

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
MINUTES of Meeting No. 1559  
Wednesday, June 12, 1985, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes Connery Draughon Harris Kempe, Chairman Paddock, Secretary Wilson, 1st Vice- Chairman Woodard Young	Higgins VanFossen	Frank Holwell Jones	Linker, Legal Counsel Williams/Haye- Stormwater Mgmt.

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 11, 1985, at 12:38 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:35 p.m.

**MINUTES:**

On **MOTION** of **WOODARD**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, Young, "absent") to **APPROVE** the Minutes of May 29, 1985, meeting No. 1557.

**REPORTS:**

**Report of Receipts and Deposits:**

Consider approving the Report of Receipts and Deposits for the month ended May 31, 1985.

Staff informed that this report is in order and recommended approval.

On **MOTION** of **WILSON**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, Young, "absent") to **APPROVE** the Report of Receipts of Deposits for the month ended May 31, 1985.

6.12.85:1559(1)

Director's Report:

CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE: AMENDING SECTIONS 310, 340, 440, 1224(a), 1680 AND 1730.3 RELATING TO PROVISIONS AND STANDARDS FOR DRILLING, MINING AND PRODUCTION OF OIL AND GAS WITHIN THE UNINCORPORATED AREAS OF TULSA COUNTY, AND PROVISION FOR NOTICE TO ALL MINERAL INTERESTS OF INTENT TO REZONE PROPERTY FOR DEVELOPMENT PURPOSES.

Mr. Frank informed that the language in the Resolution was duplicate to that approved by the Commission on May 15 for amending the Tulsa County Zoning Code and again noted the revisions which had been made. He informed that the Resolution had been reviewed by Legal Counsel and adoption was recommended.

On MOTION of CONNERY, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, Young, "absent") to APPROVE the Resolution amending the Tulsa County Zoning Code: Amending Sections 310, 340, 440, 1224(a), 1680 and 1730.3.

RESOLUTION NO. 1559:610

A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE:  
AMENDING SECTIONS 310, 340, 440, 1224(a), 1680 AND  
1730.3 RELATING TO PROVISIONS AND STANDARDS FOR  
DRILLING, MINING AND PRODUCTION OF OIL AND GAS WITHIN  
THE UNINCORPORATED AREAS OF TULSA COUNTY, AND PROVISION  
FOR NOTICE TO ALL MINERAL INTERESTS OF INTENT TO REZONE  
PROPERTY FOR DEVELOPMENT PURPOSES.

WHEREAS, the Tulsa County Board of Commissioners did hold a public hearing upon the content and advisability of adopting a Tulsa County Zoning Code and adopted said Code September 15, 1980; and

WHEREAS, The Board of County Commissioners on May 6, 1985, did direct the INCOG Staff and Ad Hoc Committee to review the present language and standards for drilling, mining and production of oil and gas within the County; and

WHEREAS, A public hearing was held by the Tulsa Metropolitan Area Planning Commission on May 15, 1985, to review the merits of the proposed changes and the TMAPC did vote 8-0 to recommend Approval of the proposed changes to the Board of County Commissioners; and

WHEREAS, The Board of County Commissioners did hold a public hearing May 28, 1985, to review the merits of the proposal and after due consideration voted 3-0 to Approve the changes.

NOW, THEREFORE, BE IT RESOLVED, That the Tulsa County Zoning Code be and the same is hereby amended to read as follows, to wit:

**CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE (cont'd)**

**SECTION 310. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICTS**

The principal uses permitted in the Agriculture District and Agriculture-Residential Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, screening requirements and other use conditions in Chapter 12. The use units permitted in the Agriculture District and Agriculture-Residential District are set forth in Table 1.

Table 1  
Use Units Permitted in Agriculture Districts\*

No.	Use Units Name	Districts	
		AG	AG-R
1.	Area-Wide Uses by Right	X	X
2.	Area-Wide Special Exception	E	E
3.	Agriculture	X	E
4.	Public Protection & Utility Facilities	X	E
5.	Community Services, Cultural and Recreational Facilities	E	E
6.	Single-Family Dwelling	X	X
9.	Mobile Home Dwelling	X	E
20.	Commercial Recreation: Intensive	E	
21.	Business Signs and Outdoor Advertising	X	
24.	Mining and Mineral Processing	E	
24(a)	Oil and Gas Extraction	X**	E

\* X=Use by Right  
E=Special Exception

\*\* Except when located within a recorded residential subdivision zoned AG, which has been filed of record with the County Clerk prior to July 1, 1985, the drilling of oil and gas shall require a Board of Adjustment Special Exception. See Section 40, Requirements for Special Exception Uses in Agricultural Districts.

**SECTION 340. REQUIREMENTS FOR SPECIAL EXCEPTION USES IN AGRICULTURE DISTRICTS**

The Special Exception Uses Permitted in the AG Agriculture District and AG-R Agriculture-Residential District, as designated in Table 1, are subject to the requirements set out below, and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

1. The accessory use provisions of Agriculture Districts pertaining to signs are applicable to accessory signs for uses permitted by special exception.
2. Special Exception Uses shall conform to the bulk and area requirements of the use district in which located, unless the use unit requirements are more restrictive, in which case the more restrictive shall control.

CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE (cont'd)

3. Oil and Gas Extraction:

- a. Applicant shall provide date subdivision recorded with the County Clerk if the well is to be located within the boundaries of the subdivision.
- b. Applicant shall provide plot plan depicting well location, working/reserve pit, storage tanks and distances from nearest residences.
- c. Applicant shall provide a drilling schedule indicating the estimated depth of well, estimated time to drill and type of equipment to be used, typing of pumping device and maintenance and rework procedures.
- d. Applicant shall indicate the safety features to be employed and any screening fences to be erected.

SECTION 440. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS,  
REQUIREMENTS

The accessory use provisions of the Residential Districts pertaining to signs are applicable to accessory signs for principal uses permitted by special exception.

2. Home Occupations:

- a. The home occupation shall be engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
  - b. No signs, display or advertising on premises, visible from outside the lot, shall be permitted.
  - c. The home occupation shall be conducted entirely within an enclosed principal building or customary accessory building.
  - d. No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.
  - e. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.
3. In an RS District, duplex use shall comply with the height and yard requirements for single-family use and in addition shall comply with the following requirements:
- a. Minimum lot area of 9,000 square feet;
  - b. Minimum land area per dwelling unit of 5,000 square feet;

CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE (cont'd)

- c. Minimum frontage of 75 feet; and
  - d. Minimum livability space per dwelling unit of 2,500 square feet.
4. In an RS District, children's nurseries shall comply with the lot width, lot area, height and yard requirements for single-family use and in addition, a maximum floor area ratio of .5 shall apply.
  5. In an RMH District, a single-family dwelling shall comply with the bulk and area requirements set out in Section 430.2(c).
  6. In the R District, except RMH, mobile home dwelling use shall comply with the lot area requirement for a single-family dwelling located within the district and further provided the Board of Adjustment may impose a time limit and require the posting of a removal bond in the granting of such exception.
  7. Except as provided in 2, 3, 4, 5 and 6 above, and Section 230, Special Exception uses shall comply with the least restrictive yard and height requirements of the district in which located and, in addition, shall comply with the following requirements.
    - a. Maximum floor area ratio of .5;
    - b. Minimum lot size of 10,000 square feet;
    - c. Minimum frontage of 100 feet; and
    - d. A minimum building setback of 25 feet from abutting properties located within an R District.

Provided that if the use unit requirements are greater the use unit requirements shall control.

8. Office use in the RM-1 District shall comply with bulk and area requirements of the OL District. Office use in the RM-2 District shall comply with bulk and area requirements of the OM District, except no structure shall exceed two (2) stories in height.
9. Oil and Gas Extraction:
  - a. Applicant shall provide date subdivision recorded with County Clerk if well is to be located within the boundaries of the subdivision.
  - b. Applicant shall provide a plot plan depicting well location, working/reserve pit, storage tanks and distances from nearest residences.

CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE (cont'd)

- c. Applicant shall provide a drilling schedule indicating the estimated depth of well, estimated time to drill and the type of equipment to be used, type of pumping device and maintenance and rework procedures.
- d. Applicant shall indicate the safety features to be employed and any screening fences to be erected.

SECTION 1224(a). USE UNIT 1224(a). OIL AND GAS EXTRACTION

1224(a).1 Description

The drilling and servicing of oil and gas wells, including on-site storage and related transporting of the extracted products.

1224(a).2 Included Uses

Drilling of oil and gas well, on-site oil and gas storage.

1224(a).3 Use Conditions

- a. Oil and gas wells and related storage tanks shall be located 200 feet or more from any residence, provided, however, that the Board of Adjustment, under the power of Section 1680, Special Exception, may reduce this minimum setback distance.
- b. Oil and gas wells and related storage tanks shall be located 300 feet or more from any incorporated area (excluding annexation fence lines), provided, however, that the Board of Adjustment, under the power of Section 1680, Special Exception, may reduce this minimum setback distance.

1224(a).4 Off-Street Parking and Loading Requirements

Not applicable.

SECTION 1680. SPECIAL EXCEPTION

1680.1 General

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- a. Special Exception Uses as designated and regulated within the permitted use PROVISIONS OF THE ZONING DISTRICTS.
- b. Special Exception Uses as designated within Chapter 10, Floodway Zoning District.
- c. The change of a nonconforming use as provided in Section 1420(f), Chapter 14, Nonconformities.

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- d. The restoration of a partially destroyed structure containing a nonconforming use as provided in Section 1420(g), Chapter 14, Nonconformities.
- e. The restoration of a partially destroyed nonconforming structure as provided in Section 1450, Chapter 14, Nonconformities.
- f. The modification of a screening requirement, as provided in Section 240.2 and Section 250, Chapter 2, District Provisions: General.
- g. Off-Street Parking use of property located within a Residential District, when the property is abutting an Office, Commercial, or Industrial District.
- h. Reduction in the minimum setback distances as set forth in Section 1224(a).3 Use Conditions, for oil and gas wells and related storage tanks.
- i. Drilling of oil and gas wells located within residential subdivisions zoned AG, AG-R, RE and RS.

1730.3 Notice Required

The Planning Commission shall give: Twenty (20) days notice of a public hearing on a proposed map amendment by publication in a newspaper of general circulation; twenty (20) days notice of a public hearing by posting of the property sought to be rezoned; and twenty (20) days notice of a public hearing by mailing written notice to all owners of property within a three-hundred (300) foot radius of the exterior boundary of the property and to all recorded mineral interests and leasehold owners. The Notice shall contain:

- a. Date, time and place of public hearing;
- b. Legal description of the property and the street address or approximate location of the property;
- c. Present zoning district classification of the property and the proposed zoning district classification provided:
  1. Notice of a proposed RM-2 rezoning shall confer jurisdiction on Planning Commission and County Commission to consider and act upon RM-2, RM-1, RM-0, RM-T, RD, and RS, or combination thereof in the disposition of the application, and in like manner, notice of any R District, including RMH, shall confer jurisdiction to consider any less dense R District, except RMH.

CONSIDER APPROVING A RESOLUTION AMENDING THE TULSA COUNTY ZONING CODE (cont'd)

2. Notice of a proposed CH rezoning shall confer jurisdiction on the Planning Commission and County Commission to consider and act upon CH, CG, CS, OMH, OM, OL, and P or combination thereof in the disposition of the application, and in like manner of any C District, (except the CO District), shall confer jurisdiction to consider any less intense C District, any O District or P District, and notice of any O District shall confer jurisdiction to consider any less intense O District or P District.
3. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and County Commission to consider and act upon IH, IM, IL, IR, or combinations thereof in the disposition of the application, and in like manner, notice of any I District shall confer jurisdiction to consider any less intense I District.
4. Specific notice of a proposed FD, AG, CO, PUD, or RMH District shall be required to confer jurisdiction on the Planning Commission and County Commission to consider such FD, AG, CO, PUD, or RMH District.

BE IT FURTHER RESOLVED THAT, upon adoption and approval hereof by the Tulsa Metropolitan Area Planning Commission, this Resolution be certified to the Board of Commissioners of the County of Tulsa for approval and thereafter that it be filed as a public record in the Office of the County Clerk of Tulsa County.

APPROVED and ADOPTED this 12th day of June, 1985, by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission including its ex officio members, as provided by law.

6.12.85:1559(8)



CONTINUED ZONING PUBLIC HEARING:

Application No. **Z-6049 and PUD #397** Present Zoning: RS-3, RD, RM-1  
Applicant: Moody (61MM Ltd.) Proposed Zoning: RD, RM-1  
Location: S. side of E. 61st Street; 1/2 mile E. of Memorial

Date of Application: April 11, 1985  
Date of Hearing: June 12, 1985 (cont'd from June 5; cont'd to June 19, 1985)

Chairman Kempe informed that a timely request had been received to continue this case to June 19, 1985.

TMAPC Action: 8 members present

On **MOTION** of **YOUNG**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to **CONTINUE consideration of Z-6049 and PUD #397** until Wednesday, June 19, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No. **Z-6051** Present Zoning: AG  
Applicant: Sublett (Livingston) Proposed Zoning: CO  
Location: South of the Southeast corner of 81st and Mingo

Date of Application: April 16, 1985  
Date of Hearing: June 12, 1985

Presentation to TMAPC by: John Sublett  
Address: 320 S. Boston, Suite 805 Phone: 582-8815

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity — Corridor and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CO District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis — The subject tract is approximately 11.5 acres in size and located south of the southeast corner of 81st Street and Mingo Road. It is partially wooded, rolling and contains two single-family dwellings zoned AG.

Surrounding Area Analysis — The tract is abutted on the north by vacant property zoned CO, on the east by a private airport zoned AG, on the

Z-6051 (cont'd)

south by vacant property zoned CO, and on the west by a private country club zoned AG.

Zoning and BOA Historical Summary — All have concurred in medium intensity zonings, including CO, in the area.

Conclusion — Although the Mingo Valley Expressway is not physically in place to 81st Street, previous CO zoning cases have been approved based on the proposed alignment. Such is the case with the subject tract. Based on the Comprehensive Plan, existing zoning and the proposed Mingo Valley Expressway, the Staff can support CO zoning on the subject tract and therefore, recommends APPROVAL.

NOTE: Intensity of development will depend on when the freeway is constructed.

Comments and Discussion:

Applicant was present, but did not wish to comment since he was in agreement with the Staff Recommendation.

TMAPC Action: 8 members present

On MOTION of YOUNG, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned CO:

Legal Description:

The North 588.08 feet of the South 928.08 feet of the West 565.72 feet of Lot One (1), of Section 18, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, containing 7.6374 acres, more or less; which property is also known as 8201 South Mingo, Tulsa, Oklahoma;

and

The North 312.5 feet of the South 340 feet of the West 555.72 feet of Lot One (1) in Section 18, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, containing 3.9867 acres, more or less.

Application No. CZ-134

Applicant: D&D Investment

Location: 1/4 Mile West of 116th Street North

Present Zoning: AG

Proposed Zoning: CS

Date of Application: April 26, 1985

Date of Hearing: June 12, 1985

Presentation to TMAPC by: Jeff Tuttle

Address: 808 S. Peoria

Phone: N/A

6.12.85:1559(10)

CZ-134 (cont'd)

Relationship to the Comprehensive Plan:

The District 15 Plan Map, the Owasso Comprehensive Plan, designates the subject tract as Rural Residential. The requested CS zoning is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis — The subject tract is approximately 9.29 acres in size and located west of the southwest corner of 116th Street North and Garnett Road. It is non-wooded, flat, vacant and zoned AG.

Surrounding Area Analysis — The tract is abutted on the north and west by vacant property zoned AG, on the east by a church zoned AG, and on the south by vacant single-family lots zoned RS-3.

Zoning and BOA Historical Summary — Although commercial zoning has been allowed to extend beyond the typical nodes along Garnett, commercial zoning does not extend more than 1,320' west of the intersection along 116th Street North.

On a referral basis, the Owasso Planning Commission voted to recommend DENIAL of CS zoning on the subject tract.

Conclusion — Ample commercial vacant land exists along Garnett Road (Highway #169) to meet the needs of this community. Approval of the subject request would jump established buffers and lead to stripping on 116th Street. The Staff cannot support commercial zoning on the subject tract based on the Comprehensive Plan and noncompliance with the Development Guidelines. The Staff recommends DENIAL of CS zoning as requested, as does the Owasso Planning Commission.

Comments and Discussion:

Mayor Young noted that there is a railroad indicated on the map and asked if it is still located there. Mr. Frank informed that it is. Mayor Young asked if CS would be in accordance with the plan because the area is located near the railroad and was advised that it would not necessarily be in accord. Mr. Jones informed that he had researched this with the Owasso Planning Commission and was informed that the area would not be in accordance with the map if rezoned to CS.

Applicant's Comments:

Mr. Tuttle informed that he was representing the applicant and advised that the owners were planning to build an enclosed shopping center on 10 acres of the property. He presented a site plan which illustrated the proposed development and a map showing a comprehensive look at the city of Owasso. He informed that the Owasso Planning Commission had denied the requested rezoning because 116th Street is a highway, but noted that the proposed development would be the same type spot zoning as presently

CZ-134 (cont'd)

exists in the area and it was felt that this development would be in line with what exists and the commercial development along the state highway. He noted that the land to the south is being zoned RMH from RS-3 and felt that the rest of the land on the south boundary of the property would be rezoned RMH. He advised that he did not feel this was setting a precedent because it was consistent with what is happening in the area.

Other Comments and Discussion:

Ms. Wilson asked Mr. Tuttle if he'd presented the same information to the Owasso Planning Commission and he advised that he didn't represent the owners at that meeting. Ms. Wilson asked why it was denied and was informed that it was because the site is not located on a major corner.

Ms. Kempe asked if a letter was available from the Owasso Planning Commission and Ms. Wilson read the letter into the minutes, which stated that the proposed zoning would be spot zoning and strip zoning and not in accordance with the Comprehensive Plan.

Commissioner Harris advised that this intersection has been growing rapidly and would continue to do so. He informed that there is a church, car wash/restaurant complex and television sales store located on the northeast corner, a service station and smaller businesses on the southeast corner and the Wal Mart complex is located on the southwest corner. He advised that he felt the established zoning pattern could not be maintained at this location because of development already located here. He questioned what the 10 acres would be saved for, if the Commission did not agree with the proposed commercial zoning.

Interested Parties:

J. C. Rothgardt  
Carl White

Address: 11636 N. 101st E. Ave.  
N/A

Mr. Rothgardt informed he was representing the West Park Baptist Church and advised he was unsure what CS zoning consists of. He questioned if a nightclub, liquor store, etc could be located here. Mr. Frank informed that nightclubs and liquor stores would be permitted uses, but other bar or tavern uses must be located at least 300' from the church. Mr. Rothgardt advised that the church would be opposed to nightclubs and liquor stores and asked if a clause could be included to that effect. He was advised that any such restrictions would have to be imposed through use of a PUD.

Mr. White informed, in answer to a question posed previously, that a 35-acre hay field lies between the railroad and the property in question.

Additional Comments and Discussion:

Mr. Tuttle informed that the owner wanted to be harmonious with the neighborhood and if the property could be zoned CS, he would concur with the request that no liquor sales be permitted in the neighborhood.

CZ-134 (cont'd)

Mayor Young asked if the square footage had been computed in regard to the amount of acreage in the tract and if a lesser amount of CS zoning could accommodate the proposed shopping center. Mr. Tuttle informed that he had not computed the square footage and Mr. Frank informed it would be approximately 225,000 square feet.

Mayor Young asked if the applicant was amenable to delaying the application for a period of 30 days or more in order to apply for a PUD and he advised he would be.

Mr. Connery informed that the Owasso Planning Commission has recommended denial of the application and if the applicant returns with a PUD, it would still be contrary to the interests of the Planning Commission; therefore, he would like to have Owasso' input if it is continued.

Ms. Kempe informed the applicant that it would be possible to have a further continuance if his PUD is not ready by the end of the 30 days (July 10).

TMAPC Action: 8 members present

On **MOTION** of **YOUNG**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to **CONTINUE consideration** of **CZ-134** to allow the applicant an opportunity to file a PUD, until Wednesday, July 10, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **Z-6053**

Applicant: Riley

Location: North of the northeast corner of 61st and Mingo

Present Zoning: RS-3

Proposed Zoning: IL

Date of Application: April 30, 1985

Date of Hearing: June 12, 1985

Presentation to TMAPC by: Dick Gable

Address: 20th Floor, Fourth Nat'l Bank Bldg.

Phone: 582-9201

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract Special District -- Industrial.

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

Z-6053 (cont'd)

Staff Recommendation:

Site Analysis — The subject tract is approximately one acre in size and located north of the northeast corner of 61st Street and Mingo Road. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis — The tract is abutted on the north and west by single-family dwellings on large lots zoned RS-3, on the east by a single-family dwelling on a large lot zoned IL and on the south by a vacant single-family lot zoned RS-3.

Zoning and BOA Historical Summary — Light Industrial zoning has been approved in the area, as well as abutting the subject tract. It should be noted that the area west of Mingo Road is in transition from residential to industrial.

Conclusion — Based on the Comprehensive Plan and developing zoning patterns for the area, the Staff can support IL zoning on the subject tract and recommends APPROVAL of IL zoning.

For the record, the Staff would note that surrounding residences are protected from the industrial uses by the Zoning Code which requires a 75' building setback for industrial property when abutting residential zoning.

Applicant Comments:

Mr. Gable informed that the IL zoning was requested because it was appropriate for the area. He advised that the current and future expected use of the property is a beauty shop, but it was desired to have the appropriate zoning should this use change.

TMAPC Action: 8 members present

On **MOTION** of **YOUNG**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL, as recommended by Staff:

Legal Description:

The North 72 feet of the North 126 feet of the South 431 feet of the West 202 feet of Lot 4 of Section 31, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

Application No. Z-6054  
Applicant: Malloy & Malloy  
Location: Southwest corner of 81st and Garnett

Present Zoning: AG  
Proposed Zoning: CO

Date of Application: May 1, 1985  
Date of Hearing: June 12, 1985

Presentation to TMAPC by: Pat Malloy  
Address: Suite 810, Utica Bank Bldg.

Phone: 747-3491

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity — Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CO District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis — The subject tract is approximately 137 acres in size and located at the southwest corner of 81st Street and Garnett Road. It is partially wooded, rolling, contains two single-family dwellings and is zoned AG.

Surrounding Area Analysis — The tract is abutted on the north by mostly vacant property with one single-family dwelling zoned CS, RM-O, and AG, on the east by vacant property and a golf facility inside the Broken Arrow City Limits zoned R-1 and C-5, on the south by vacant property zoned AG, and on the west by the Tulsa Junior College, Southeast Campus zoned AG.

Zoning and BOA Historical Summary — Medium intensity zoning classifications, including CO, have been permitted abutting the subject tract. In a similar case located in the south-half of the section, CO zoning was permitted less and except that portion of the proposed Mingo Valley Freeway which remained AG.

Conclusion — Similar to the zoning on the south-half of the section, the Staff can support CO zoning on the subject tract, less and except that portion located in the proposed Mingo Valley Freeway which should remain AG. CO zoning cannot be approved without providing for the freeway which is the basis for considering same. The Staff, therefore, recommends APPROVAL of CO zoning, less the freeway right-of-way which should remain AG.

For the record, it will be the responsibility of the applicant to supply a copy of the legal description excluding the proposed Mingo Valley Freeway from the subject tract. Intensity of development will depend on when the freeway is developed.

Applicant Comments:

Mr. Malloy informed that he was not aware of the Staff's amended recommendations, but would comply with the legal description requirement.

Z-6054 (cont'd)

TMAPC Action: 8 members present

On **MOTION** of **YOUNG**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to recommend to the Board of City Commissioners that the following described property be **rezoned CO**, less and except an AG tract for purposes of the Mingo Valley Freeway, as recommended by Staff:

Legal Description:

Northeast Quarter (NE/4) less and except the South 660 feet of the North 1415 feet of the East 1320 feet thereof in Section 18, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, and

Less a Tract more particularly described as:

Beginning at the Northeast corner of said NE/4, thence South along the East line of said NE/4 a distance of 300 feet, thence West parallel to the North line of said NE/4 a distance of 24.75 feet, thence Northwesterly to a point 50 feet West and 100 feet South of said Northeast corner of the NE/4, thence North parallel to said East line a distance of 50 feet, thence West parallel to said North line a distance of 75 feet, thence Northwesterly to a point 24.75 feet South and 225 feet West of said Northeast corner of said NE/4, thence North parallel to said East line a distance of 24.75 feet to a point on the North line of said NE/4, thence East along said North line a distance of 225 feet to the place of beginning, less and except a tract of land along the West boundary which shall remain AG. (The exact legal description for the AG tract shall be furnished by the applicant in conjunction with the City Engineer prior to approval of the requested zoning by the City Commission.)

Dedicated for public highway, containing 0.19 acres.

Application No. **CZ-135**

Applicant: Oates

Location: Northeast corner of Peoria and 69th Street North

Present Zoning: RS

Proposed Zoning: CG

Date of Application: May 1, 1985

Date of Hearing: June 12, 1985

Presentation to TMAPC by: Frank Oates

Address: 1532 E. 69th St. North

Phone: 425-5293

Relationship to the Comprehensive Plan:

The District 24 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District — Commercial.

6.12.85:1559(16)



CZ-135 (cont'd)

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

Staff Recommendation:

Site Analysis — The subject tract is approximately .4 acres in size and located at the northwest corner of Peoria Avenue and 69th Street North. It is non-wooded, flat, contains a single-family dwelling and a detached office for automobile sales and is zoned RS.

Surrounding Area Analysis — The tract is abutted on the north and east by single-family dwellings on large lots zoned RS, on the south by a single-family dwelling zoned RS, and on the west by various automobile salvage and repair facilities zoned RS and IL.

Zoning and BOA Historical Summary — Several rezoning cases have been approved including both commercial and industrial zoning along both sides of Peoria Avenue, between 66th Street North and 76th Street North; however, the more intensive zoning categories have been limited to the area west of Peoria between Peoria and the railroad.

Conclusion — As the above-mentioned zoning history shows, the mile section of Peoria between 66th and 76th Streets North is in transition from residential to a more intensive land use. Commercial zoning that has been approved in the area has been limited to CS due to the variety of uses permitted by both exception and by right. Based on the Comprehensive Plan and existing zoning patterns, the Staff can support commercial zoning, but CG zoning would not be in keeping with existing zoning patterns. The Staff recommends DENIAL of the requested CG zoning and APPROVAL of CS zoning.

Applicant Comments:

Mr. Oates presented an aerial photo (Exhibit "A-1") of the site and informed that the reason he had requested CG zoning is for a used car lot, a use that has previously existed on the tract.

Other Comments and Discussion:

Mayor Young asked if this use would be permitted with CS zoning and BOA approval and was informed that it would. Mr. Oates informed he would also like to install a detail shop in the future. Mayor Young advised that would be all the more reason for CS zoning with BOA approval since it would give the County the ability to make sure the uses are compatible with the area and give the applicant the use he desired.

Commissioner Harris asked what the difference is between CS and CG zoning and Mr. Frank informed that most of the uses that are permitted by right or by exception in CS are permitted in CG, and CG generally permits more intensive uses. He informed that Staff is concerned about allowing the heavier intensity uses from the west side to develop to the east side of

CZ-135 (cont'd)

Peoria and noted that the east side of Peoria is currently residential use.

Interested Party:

Ray Bates

Address: 6330 N. Utica

Mr. Bates informed that he is the Chairman of District 24, has spoken with the people in the area and has had no one oppose the proposal. He advised that the zoning doesn't conflict with the present uses of the properties in the area.

Instrument Submitted: Aerial photo (Exhibit "A-1")

TMAPC Action: 8 members present

On **MOTION** of **WOODARD**, the Planning Commission voted 7-0-1 (Carnes, Connery, Draughton, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; Harris, "abstaining"; Higgins, Paddock, VanFossen, "absent") to recommend to the Board of County Commissioners that **CG** zoning be **DENIED**, but **CS** zoning be **APPROVED** on the following described property, as recommended by Staff:

Legal Description:

The South One Hundred (100) feet of Lot Eight (8), Block Nine (9), GOLDEN HILLS ADDITION, Tulsa County, State of Oklahoma.

Application No. **Z-6055 & PUD #399**

Present Zoning: AG

Applicant: Crosby (Mayoza)

Proposed Zoning: RS-1

Location: Southwest corner of 116th and Yale

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Date of Application: April 30, 1985

Date of Hearing: June 12, 1985

Presentation to TMAPC by: Blan Pittman (Pittman - Poe & Assoc.)

Address: 10820 E. 45th Street, Suite 101

Phone: 665-8800

Relationship to the Comprehensive Plan:

The District 26 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity — Residential, Development Sensitive and Special District.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS-1 zoning is in accordance with the Plan Map for Low Intensity — Residential, and may be found in accordance with the Special District designation.

Staff Recommendation: Z-6055

Site Analysis — The subject tract is approximately 20 acres in size and is located on the west side of South Yale approximately 1/2 mile south of

6.12.85:1559(18)

East 111th Street South. The entrance to the tract would be at East 116th Street. The terrain is heavily wooded, rolling, vacant and zoned AG.

Surrounding Area Analysis — The tract is abutted on the north and east of Yale by a large lot, a single-family subdivision zoned RS-1 and PUD #358. Property to the west is zoned AG and has been subdivided into large lots with single-family residences, and land to the south is vacant and zoned AG.

Zoning and BOA Historical Summary — Adjacent tracts are currently used or planned for large lot subdivisions with private and public streets zoned RS-1 or AG.

Conclusion — The requested RS-1 District is in accordance with the Comprehensive Plan and the character of the proposed development under PUD #399 is consistent and compatible with that of adjacent developments — existing and planned.

Therefore, the Staff recommends APPROVAL of the request to rezone the subject tract from AG to RS-1 subject to the conditions of PUD #399.

Staff Recommendation — PUD #399

The subject tract is 20 acres in size and is presently zoned AG. The proposed development is for a large lot subdivision with 16 estate lots ranging in size from a minimum of 1/2 acre to 1-1/2 acres. The site is heavily wooded and internal circulation will be by a private street system (30-foot of right-of-way and 24-foot paving width) having one access point on Yale at East 116th Street. A homeowners' association will be created to maintain the common facilities such as streets, walkways, greenbelt open spaces, and a secured entryway on Yale. The Concept Plan indicates that building sites will be designated on each lot by the plat and clearing of vegetation will be restricted to only these areas, with the balance of the site being left in its natural state and restricted to very minimal clearing. Runoff from the site will be handled in a system of ponds located on a north-south axis across the approximate middle of the tract. The Technical Advisory Committee reviewed the proposed PUD and concurred in the development concept. No requirements were made for east-west access by a public street through this tract and no objections were raised to the layout of the private street system. The Concept Plan does include one cul-de-sac with a length in excess of 500 feet; however, this is not considered to be a problem based on the low number of homesites on that street segment. The Staff supports the TAC concern about design for the secured entryway being such that adequate vehicle storage will be provided off Yale and adequate site distances will be assured.

The Staff has reviewed the proposed PUD and is supportive of the requested underlying rezoning from AG to RS-1 and also finds the proposal to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified

Z-6055 & PUD #399 (cont'd)

treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Ordinance.

Therefore, the Staff recommends APPROVAL of PUD #399 subject to the following conditions:

(1) That the applicant's Outline Development Plan and Text be made a condition of approval unless modified herein.

(2) Development Standards:\*

Land Area (Gross):	20 acres
(Net):	19.74 acres
Existing Zoning	AG Agricultural
Proposed Zoning	RS-1 Single-Family Residential
Permitted Uses:	Detached Single-Family Residences and Accessory Uses.

	<u>Submitted</u>	<u>Recommended</u>
Maximum No. of Dwelling Units:	16	16
Minimum Lot Width:	100' at Building Line	Minimum 100' Average per RS-1 Standards.
Minimum Lot Area:	21,780 sq. ft.	21,780 sq. ft.
Minimum Land Area per Dwelling Units:	54,450 sq. ft.	54,450 sq. ft.
Maximum Structure Height:	Not Specified.	35 feet
Minimum Livability Space per Dwelling Unit	Not Specified.	7,000 sq. ft./ RS-1
Minimum Building Setback: From Centerline of South Yale Avenue	100 feet	100 feet
Minimum Front Yard Setback:	Not Specified.	35 feet
Minimum Rear Yard Setback:	30 feet	30 feet
Minimum Side Yard Setback: One Side	20 feet	20 feet
Other Side	20 feet	20 feet

Z-6055 & PUD #399 (cont'd)

Open Space/Recreational Space/Detention Area:	4.17 acres**	4.17 acres**
Signs:	Not Specified.	Signs shall be in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Ordinance.

- \* Development Standards, unless otherwise specified, shall conform to the minimum or maximum standards of the RS-1 District. In those cases where individual building sites cannot comply with said standards, minor amendments to the PUD will be considered on a case by case basis.
- \*\* Maintenance of private recreational spaces, greenbelt areas, private streets, etc., shall be provided by a homeowners' association created for that purpose.
- (3) Subject to the review and conditions of the Technical Advisory Committee.
- (4) That a Detail Site Plan be submitted to and approved by the TMAPC prior to issuance of any Building Permits, including details and design of the secured entrance into the development.
- (5) That a Detail Landscape Plan and Sign Plan along Yale Avenue be submitted to and approved by the TMAPC prior to granting occupancy of any residential units in the development.
- (6) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

Applicant Comments:

Mr. Pittman presented plans covering the PUD and zoning request. He informed that the TAC had requested that the applicant check that there were no requirements for street right-of-way; this was researched and there were none.

Other Comments and Discussion:

Mr. Connery asked if the proposal makes allowances for future right-of-way for widening Yale and was informed it is included in the drawing and consideration per the Master Plan.

Ms. Wilson asked if the restrictive covenants include language in regard to maintaining onsite detention and was informed they do. He also informed that the homeowners' association would have to maintain all open area, including the ponds, but the City would have the right to perform emergency maintenance if necessary. Ms. Wilson expressed concern that the applicant might return to the TMAPC in the future with a request for a minor amendment to permit additional units and Mr. Pittman informed that this is the maximum number of units that would be permitted per the PUD; if the applicant wished to add additional units, it would probably require a new PUD. He also informed that the proposed units are all that the applicant was planning to build. Mr. Frank clarified that in Staff's comments in regard to the minor amendment, Staff was not referring to changing the number of units.

Ms. Kempe asked Mr. Pittman if all other conditions in regard to RS-1 are alright and was informed they are.

Interested Party:

Ralph Elder

Address: 4609 E. 119th St. South

Mr. Elder advised that he has had a drainage problem on his property since his house was built in 1982. He advised that Hunter's Pointe South Addition has compounded the problem and noted that the proposed development would be located directly north of his property. He advised that his property is not in the proposed floodway area, but water flows directly across his property. He presented photos of the drainage problem (Exhibit "B-1") on his property and advised that although developments have submitted plans for water retention, his property is still getting too much water.

Ms. Kempe asked if his house has always had a drainage problem and he informed it has. She advised that it appeared that his property had a problem when he purchased it. Mr. Paddock advised that one of the problems with building up the pavement on Yale is that it has aggravated drainage problems. Mr. Draughon asked if the height of a roadway could be arbitrarily increased by the City without notification of homeowners and Mr. Linker informed that the City is not required to make notification when it does street work. Mr. Frank informed that Mr. Elder's property is very flat, resulting in ponding of the water.

Additional Comments and Discussion:

Mr. Pittman informed that water would basically run off the area to the south and west in the proposed development and it was hoped that the amount of water held in the detention ponds would help further downstream in Mr. Elder's area.

Mr. Paddock informed that he would abstain from voting since he was absent at the beginning of this case.

Instruments Submitted: Photos of Mr. Elder's property (Exhibit "B-1")

Z-6055 & PUD #399 (cont'd)

TMAPC Action: 7 members present: Z-6055 & PUD #399

On **MOTION** of **CARNES**, the Planning Commission voted 6-0-1 (Carnes, Connery, Draughon, Kempe, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Harris, Higgins, VanFossen, Young, "absent") to recommend to the City Board of Commissioners that the following described property be rezoned **AG**, and **APPROVAL** of **PUD #399**, as recommended by Staff:

Legal Description: Z-6055

The North half of the Northeast Quarter of the Southeast Quarter (N/2, NE/4, SE/4), Section 33-T-18N-R-13E, City of Tulsa, Tulsa County, State of Oklahoma.

Legal Description: PUD #399

The North half of the Northeast Quarter of the Southeast Quarter (N/2, NE/4, SE/4), Section 33-T-18N-R-13E, City of Tulsa, Tulsa County, State of Oklahoma.

Application No. **Z-6056**

Applicant: Johnsen

Location: Northeast corner of 71st & Memorial

Present Zoning: AG, OL

Proposed Zoning: CS

Date of Application: May 2, 1985

Date of Hearing: June 12, 1985

Presentation to TMAPC by: Roy Johnsen

Address: 324 Main Mall

Phone: 585-5641

Relationship to the Comprehensive Plan:

The District 18 Plan Map, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 3 — Commercial.

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

Staff Recommendation:

Site Analysis — The subject tract is approximately 3.6 acres in size and located on the northeast corner of 71st Street and Memorial Drive. It is non-wooded, flat, vacant, used for overflow parking and is zoned AG.

Surrounding Area Analysis — The tract is abutted on the north and east by Woodland Hills Mall zoned OL and CG, on the south by a strip-commercial mall zoned CS and on the west by various office and commercial activities zoned CS.

Z-6056 (cont'd)

Zoning and BOA Historical Summary -- A variety of medium intensity zoning classifications have been allowed on all four corners of the intersection, with most having been controlled through the PUD process.

Conclusion -- When the existing zoning pattern was established, the OL zoning was to provide parking for the development and limit the amount of commercial development. However, all of the other three corners are now zoned commercial without the limitation of OL zoning. The Staff recommends the AG strips of zoning remain to allow for both open green area and limits of no access. The Staff recommends APPROVAL of the CS zoning as requested, LESS and EXCEPT the existing AG zoned strip, with the revised legal description to be provided by the applicant.

Applicant Comment:

Mr. Johnsen informed that he was representing Homart Development Company and that the Staff Recommendation was acceptable.

Other Comments and Discussion:

Mr. Draughon expressed concern that the detention pond located nearby had not been adequate and advised that this proposal would appear to increase flooding problems farther downstream. Mr. Johnsen informed that a decision had not been made in regard to detention, but advised that the detention pond in question was the first detention area in Tulsa designed to the City specifications. He informed that he thought the drainage in this area flowed to a nearby tract, but was not sure and that the applicant would follow the recommendation of the City Engineer's office.

Ms. Wilson asked what commercial activities were planned and was advised that the applicant wanted the zoning now, but would develop the site later, with a restaurant as a possibility.

TMAPC Action: 7 members present:

On **MOTION** of **WILSON**, the Planning Commission voted 7-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Higgins, VanFossen, Young, "absent") to recommend to the City Board of Commissioners that the following described property be **rezoned CS**, Less and except the existing AG strips, with the revised legal to be provided by the applicant, as recommended by Staff:

Legal Description:

A parcel of land described as follows: Part of Section 1, T-18-N, R-13-E



Z-6056 (cont'd)

Beginning at a point 330.00 feet northerly and 60.00 feet east of said SW/4 corner thereof; thence N 0°03'42" E parallel to the west boundary of said SW/4, a distance of 534.10 feet; thence N 36°55'53" E a distance of 0.00 feet; thence on a curb to the right having a radius of 50.00 feet a distance of 46.31 feet; thence due east a distance of 155.05 feet; thence S 0°03'42" W a distance of 228.57 feet; thence on a curve to the left having a radius of 400.00 feet, a distance of 314.37 feet; thence S 45°01'51" W a distance of 59.87 feet; thence due west a distance of 270.00 feet to the point of beginning.

AND

A parcel of land described as follows:

Beginning at a point 330.00 feet east and 60.00 feet northerly of said SW/4 corner thereof; thence N 0°03'42" E a distance of 270.00 feet thence N 45°01'51" E a distance of 59.87 feet; thence S 44°58'09" E a distance of 0.00 feet; thence on a curb to the left having a radius of 400.00 feet a distance of 314.37 feet; thence due east a distance of 164.29 feet; thence due south a distance of 155.00 feet; thence on a curb to the right having a radius of 50.00 feet a distance of 46.36 feet to a point on the north right-of-way line of East 71st Street South; thence due west along right-of-way line of East 71st Street South a distance of 469.94 feet to the point of beginning.

6.19.85:1560 (24A)



**CONSIDERATION OF APPROVAL OF THE VENSEL CREEK MASTER DRAINAGE PLAN: AMENDING THE COMPREHENSIVE PLAN TO REFLECT THE MASTER DRAINAGE PLAN AND FURTHER TO CONSIDER AMENDMENT TO THE ZONING ORDINANCES OF THE CITY OF TULSA, OKLAHOMA**

Stan Williams, Acting Director of Stormwater Management, informed that this plan has been approved in the past by the City but was not formally adopted, thus it was being considered by the TMAPC for formal adoption. This was the first Master Drainage Plan (MDP) completed by Tulsa in 1977 at the height of discussions on floodplain development within the City. Vensel Creek was the first creek selected for the MDP because the area was the smallest area (about 3,000 acres) and was largely undeveloped at that time. This Plan was presented at a public hearing in 1977-78. In January 1979, the TMAPC recommended that the plan go the City Commission for adoption. It was caught up somewhere and was not approved until September 1979, at which time there was nothing official showing it was approved. At this time, therefore, it is being considered to be adopted as an amendment to the Comprehensive Plan.

The regulations in affect at the time the Vensel Creek MDP was written stipulated that water courses with 40 acres or more of tributaries would be designated floodplain, with the calculations based on surface calculations of full development of the area. The MDP requires that the drainage facilities convey the water to the outfall (Arkansas River) and control water runoff generated by development. Two areas were included as part of the study; tributaries to main Vensel Creek that would carry fast flood flows through a narrow area and the area west of Harvard, which includes a large floodplain area. The consultants reviewed the area and defined problems which included limited underground water capacity (storm sewers) and limited water capacity of street culverts.

The floodway and floodplain runoff areas are basically the same in this watershed, with the drainage and park systems working together to manage storm water runoff. Capital costs, including concrete channels, natural creek channels and floodplain preservation, etc. were reviewed in considering the costs and possibilities for eliminating drainage problems, with concrete channels being the costliest item.

The alternatives for offsetting affects of the water runoff included floodplain preservation in which nothing would be done (creating high erosion rates), preserving the floodplain and providing regional detention (creating higher maintenance costs) or preserving the floodplain and providing local detention, with the focus being put on the last alternative. The plan suggested sub-regional detention facilities rather than onsite detention. The third alternative (preserving the floodplain and providing regional detention) was adopted by the City and no public projects have been built in this area; all projects constructed to date have been constructed by the private sector.

Ms. Wilson asked if there is a proposed detention facility at the corner of 81st and Yale and was informed there is. Mr. Haye advised that there are five proposed detention facilities and the MDP has designated a large

## Vensel Creek Master Drainage Plan (con'td)

area in this basin for "fees in lieu of" detention. He also advised that bridge modifications are planned to permit more water to travel through and several new development areas have been platted using the 100-year floodplain to reduce adverse effects.

Mr. Williams informed that the main concern with adopting the MDP was for operation of a maintenance system. He informed that the Plan doesn't say to leave the floodplain as it was. There is a capital cost associated with maintenance of drainageways even if an area is left as a floodplain preservation area since there are areas that must be cleared to provide better drainage. Problems of erosion control and bank stabilization must also be addressed. He also informed that there have been questions raised in regard to who has the maintenance responsibility in the undeveloped areas. He advised that "fee-in-lieu of" has been the adopted policy in this area, but there are currently only about half the amount of funds in the bank needed to build the proposed detention facilities, thus it could be 10 to 20 years before subregional detention facilities are built in this area, with some facilities no longer recommended to be built. Of the seven facilities originally recommended, two were required and three have been recommended for removal from the Plan, leaving only two facilities.

Mr. Williams requested that the FD zoning determination and adoption of the MDP for Vensel Creek be continued to August 7 to permit further consideration of changing alternatives within the watershed.

### Comments and Discussion:

Ms. Wilson asked Mr. Williams if it was planned to have a comprehensive plan to show an estimated cost and if this information could be provided to the TMAPC. Mr. Williams informed that his department planned to do this in order to make a presentation to the City Commission in regard to the cost of maintain the drainage system.

Ms. Wilson suggested that Mr. Williams work with the Transportation Dept. of INGOG to put these estimates together in regard to the types of expenditures and cost of cleaning the drainage channels, as well as who should be responsible for cleaning the drainageways in the areas left in the natural state. She also suggested that the City ordinance be reviewed in regard to dumping in the drainageways and recommended expanded enforcement regarding dumping problems. Mr. Williams informed that his department was reviewing the possibility of giving Code Enforcement full responsibility for this.

Mr. Draughon asked what had happened to the money derived from "fees in lieu of" in the Mingo and Cooley Creek areas and was informed that the Auditing Department has been asked to review this question.

### Interested Parties:

Vic Kremesek	Address: 8519 S. Pittsburg
John Moody	4100 BOK Tower
George Day Jr.	1700 W. Albany, B.A.
Jane Camporeal	8941 S. Florence Pl.
Joseph McCormick	Ste. 100, Tulsa Union Depot
John Puroff	3220 E. 101st

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Murry Fleming	3505 E. 100th
Roger Laney	8106 S. Pittsburg
James Wilson	1111 S. Delaware
Sue Jeffrey	3739 E. 82nd Ct.
Cathy Vincent	8152 S. Pittsburg
Harriett Westerman	8942 S. Gary
Cecil Jones	8235 S. Oswego
Ginger Christianou	8243 S. Louisville

Mr. Kremesek informed that he was in support of the recommended delay of adoption of the MDP. He informed that he first heard of the plan only the week before and was unsure what was going on. When he purchased his home he was told it was in a floodplain, but under the proposed floodway mapping, it would be zoned floodway and he didn't know what effect this would have on his property. He asked if this zoning would appear on abstracts, etc. and advised that he would like to have input on the ordinance before anything is done. He advised that his home has not flooded and that the creek flows through an underground culvert from 81st to the back of his property. Mr. Williams advised that the FD zoning would have no effect on his property and Mr. Kremesek asked if it would have no affect, why was it being done.

Mr. Moody informed he was representing John Williams, Sr., Don Wells and George Day of Crown Pointe Development Company. He informed that Mr. Williams and Mr. Wells own residences in Hunter's Pointe Addition and Mr. Day is developing the Crown Pointe residential development, a part of which is proposed to be rezoned FD. He informed that the City's Drainage Criteria Manual (1978) states that no basin less than 640 acres would be zoned FD and Hunter's Pointe and Crown Pointe Developments do not meet this criteria. He requested that the Commission study the issue of the areas listed within the proposed FD zoning and noted that the City's policies were debated in 1977 and 1978, determining that no use would be made of property in a floodway except open space. Under the proposed rezoning, these properties would be placed in a non-conforming use status and there would be no "transfer" of intensities allowed under PUDs. The City's criteria says it will regulate drainage and the City maintains where there is to be a drainage easement placed. He advised that this is adequate to make the criteria work and that floodway zoning would substantially adversely affect this property. He asked if it was necessary to zone an area FD to put people on notice and noted that controls are now placed on development; thus, he felt the drainage basin plan concept to be proper and appropriate. He also requested that Stormwater Management have the plan, or whatever information that would be presented to the TMAPC, available at least 10 days prior to the next hearing.

Ms. Wilson asked Legal Counsel about the adopted policy and ordinance in regard to mapping areas less than 640 acres as FD. Mr. Linker informed that the Drainage Criteria Manual was adopted as a resolution and has the same effect as an ordinance and noted that if the City adopted this new policy of zoning less than 640 acres as FD without changing the Criteria Manual, there would be the possibility of a lawsuit. If it was fully

## Vensel Creek Master Drainage Plan (con'td)

advertised, the ordinance and the Criteria Manual could be considered at the same time.

Ms. Wilson asked why it was necessary to consider the smaller parcels and Mr. Williams informed that the present regulatory scheme applies FD regulation beyond the 640 acres. The reason the maps were advertised at the 40 acres was to provide information to the public and obtain comment in regard to evaluating the policy and to be able, if appropriate, to change the Criteria Manual from 640 acres to 40 acres as a base for FD zoning.

Mr. Williams informed that Hunter's Pointe shows an area which is smaller than the floodway because more detailed engineering had been done in this area; the actual floodway is much smaller than shown on the maps and the maps should be amended to reflect this change.

Mr. Day informed he is a developer with major financial interests in the area. He recommended a continuance of approval of the Plan and requested that information be made available 10 days prior to the next hearing. He informed that it appeared that the floodway zoning would take away land without compensation since the land would be required to be left as open space.

Ms. Kempe noted that there had been two requests for information 10 days prior to the next hearing and asked Mr. Williams if that was possible. He informed that one issue is zoning and the other, the MDP. He informed that his question to the public is whether to continue to try to implement plan "a" or "b" and advised that his department was moving toward more subregional onsite detention instead of fees in lieu of. He informed that a new policy or scheme was not being proposed, but that the concern was about which plan makes more sense.

In regard to the floodplain regulation issue, Mr. Williams informed that his department was trying to reach a recommendation by the middle of July and would be willing to meet with interested parties to address their concerns. He also informed that he would like to issue a notice of inquiry on the regulatory issue; i.e., 640 vs. 40 acre cutoff for mapping of the FD Floodway Zoning.

Ms. Camporeal informed she lives west of Harvard and north of 91st Street and advised that she has never had a flooding problem because her lot sits on a higher elevation than the creek.

Mr. McCormick informed that he was representing the homeowners' associations of Silver Creek, Brookwood, Walnut Creek III, Thousand Oaks and Hunter's Pointe and he was concerned about the Plan and houses that might be devalued by FD zoning. He informed that he was concerned about the MDP because the City hasn't purchased land or built the detention

## Vensel Creek Master Drainage Plan (con'td)

ponds that were proposed and he informed that he didn't know anyone who has flooded in this area. He suggested that the proposed FD mapping would affect land values because realtors would disclose that information, which would cost the homeowners, but the information wouldn't keep water from flowing through the channel. He requested a 10-day notice of the proposed amendment to the Plan and requested that the MDP and proposed FD mapping be continued to September. He also expressed concern that it might take 10-20 years for improvements to the drainage channels and recommended that the plan include something saying that detention facilities would be built. He advised that he would provide opportunities for the homeowners to meet with Mr. Williams to discuss their concerns.

Mr. Puroff informed he has lived by the channel of the creek for 51 years and his home has never been flooded. He informed that his property sits on a higher elevation and requested that Stormwater Management review his location prior to rezoning it.

Mr. Fleming informed that he had an opportunity to review the MDP. He noted that development that has occurred since the study was made has increased water runoff, but was hopeful that enough drainage structures have been constructed to handle the runoff. He requested that, prior to approval of the MPD, it be updated to reflect current new drainage structures.

Mr. Laney informed that his property is located on the designated overflow for the branch of the creek that crosses 81st Street. He informed that no house in Forest Creek has flooded, but some have come close and informed that there is a lot of paved area near Skaggs that causes more runoff. He advised that drainage facilities are needed now and that there will be more drainage problems if developers are permitted to pay a fee in lieu of detention without detention facilities being built.

Ms. Kempe asked Mr. Laney to suggest a method that the people would approve for paying for detention facilities and he informed that developers who release water should have to pay for the problems they cause by paving developments. He suggested it might be appropriate to use sales tax money and have the developer pay higher fees.

Ms. Wilson suggested that fees could be assessed on water bills for maintenance of creeks and channels and Mr. Laney informed he didn't feel that a "per household" fee would be appropriate.

Mr. Wilson asked Mr. Hays if the floodplain boundaries have been restated and Mr. Hays informed they had not been changed yet, but they would be. Mr. Wilson informed that if the boundaries are changed, it would take three acres of his land. He recommended cleaning out under the bridge at 111th Street and requested a legal definition of a floodplain. He suggested that the bridge constricts the flow of water and if it was cleaned out, it would increase the capacity by 27%.

Vensel Creek Master Drainage Plan (con'td)

Ms. Jeffery informed that homeowners in her area maintain the creek channel and expressed concern that people in other areas are not cleaning their areas.

Ms. Vincent questioned why the fee in lieu of policy is permitted if it's not working and why a developer is permitted to build if sufficient funds can't be obtained to build a detention pond. Ms. Kempe informed that the fee in lieu of policy is one that is being reviewed.

Ms. Westerman suggested adding an assessment on City water bills for maintenance of the creek channels and suggested reassessing homes built prior to 1979 to provide maintenance funds for the creeks.

Mr. Jones suggested that the City readjust its priorities to include funds for maintenance of creek channels, or to not permit development within the watersheds if not enough money is available to build detention facilities.

Ms. Christianou informed that she did not feel that adding a fee to water bills would be an equitable way to fund maintenance costs since new developments would not be assessed equitably.

Mr. McCormick noted that the City diverted fund from other areas after the flood of May 1984 and advised that he felt the fee in lieu of detention was a good funding tool. He advised that the City needs the fees in lieu of, but also needs something to supplement the fees and recommended that a combination of all suggestions might be an alternative.

TMAPC Action: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted 6-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Higgins, VanFossen, Woodard, Young, "absent") to **CONTINUE consideration** of the **Vensel Creek Master Drainage Plan** until Wednesday, August 7, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

Application No. **Z-6063** Present Zoning: Multiple Zonings  
Applicant: Williams (City of Tulsa) Proposed Zoning: FD  
Location: Harvard to Arkansas River and E. 71st Street to E. 121st St. South

Date of Application: May 17, 1985  
Date of Hearing: June 12, 1985 (cont'd to August 7, 1985)

Stan Williams, Acting Director of Stormwater Management, informed that this case needed to be continued until August 7, 1985 to permit more review of the proposed mapping process.



Z-6063 (cont'd)

TMAPC Action: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted 6-0-0 (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Harris, Higgins, VanFossen, Woodard, Young, "absent") to **CONTINUE** consideration of Z-6063 Vensel Creek until Wednesday, August 7, 1985, at 1:30 p.m., in the City Commission Room, City Hall, Tulsa Civic Center.

6.12.85:1559(31)

SUBDIVISIONS:

Final Approval and Release:

Holmes Square (2592) SW/c of East 45th Place and S. Peoria

Staff informed that all release letters had been received and final approval and release was recommended.

Mayor Young informed that, in traveling by this area today, he noted that the property was a mess and he had turned a complaint in to Code Enforcement. He recommended that the owner be notified to properly maintain the property and Mr. Frank informed that would be done.

TMPC Action: 8 members present

On MOTION of WOODARD, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughton, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to APPROVE the final plat of Holmes Square (2592) and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD #288-3 Eight Acres Lot 13, Block 8, Eight Acres Subdivision

Staff Recommendation — Minor Amendment to Setback Requirements

The subject tract is a single-family residential lot located at the southeast corner of East 26th Place and South Birmingham Place. The applicant is requesting approval of a minor amendment to change the rear building line on one side of the lot from 35 feet to 28.5 feet to accommodate a 6.5 foot encroachment of a corner of the proposed house. The encroachment would occur for a distance of less than 20 feet. According to the PUD requirements, the 35-foot building line is applicable on the two rear sides of the subject tract. All other setbacks are being complied with according to the submitted sketch and construction has not commenced at this time. Notice of this request has been given to abutting owners.

The Staff has reviewed this request and finds that to modify the 35-foot building line to 28.5 feet to accommodate the proposed 6.5 encroachment is minor in nature.

Therefore, the Staff recommends APPROVAL of the 6.5 foot encroachment of the 35-foot rear building line per the submitted sketches.

PUD #288-3 Eight Acres (cont'd)

Mr. Lou Reynolds, 909 Kennedy Building, informed he was representing the applicant and that adjustments have been made to the house, but a portion still encroaches on the building line.

TMAPC Action: 8 members present

On **MOTION** of **YOUNG**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to **APPROVE PUD #288-3 minor amendment** to permit a 6.5 encroachment of the 35-foot rear building line, as recommended by Staff.

PUD #352 Orchard View 6333 South Peoria (North of the NE corner of 64th Street and Peoria Avenue)

Staff Recommendation -- Detail Landscape Plan Review

The subject tract is 3.323 (net) acres in size and is located north of the northeast corner of East 64th Street and Peoria Avenue. It is the site of an approved PUD to allow a total of 58,445 sq. ft. contained in six buildings to be used for office/display/storage and mini-storage use, as well as caretaker's quarters. TMAPC approved the Detail Site Plan on April 25, 1984 and the applicant is now requesting Detail Landscape approval. The area requirement of 7,600 sq. ft. is adequately satisfied by the Plan. The areas abutting the main buildings and main entrances are generously landscaped with trees and ground cover, with landscaping in the form of shrubs bordering the building along the north property line. The Plan includes a detailed schedule of tree and shrub types, but does not indicate size. The Staff review of the Detail Landscape Plan indicates that this Plan satisfies the PUD requirements; therefore, the Staff recommends APPROVAL of the Plan, as submitted.

NOTE: Staff informed that notice had been given to an abutting property owners as required by the TMAPC.

TMAPC Action: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Harris, Kempe, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions"; Higgins, Paddock, VanFossen, "absent") to **APPROVE PUD #352, Detail Landscape Plan for Orchard View**, as recommended by Staff.

There being no further business Chairman Kempe declared the meeting adjourned at 6:20 p.m.

Date Approved June 26, 1985

Chery Kempe  
Chairman

ATTEST:

RBPaddock  
Secretary

6.12.85:1559(34)