TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1390
Wednesday, January 13, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Freeman	Eller	Chisum	Jackere, Legal
Higgins	Gardner	Compton	Department
Holliday, Secretary	Parmele	Gardner	
Kempe, 2nd Vice-Chairman	Inhofe	Lasker	
Petty			
Rice			
Young, Chairman			

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, January 12, 1982, at 11:05 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Young called the meeting to order at 1:45 p.m. and declared a quorum present.

MINUTES:

Bob Selman, Chairman of District #18, requested that the Minutes of December 16, 1981, be revised concerning the Public Hearing to consider amending the Major Street and Highway Plan. He would like to have it clarified that the issue was discussed by the Board "...after additional business had transpired..." Mr. Selman also asked the Board to request a legal opinion as to the intent on future actions of this type and that anyone who spoke during the public hearing receive copies of these minutes. It is his opinion that the Board's continuation of discussion was improper.

Chairman Young explained that the Commission was under the misconception that this would be sent to the City and County, but actually it was a dead issue because of the tie vote. The speakers had a chance to be heard. This is not the first time the Commission has had further discussion on an issue. Once the meeting has started, the Commission can discuss a matter listed on the agenda until the meeting is adjourned. The meeting is open to the public.

Alan Jackere explained that what Mr. Selman is asking for is a legal opinion as to the intent of the open meeting law and the Legal Department does not give opinions as to intent. All he can say is that what was done was proper.

Mr. Selman asked that if Mr. Linker said in the meeting it was proper to continue discussion, he would like for that to be in the minutes. Mr. Gardner mentioned that the Staff would listen to the tape to see what Mr. Linker said.

Minutes: (continued)

Mr. Selman also asked for a written Legal Opinion from the Legal Department as to the legality of this procedure. Chairman Young stated that he felt it was clear that this could be done, but would not want to make it a policy. He did not want to request a formal opinion. Commissioner Kempe stated that Robert's Rules of Order is not in conflict with the Open Meeting Law as to the reopening of discussion and that Robert's Rules of Order states that any matter can be reheard during the course of a meeting and can be voted on again. The public has the right to be here through the entire meeting.

On MOTION of PETTY, the Planning Commission voted 7-0-0 (Freeman, Higgins, Holliday, Kempe, Petty, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Inhofe, "absent") to approve the Minutes of December 16, 1982 (No. 1390) EXCEPT for the portion concerning the Public Hearing for Amendment to the Major Street and Highway Plan and to approve the following actions:

1. That the Minutes be revised to read "Later in the meeting, after additional business had transpired, ..."

2. That if a Legal Opinion was given by Mr. Linker to continue discussion, then it should be noted in the Minutes.

3. That all speakers during the public hearing be sent copies of the revised Minutes.

REPORTS:

Director's Report:
Jerry Lasker advised that a Comprehensive Plan Steering Committee Meeting will be held following next week's Commission meeting for review of the Capital Improvements Projects for FY '82-'83.

Also, on January 22, 1982, INCOG will hold an orientation session for Leadership Tulsa to discuss TMAPC and INCOG, from 8:00 to 9:30 p.m.

PUBLIC HEARING:

PUBLIC HEARING ON PROPOSED AMENDMENTS TO SECTION 260; SECTION 410; SECTION 430; SECTION 610; SECTION 830; SECTION 1730.5; AND SECTION 1800 OF THE COUNTY ZONING CODE, TULSA COUNTY, OKLAHOMA.

Bob Gardner advised that a similar notice has been advertised for the City Zoning Code to be heard next week. The City notice had to be sent to Osage County, which caused a delay. At the conclusion of the comments made today, it is the Staff's Recommendation that this hearing be continued until next week for additional input.

Mr. Gardner mentioned that the Zoning Committee had reviewed these amendments and will present a formal recommendation next week. He then covered each section and explained in detail the changes proposed.

Eugent Colleoni, 1534 South Delaware Avenue, was present concerning Section 410 - Principal Uses Permitted in Residential Districts and strongly urged the Commission to ratify the revision of Section 410.

Charles Norman, 909 Kennedy Building, had requested in October that the Commission consider two of these changes. However, he had not participated in the Staff review and study of the proposals in Section 410, but would like to point out that there is a large area in the southern part of downtown, south of 11th Street and Riverside Drive that is zoned RM-2 and RS-3 and under the present language in the Code a number of offices located downtown have located, with the Board of Adjustment approval, off-street parking in RM-2 Districts. If the Amendments are adopted, the option would be eliminated. He also advised that the Homebuilders Association Code Committee believes the elimination of that exception for off-street parking in RM-2 Districts is too restrictive. With reference to Section 610, Mr. Norman requested that the Section be amended to include hotels and motels. He suggested that other uses in Use Unit 19 might be compatible with an office park and motel. He suggested adding "Health Club, Racquet Ball Club, Swimming Pool, Tennis Club and Gymnasium" where the triple asterisk (*) is shown to be permitted in the office Districts by exceptions.

In Section 830, Mr. Norman explained that he had requested the revision of the setbacks in a Corridor District on the line that reads, "All other commercial buildings," he would propose to change 200' to 100' and then put asterisks, which would say, "200' setback for commercial buildings when the commercial building is more than 660' from the centerline of the nearest arterial street." He felt that the Staff's version was only different in concept because the Staff was talking about designated nodes, whereas he was referring to the nearest arterial street. Mr. Gardner stated that not all the nodes would be 660'. Mr. Norman continued by stating that there is almost always a band of multifamily at least 300' in width around the commercial node, however, another footage may be appropriate. Having a specific number in the Code is easier to administer than to refer to the Comprehensive Plan. Those who do not work with the Code frequently would find it difficult to acquire answers.

Concerning Section 410, Table 1; Bob Gardner realized that when the Code was amended, the "X" was left in the table and should have been changed to an "E" for Special Exception. If this had been done correctly, the provision set out in the asterisks is correct and an application to the Board of Adjustment would be needed to permit a parking lot. Mr. Norman had no objection to the "E" instead of an "X", but requested that the provision of the asterisks not be changed. The Staff's draft does make a change. He could not support the recommendation to limit the right to residential parking only when there is a need to serve a variety of uses, but felt it appropriate that a request be heard by the Board of Adjustment. Mr. Colleoni agreed that the table should be an "E".

Chairman Young asked that the Staff comment on the recommendations made and that the hearing be continued to next week.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to continue this hearing to January 20, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa, Oklahoma, to consider amendments to the City and County Zoning Codes.

SUBDIVISIONS:

For Final Approval and Release:

Cedarcrest Park (1783) NE corner of 90th Street and South Delaware Ave. (RM-T)

The Staff advised that all necessary letters have been received and this plat is recommended for final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to approve final plat and release for Cedarcrest Park Addition.

Burning Tree Plaza Amended (PUD #112) (183) 63rd Street and South 86th East Avenue (RS-3)

The Chair, without objection, tabled this item.

Chimney Ridge Townhomes (1583) NW corner of 91st Street and Sheridan Rd. (RM-1)

The Staff advised that all necessary letters have been received and this plat is recommended for final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Inhofe, "absent") to approve the final plat and release for Chimney Ridge Townhomes Addition.

Motel Six First (594) North and East of 11th Street and Garnett Road (CS)

The Chair, without objection, tabled this item.

Blackwell Crockett Addition (3293) NE corner of 57th Street and South Lewis Avenue (OL)

The Staff advised that all necessary letters have been received and this plat is recommended for final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to approve final plat and release for Blackwell Crockett Addition.

Southern Hills Mall 2nd Addition (PUD #253) (3393) SW corner of 51st St., and Marion Avenue (CS, OL)

The Staff advised that all necessary papers had been received and this plat is recommended for final approval and release.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to approve final plat and release for Southern Hills Mall 2nd Addition.

CONTINUED ZONING PUBLIC HEARING:

Application No. CZ-40 Present Zoning: AG
Applicant: Boomershine (Rutledge) Proposed Zoning: CS
Location: Northeast corner of 211th Street South and 33rd West Avenue

Date of Application: November 9, 1981
Date of Hearing: January 13, 1982
Size of Tract: 10 acres

Presentation to TMAPC by: Kenneth L. Stainer
Address: 320 South Boston Avenue Phone: 584-6404

Relationship to the Comprehensive Plan:

The subject tract is not covered by either the Glenpool Comprehensive Plan or the Comprehensive Plan for the Tulsa Metropolitan Area. It is, however, covered by the goals and objectives of the Development Guidelines, a part of the Comprehensive Plan for Tulsa County. The Staff feels that Corridor or Special District designation would be appropriate, based on the fact that these designations would be consistent with (a) the Development Guidelines, and (b) the precedent set by both the Comprehensive Plan for the Tulsa Metropolitan Area and the Glenpool Comprehensive Plan where they have addressed land use adjacent to the U. S. Highway #75.

Staff Recommendation:

The subject tract is located south of the southwest corner of 201st Street South and U. S. Highway #75. It fronts onto Highway #75 and contains a large, metal building that houses a commercial business. The tract is abutted on all sides by vacant land and scattered single-family residences. The surrounding area is zoned AG, the subject tract is zoned AG and the applicant is requesting CS zoning for an existing truck customizing business.

The Staff feels that the requested zoning may be found consistent with the Development Guidelines as a Special District paralleling the Okmulgee Beeline. The Glenpool Planning Commission held a public hearing on this case and voted unanimously to recommend approval of the requested zoning change. The only reservation that the Staff has for designating the immediate area as a Special District is the proximity of the new homes to the west and northeast of the subject property.

Based on the Glenpool Planning Commission Recommendation and the Okmulgee Beeline Corridor (Special District potential), the Staff recommends APPROVAL of CS zoning.

Applicant's Comments:

Kenneth L. Stainer, attorney for the applicant, advised that the applicant could not be present, but the owners of the property were present, along with the owners of adjacent properties. This is a 10-acre tract carved out of a 120-acre tract. The applicant would appreciate all the consideration the Commission could give to this application.

Board Action:

On MOTION of RICE, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to recommend to the Board of County Commissioners that the following described property be rezoned CS, per Staff recommendation and recommendation from the Glenpool Planning Commission:

CZ-40 (continued)

The NE/4 of the NE/4 of the SE/4 of Section 15, Township 16 North, Range 12 East, LESS the East 101.8' for road containing 10 acres, more or less, Tulsa County, Oklahoma.

CZ-42 George T. Gould West 159th Street South and Okmulgee Beeline AG to IM

A letter was presented from the City of Glenpool (Exhibit "A-1") advising that the Glenpool Planning Commission recommended denial of IM, but approval of IL; therefore, this matter will have to be referred to the Glenpool City Council and will be considered by the Council on January 18, 1982. The City Planner asked that the Tulsa Planning Commission not consider this case until after the City Council meeting.

Mr. Gould was present and requested this case be heard today. He was in agreement with the IL zoning recommended by the Glenpool Planning Commission. They did not deny IM, they approved IL. No one in the 300' radius has objected to this and he did not feel that a determination on this matter should be delayed, since it had already been continued from last week's meeting.

Bob Gardner reminded the Commission that it would only be delayed one week.

On MOTION of HOLLIDAY, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to continue this matter one week to January 20, 1982, at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No. Z-5660 Present Zoning: AG
Applicant: John Piercey (T.U.R.A.) Proposed Zoning: OM
Location: 1900 Block of South Jackson Avenue

Date of Application: December 10, 1981
Date of Hearing: January 13, 1982
Size of Tract: 1.915 acre

Presentation to TMAPC by: Jim Bourey, City Development
Address: 200 Civic Center, 3rd Floor Phone 581-5605

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the OM District may be found in accordance with the Plan Map.

Staff Recommendation:

The subject tract is located north of the intersection of 21st Street and Jackson Avenue. It is east of Jackson and backs to the Arkansas River. The tract is vacant and has a levee running through it from north to south. It is abutted on the north by vacant OM zoned land and on the west by a single-family subdivision. Access to the tract would come from the north because of the difference in elevation between the subject tract and Jackson Avenue. The tract is zoned AG and the applicant is requesting OM zoning for a proposed multifamily residential use.

The Comprehensive Plan designates the subject tract Special District 2 and Development Sensitive. The reasons for both of these designations are that the subject area is adjacent to the Arkansas River's sensitive bank and within its previously defined flood prone area. In addition, because the subject area is in Special District 2, any future development would have to be compatible with the River Parks Plan.

The subject tract as well as the land to the north is being filled to an elevation equal to or greater than the height of the present levee, thereby eliminating the Development Sensitive designation. In addition, the applicant is proposing a multifamily residential use that would require a special exception under the requested OM zoning and a review of a Site Plan, thereby insuring compatibility of design with the River Parks Plan.

Because of these reasons and the fact that the requested zoning is consistent with the surrounding zoning patterns, the Staff recommends APPROVAL of OM zoning.

Protestants: None.

Jim Bourey with the City Development Department was present and had no comments.

Z-5660 (continued)

Board Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Freeman, Higgins, Holliday, Kempe, Rice, Young, "aye"; no "nays"; no "abstentions"; Eller, Gardner, Parmele, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be approved OM:

A tract of land described as being a part of Block six (6) according to the recorded plat of "Riverview Park Second Addition, Blocks 5-12, an Addition to the City of Tulsa, Tulsa County, Oklahoma, being more particularly described by metes and bounds as follows, to wit:

Commencing at a point, said point being the Southeast corner of Block 5 as per said recorded Addition, also being a point in the North right-of-way line of West 17th Street and running thence due East along said North right-of-way line a distance of 53.42' to a point; thence South 20°-37'-44" East a distance of 224.29' to a point; thence along a curve to the left having a radius of 929.93' and a delta angle of 6°-51'-52" a distance of 111.41' to a point; thence South 27°-29'-36" East a distance of 380.73' to a point; thence along a curve to the right having a radius of 979.93' and a delta angle of 4°-42'-45" a distance of 80.60' to a point; thence South 22°-46'-51" East a distance of 17.13' to the Point of Beginning; thence South 22°-46'-51" East a distance of 253.03' to a point; thence North 67°-13'-09" East a distance of 139.93' to a point; thence North 43°-14'-08" East a distance of 135.00' to a point; thence North 24°-03'-24" East a distance of 243.52' to a point; thence North 46°-45'-52" West a distance of 34.56' to a point; thence South 67°-13'-08" West a distance of 426.85' to the Point of Beginning.

There being no further business, the Chair adjourned the meeting at 3:00 p.m.

Date Approved February 3, 1982

Cherry Kempe
Chairman

ATTEST:

Marian E. Holliday
Secretary

1.13.82:1390(9)