranda from Commissioner Terry Young and the Health Department to the Planning Commission regarding requirements for septic systems and lagoons in new subdivisions. Since the Appendix portion of the Subdivision Regulations was created to include current policies and requirements of the various agencies and departments, the Staff recommends that the following paragraph be added to APPENDIX A - HEALTH DEPARTMENT REQUIREMENTS FOR SUBDIVISIONS: (Page A-1)

"Private single-family residential lagoons may be used in subdivisions with lots 2 1/2 acres and larger only if no more than 25% of the lots have a failing percolation test. If more than 25% of the lots in any subdivision has failing percolation tests, the subdivision must be served by a community sewage disposal system."

Health Department Request to Add Policy to Appendix A of the Subdivision Regulations: (continued)

This is the exact wording that the Health Department has requested. There were no objections from the Technical Advisory Committee and it was the concensus of the Committee that this addition to the Appendix A of the Regulations should be approved.

The Technical Advisory Committee and Staff recommended to the Planning Commission that the requested paragraph be added to Appendix A as requested by the Health Department.

On MOTION of KEMPE, the Planning Commission voted 6-0-0 (Avey, Eller, Gardner, Keleher, Kempe, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, Petty, C. Young "absent") to approve the addition of the following paragraph to APPENDIX A - HEALTH DEPARTMENT REQUIREMENTS FOR SUBDIVISIONS: (Page A-1)

"Private single-family residential lagoons may be used in subdivisions with lots 2 1/2 acres and larger only if no more than 25% of the lots have a failing percolation test. If more than 25% of the lots in any subdivision has failing percolation tests, the subdivision must be served by a community sewage disposal system."

Resolution Authorizing the Director and Assistant Director of Regional Services for Indian Nations Council of Governments to Sign the Certification of Approval on Lot-Splits:

Bob Gardner presented the Resolution and advised that the language of previous resolutions which were adopted allowing the Director and Acting Director to sign the certification of approval on lot-splits is no longer appropriate due to the merger of INCOG and TMAPC.

Mr. Gardner assured the Commission that only the lot-splits which meet all of the Subdivision Regulations will be signed by the Director or Assistant Director and presented to the Planning Commission for ratification.

In the discussion which followed, the Commissioners were in agreement concerning the signature of the Staff on prior approval lot-splits since they meet all of the regulations; however, they were opposed to the Director or Acting Director signing the subdivision plats.

On MOTION of T. YOUNG, the Planning Commission voted 7-0-0 (Avey, Eller, Gardner, Keleher, Kempe, Petty, T. Young "aye"; no "nays"; no "abstentions"; Holliday, Inhofe, Parmele, C. Young "absent") to adopt the Resolution Authorizing the Director and Assistant Director of Regional Services for Indian Nations Council of Governments to Sign The Certification of Approval on Lot-Splits as required by Section 6.4 of the Subdivision Regulations, subject to the addition of the following language in the last paragraph of the Resolution: "...delegates authority to the Director and Assistant Director of Regional Services for the Indian Nations Council of Governments," (Resolution No. 1337-525) as follows:

A RESOLUTION AUTHORIZING THE DIRECTOR AND ASSISTANT DIRECTOR OF REGIONAL SERVICES FOR THE INDIAN NATIONS COUNCIL OF GOVERNMENTS TO SIGN THE CERTIFICATION OF APPROVAL ON LOT-SPLITS AS REQUIRED BY SECTION 6.4 OF THE SUBDIVISION REGULATIONS.

WHEREAS, Title 19, Oklahoma Statutes Supplement 1955, § 863.10, requires the written approval of the Metropolitan Area Planning Commission on the division of any tract of land into two and one-half (2½) acres or less; and

WHEREAS, Section 6.4 of the Subdivision Regulations of the Tulsa Metropolitan Area Planning Commission requires the signature of an officer of the Planning Commission certifying approval of lot-splits by the Commission; and

WHEREAS, it has been found to work a hardship on the transfer of real estate if the approval of lot-splits is withheld between meetings of the Planning Commission, where said lot-splits meet all of the requirements of the Tulsa Metropolitan Area Planning Commission which affect said lot-splits.

NOW, THEREFORE, BE IT RESOLVED that the Tulsa Metropolitan Area Planning Commission hereby delegates authority to the Director and Assistant Director of Regional Services for the Indian Nations Council of Governments to sign the certification of approval on lot-splits after all requirements and conditions concerning the same have been fully complied with.

There being no further business, the Chair adjourned the meeting at 3:25 p.m.

Date Approved

December 17, 1980

Ruby J. Darnell
Chairman

ATTEST:

Cherry N. Kenge
Secretary

