

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1569

Wednesday, August 21, 1985, 1:30 p.m.

City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Frank	Jackere, Legal
Connery	Kempe	Jones	Counsel
Draughon	Young	Setters	
Higgins		Wilmoth	
Paddock, Secretary			
VanFossen			
Wilson, 1st Vice-Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 20, 1985 at 8:12 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice Chairman Wilson called the meeting to order at 1:31 p.m.

MINUTES:

Approval of Minutes of August 7, 1985, Meeting No. 1567:

Mr. Paddock advised that these minutes need to be amended on page seven and nine to show the correct name and member count on the votes during the temporary absence of Mr. Draughon.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-0-1 (Carnes, Connery, Draughon, Higgins, Paddock, Woodard, VanFossen, "aye"; no "nays"; Wilson, "abstaining"; Harris, Kempe, Young, "absent") to **APPROVE** the **Minutes of August 7, 1985, Meeting No. 1567** with the above corrections.

REPORTS:

Chairman's Report:

First Vice Chairman Wilson mentioned the upcoming APA Zoning Institute Conference and asked that the members attending confirm with the Recording Secretary their final flight arrangements. First Chairman Wilson also mentioned a letter from Paula Hubbard to Irving Frank regarding the swimming pool case on the August 14, 1985 agenda. Mr. Frank summarized Ms. Hubbard's letter for the Commission, and answered their questions relating to this matter.

Committee Reports:

Mr. VanFossen advised that the **Comprehensive Plan Committee** had met prior to this meeting to review the drafts of the Special Studies on West 51st Street South from South Union, and South Memorial Drive from 71st Street to 121st Street. The Committee decided to expand the 51st Street Study to include the area west of 33rd to the edge of the District 9 Plan and east of Union two blocks. Mr. VanFossen asked that the item be continued from today's agenda in order to allow Staff more time to review the issue. A meeting with the people in the area was suggested after further Staff and Committee review. Interested parties were asked to leave their names and addresses so they can be notified of any such meeting. Ms. Betty Bundy of 5047 South 26th West Avenue, spoke on behalf of residents in the area.

Mr. VanFossen further advised the Comprehensive Plan Committee would be meeting Tuesday, August 27, 1985 at 12:00 in the INCOG offices to review the Special Study on South Memorial Drive.

Mr. Paddock commented that items such as these special studies should not be scheduled on TMAPC agendas until such time as the appropriate Committees have reviewed the studies and are ready to make their recommendations. Based on this, the full Commission agreed and the above Special Studies were removed from the agenda for consideration at a later date.

As reported by Mr. Paddock, the **Rules and Regulation Committee** will meet on Wednesday, August 28, 1985 to consider amending the Tulsa Zoning Code Title 42, regarding regulation of children's day care homes. Consideration will also be given to TMAPC procedures for public hearings, particularly PUD's.

SUBDIVISIONS

PRELIMINARY PLAT:

Kingsridge Estate, Block 5 & 6 Amd PUD 281) (183) SW Corner East 64th
& South 91st East Avenue (RS-3)

State Farm Service Center (Rev) (2483) South of SE Corner 91st
& Memorial (CO)

Mr. Wilmoth requested the above Preliminary Plats be continued to September 4, 1985.

On **MOTION** of **HIGGINS**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **CONTINUE Consideration** of the above Preliminary Plats until Wednesday, September 4, 1985, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Forest Park Patio Homes (PUD 139) (3692)

57th Place & South Owasso
(RM-1)

The Staff advised the Commission that this item had also been posted for final approval as well as preliminary. The Applicant has completed all the requirements and final release letters have been received. Staff recommended preliminary and final approval and release.

On **MOTION** of **PADDOCK**, the Planning Commission voted 7-0-1 (Carnes, Connery, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; Draughon, "abstaining"; Harris, Kempe, Young, "absent") to **APPROVE** the preliminary and final plat of Forest Park Patio Homes, and release same as having met all conditions of approval.

WAIVER OF PLAT:

BOA 13726 (Unplatted)(3393)

4309 East 56th Street South (RS-3)
(Day Care: Carnegie School)

Staff clarified this is a day care center in an existing and operating school building. A private individual, licensed by the state, leases the space from the school. In reply to an inquiry by Mr. Paddock it was determined by comments from Staff and Legal Counsel that this is not for commercial use, but a case where the Board of Adjustment has issued a Special Exception.

On **MOTION** of **WOODARD**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **APPROVE** the Waiver of Plat on BOA 13726 as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-16511 L. Howard (2783)

North of NE Corner 105th & South Yale
(AG)

Mr. Wilmoth requested the above Lot Split for Waiver be continued to September 4, 1985.

On **MOTION** of **HIGGINS**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **CONTINUE Consideration** of the above Lot Split for Waiver until Wednesday, September 4, 1985, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

8.21.85:1569(3)

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD #397** Present Zoning: RS-3, RD, RM-1
Applicant: **Moody** Proposed Zoning: Unchanged
Location: South Side of 61st & One-Half Mile East of Memorial

Date of Hearing: August 14, 1985
Requested Continuance Date: September 4, 1985

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **CONTINUE Consideration of PUD #397 Moody** until Wednesday, September 4, 1985 at 1:30p in the City Commission Room, City Hall, Tulsa Civic Center.

Application No.: **Z-4948-SP-1**
Applicant: **Hammond Engineering**
Location: South of SE Corner of 81st and Union
Date of Hearing: August 21, 1985 (continued from July 24, 1985)
Size of Tract: 14.94 acres

Staff Recommendation:

The subject tract is 14.94 acres in size and located south of the southeast corner of West 81st Street South and South Union Avenue. It presently contains a large single-family dwelling and a 6,000 square foot metal building which contains office and storage space for an x-ray company. The CO zoning was placed on the tract to accommodate the existing nonresidential use. The applicant is proposing, in addition to the existing uses, to construct a 6,300 square foot building to be used for similar office/warehouse type use. The text indicates that the building will be a metal building with three overhead doors on the north and double glass doors on the west. The parking layout in the Plan is a functional sketch and actual layout will be determined at the time a building permit is requested as to layout and design. The subject tract is abutted to the north, east and west by vacant property zoned AG and to the south by vacant property zoned RMH.

The Staff notes that the Comprehensive Plan designates the property as Low Intensity - No Specific Land Use. This intensity will support the requested Use Units 11 and 15. Minor Amendments, subject to review and approval by the TMAPC, can be considered for Use Unit changes if desired by the applicant. The proposed gravel access and parking areas for the new building must be constructed to be an all weather, dust free surface to be in compliance with the Zoning Code. Drives and parking areas presently existing and not utilized by the new building, are permitted to remain in the present state of improvement.

The Staff recommends **APPROVAL** of the Corridor Site Plan review based on the following conditions:

1) That the applicant's Corridor Site Plan be made a condition of approval, unless modified herein.

2) Development Standards:

- Land Area: 14.9406 acres
- Permitted Uses: Uses permitted within Use Units 11 (Offices & Studios) and 15 (Other Trades & Services)
- Max. Building Floor Area: 6,300 sq ft of new construction in addition to existing 6,000 sq ft building and existing residence.
- Max. Building Height: 20 ft to top plate
- Min. Building Setback: 300 ft from centerline of South Union Avenue, 300 ft from expressway R-0-W, 25 ft from south property line.
- Min. Landscaped Open Space: 80% in grassed areas.
- Min. Off-Street Parking: As required under each appropriate Use Unit.

Signs:

Ground Signs:

One ground sign shall be permitted with a maximum height of four feet and a maximum display area of 80 sq ft.

Wall Signs:

One wall sign shall be permitted on the west side of the existing building and one wall sign on the west side of the new building. Each sign shall be no larger than 4' x 8', or 32 sq ft, and shall be placed over the main entry door of each building.

Outdoor Advertising or Portable Signs:

Outdoor advertising signs or portable signs shall not be permitted.

- 3) The entrance to the subject tract as shown on the site plan and all parking area and drives for the proposed building shall be paved with an all weather surface.
- 4) Parking arrangements for the proposed building shall be designed as marked to not allow parking in front of door space on the north side of the proposed building.
- 5) All work and storage of materials and equipment, except vehicles, be inside the proposed structure.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately seven acres in size and located at the southwest corner of 31st Street and the Skelly Drive Freeway. It is partially wooded, gently sloping, contains a single-family dwelling and accessory building and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and west by a developed single-family neighborhood zoned RS-3, and on the east and south by the Skelly Drive Freeway (I-44).

Zoning and BOA Historical Summary: The subject application was heard by the Planning Commission December 22, 1982. The Staff recommended denial of any office zoning; however, TMAPC voted to approve five acres of OL zoning adjacent to the freeway and RS-3 on the balance. The application was not heard by the City Commission until July 23, 1985 and, because of the time lapse, was referred back to TMAPC for notice and further hearing.

Conclusion: Although OL may be found in accordance with the Comprehensive Plan, Staff cannot support OL zoning on the entire tract due to the Floodway, because of the permitted floor area potential and because of the close proximity and orientation of the single-family homes. However, all of our concerns could be addressed if a companion PUD were filed where screening, land use, landscaping, building orientation, building height and floor area could be controlled.

Based on the above mentioned information and 1982 action, the Staff can support APPROVAL of OL zoning on approximately three or four acres adjacent to the freeway, RS-3 on the west 100 feet and FD on that portion located in a designated floodway.

NOTE: If approved, it will be the responsibility of the applicant to furnish Staff legal descriptions of each zoning classification approved, in order to publish the zoning ordinance.

Comments & Discussion:

Mr. VanFossen stated that if the map is appropriate, there was nothing to discuss, as there was nothing not already zoned, and asked what basis there was in getting this information on the FD. Mr. Frank commented there were concerns on the west boundary and the existing residential areas should be protected by that portion of the property remaining RS-3. The FD concerns must be addressed as stipulated in the City of Tulsa Codes and Ordinances, and we can support OL on the balance of the property. FD information and definition was the responsibility of the applicant.

Applicant's Comments:

Mr. David Loop, 7600 East 31st Street, Tulsa, gave a brief history of this case and the surrounding area. He addressed the issue of FD on one or two acres of the tract, but requested the Commission grant OM on the remaining acreage.

In reply to a question by Ms. Wilson, Mr. Loop advised that he purchased the property in November 1984. Mr. VanFossen asked Mr. Loop what he proposed to do with the property. Mr. Loop stated he would like to develop an office building, and would file a PUD if he had a user. However, his purpose for zoning is to be able to approach a buyer. Mr. VanFossen then asked Mr. Loop if he had contacted Stormwater Management regarding the FD. Mr. Loop replied that he had. Several of the Commission members discussed with Mr. Loop the impact of FD on this tract in relation to access, water detention, building limitation, etc. Mr. Carnes suggested that if Mr. Loop obtained a PUD and legal description before coming to the Commission, it would better prepare them to consider this case for zoning. Mr. Loop stated that under OL he would have to have a PUD, but under an OM he would not.

Interested Parties:

Mr. Ray McCollough	3135 South 76th East Avenue, Tulsa
Mr. Terry Wilson	7728 East 30th Street, Tulsa
Ms. Paula Dols	3132 South 76th East Avenue, Tulsa
Mr. Andy Anderson	3703 South 93rd East Avenue, Tulsa (owns property: 7750 East 30th Pl.)

Mr. McCollum advised the Commission as to his activities on this project and commented on the amount of stormwater and his fears that additional building would only add to the current problems. He requested denial and asked the Commission to look at the record on this case.

Mr. Wilson gave a detailed description of water flow from the surrounding areas to the subject area and voiced his concerns should an approval be granted.

Ms. Dols stated she was against any more development in this area.

Mr. Anderson confirmed what had been stated by the other protestants relating to water flow and water shed and requested denial.

The protestants suggested this area might be a good site for a detention pond in view of the amounts of water already in the area and the possible widening of the Skelly Bypass adding more runoff water. The Commission members asked questions of all the interested parties for clarification of the amounts of water, the channel running through the subject area, flooding past and present and the subject tract possibly being used for a detention pond, as suggested by the protestants.

Comments & Discussion:

Mr. Frank confirmed for Ms. Wilson the status of the Master Drainage Plans for the City of Tulsa, and that all plans have not, as yet, been approved. Ms. Higgins then asked Mr. Frank if a description was required of the FD before the zoning was granted. Mr. Frank replied we have not as this is a very complex procedure. Mr. Draughon asked if Stormwater Management could be requested to send a representative to inform the Commission as to the status of the new Master Drainage Plan maps and give advance information before the FD hearings begin again on September 18th. Mr. Frank advised that two companion items on the FD zonings were the FD zoning and consideration of the Master Drainage Plan and the members will be briefed simultaneously, including updates to the Plan.

First Vice Chairman Wilson asked Mr. Frank, since Staff has advised that OM is not in accordance with the Plan and OL is a "may be found", if other categories were considered and, based on the tract location, why is Staff recommending OL. Mr. Frank commented OL was being recommended based on the location of the property being at the intersection of the Interstate and the secondary arterial (31st Street) and, conditioning the recommendation based on the entire property not being zoned OL.

Additional Comments & Discussion:

At this point, Mr. Loop commented that he could, if necessary, live with an OL zoning. In reply to a question from Mr. Connery, Mr. Loop stated he had met with some of the residents of the area to discuss this situation. Mr. Loop confirmed that he has been working on this project since 1982, although he did not purchase it until 1984.

Mr. VanFossen moved that the application request be denied and the records reflect lack of information on the use of any, or how much, of this tract can be used because of the FD considerations. Mr. Paddock stated support for denial as this is a development sensitive area and there are too many unanswered questions. Mr. Connery suggested emphasizing strongly to the City Commissioners the feelings of the TMAPC regarding this case. Ms. Higgins asked Legal Counsel where we might stand should a court case be brought up as a result of denial. Mr. Jackere advised he could not predict what a court might do, but the function of the Commission is to determine what is appropriate use of land, in spite of the FD, and if enough information is not available, he saw no problem with the denial recommendation. Ms. Higgins stated she would vote against the issue.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to **DENY** Z-5784 Loop.

OTHER BUSINESS:

PUD #393-1 Moody

South of East 96th Street & East of Harvard
Crown Pointe

Staff Recommendation - Minor Amendment

The subject tract has an area of 60.05 acres, underlying zoning of RS-1, and is planned for single family residential purposes. It is located at what would approximately be south of E. 96th Street and S. Harvard. All streets in the addition will be private and security entrances and exits have been proposed. The applicant is requesting that the private street width be amended from 26 feet to a minimum of 22 feet in order to conserve more of the existing trees. Cul-de-sacs would retain the standard radius under the proposed amendment.

Staff review of PUD 393-1 indicates that it is minor in nature; therefore, recommends **APPROVAL** of amending the previously approved paving width from 26 feet to a minimum of 22 feet, except that cul-de-sacs shall retain the standard radius under the City of Tulsa codes.

Comments & Discussion:

Mr. Draughon stated he felt 22 feet would not be wide enough to be safe. Mr. Frank advised that Staff considered this, but the streets are private and in a low density area. Mr. John Moody, representing the Applicant, commented the application was originally approved by the Commission on April 24, 1985 and the Applicant has since retained the services of a Forester to study the project. The Forester recommended construction techniques, which included the 22' street, to conserve the trees in the areas.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted 7-1-0 (Carnes, Connery, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; Draughon, "nay"; no "abstentions"; Harris, Kempe, Young, "absent") to **APPROVE** the Minor Amendment to PUD #393-1, as recommended by Staff.

PUD #343

SW Corner of 81st Street and South Memorial

Staff Recommendation - Detail Landscape Plan Review

The Applicant is requesting that the TMAPC approve the proposed Plan as previously submitted on July 24, 1985 and August 7, 1985. (Per the July 24th minutes, Staff recommended **APPROVAL** of the landscaping plan subject to provision of additional landscaping of the triangular island west of the building, and subject to installation of a double row of Red Maple trees on the west and north abutting right-of-way consistent with adjacent development.) The Staff Recommendation is unchanged from the previous meetings and the applicant's request is for review and approval of the plan without the changes recommended by the Staff.

Comments & Discussion:

Mr. Jones presented a drawing submitted by the Applicant showing the proposed layout. Mr. Paddock inquired if the landscaping requirement was made a condition of approval. Mr. Frank stated that the Staff recommendation sought to guarantee unified treatment of the subject tract with the balance of the area. Mr. Jones read requirements from the original PUD and addressed the issue of the double row of trees, which was not specifically stated, but is on the outline concept plan and shows conformity with landscaping already in the area.

Applicant's Comments:

Mr. Jim Lemon, 8282 South Memorial, stated he was familiar with the area in question, as he did the landscape plans for the MPSI Center and the retail area for the Echelon Center. Mr. Lemon indicated the design intent was to concentrate the landscaping around the building between the sidewalks and the bank structure. He stated the retailers behind the bank building are unanimously opposed to the addition of trees, as originally planned. Ms. Wilson asked Mr. Lemon about the double row of trees shown on the PUD. Mr. Lemon stated the original PUD did not have a double row of trees. These were added only on the retail segment, but circumstances regarding the retail area have changed. Mr. Lemon stated he was representing First Memorial Bank in answer to a question by Mr. Paddock. Mr. Lemon discussed the changes with the Commission members, and the circumstances creating these changes. Mr. Lemon defined the kind of grass used in the landscaping for Mr. Draughon, as being pennant rye grass. Mr. Paddock asked Mr. Lemon if the trees would be outside the property line on the City right-of-way. Mr. Lemon stated this to be correct. Mr. Paddock was curious as to what the TAC was thinking in allowing this. Mr. Frank stated that TAC did not have a detail site plan, but a conceptual drawing, and felt that if the planting of the trees was, in fact, a hazard, the utilities would have indicated so before now. Ms. Wilson concluded that it appears it does not matter what type of landscaping is proposed in that the commercial owners do not want to be landscaped, as they want total visibility to their buildings. Mr. Frank agreed that the utility easements was not the problem, but Mr. Lemon's clients have changed their position and want visibility, which is shielded by the bank building, and would be further shielded by planting of the double row of trees.

Comments & Discussion:

Mr. Carnes stated he thought the landscaping was to hide the parking lot, but now the client wants to be seen, therefore, he may change his vote. Mr. VanFossen then stated he felt that the Commission should reject this plan and ask the Applicant to resubmit a plan that meets the original PUD intent, which would show a unified development reflecting a division between the public and private part of this project.

On MOTION of CARNES, the Planning Commission voted 8-0-0 (Carnes, Connery, Draughon, Higgins, Paddock, Wilson, Woodard, VanFossen, "aye"; no "nays"; no "abstentions"; Harris, Kempe, Young, "absent") to REJECT the Detail Landscape Plan to PUD #343, as submitted.

There being no further business, First Vice Chairman Wilson declared the meeting adjourned at 4:13 p.m.

Date Approved September 4, 1985

Chery Kempe
Chairman

ATTEST:

R.B. Paddock
Secretary