

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1597
Wednesday, **March 26, 1986**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Doherty	Frank	Linker, Legal
Draughon	Parmele	Gardner	Counsel
Kempe	Selph	Setters	
Paddock, Secretary	Wilson	Compton	
VanFossen	Young	Matthews	
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 25, 1986 at 9:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Secretary Paddock called the meeting to order at 1:34 p.m.

MINUTES:

Approval of Minutes of March 12, 1986, Meeting #1595:

On **MOTION** of **CARNES**, the Planning Commission voted **4-0-2** (Carnes, Draughon, Paddock, Woodard, "aye"; no "nays"; Kempe, VanFossen, "abstaining"; (Doherty, Parmele, Selph, Wilson, Young, "absent")) to **APPROVE** the **Minutes of March 12, 1986**, Meeting No. 1595, and to delay transmittal to the City that portion of these minutes pertaining to Z-6101, pending a final recommendation from the TMAPC on the related PUD 412.

REPORTS:

Chairman's Report:

Ms. Dane Matthews of INCOG reminded the Commissioners of the April 1st Resource Management for Urban Development Conference. As this conference is co-sponsored by INCOG, Ms. Matthews encouraged the TMAPC members to attend.

Director's Report:

Ms. Matthews requested a public hearing date be set to amend district plans for Districts 6, 7, 9 and 10 to reflect the Arkansas River Corridor Amendments. Ms. Matthews suggested April 23, 1986 as the public hearing date.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **SET a Public Hearing on April 23, 1986** to amend district plans for Districts 6, 7, 9 and 10 to reflect the Arkansas River Corridor Amendments.

ZONING PUBLIC HEARING:

Application No.: **Z-6102**

Applicant: **Nichols (Hausam)**

Location: South of the SW/c of 53rd and Sheridan

Size of Tract: 2.5 acres, more or less

Present Zoning: RS-2

Proposed Zoning: RM-T

Date of Hearing: March 26, 1986

Presentation to TMAPC by: Mr. Bob Nichols, 111 West 5th

(582-3222)

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 -- Residential, Development Sensitive.

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

Staff Recommendation:

Site Analysis: The subject tract has an area of 2.57 acres and is located south of the southwest corner of East 53rd Street South and South Sheridan Road. The tract is partially wooded and slopes north to a creek which is unimproved. The creek bisects the north portion of the property and the southern portion contains one single-family dwelling and an accessory building.

Surrounding Area Analysis: The subject tract is zoned RS-2 and is abutted on the north and west by single-family residences zoned RS-2, on the south by vacant property zoned RM-T, and on the east across Sheridan by single-family residences zoned RS-3.

Zoning and BOA Historical Summary: RM-T Townhouse zoning has been granted south and abutting the area of request and OL zoning has been granted northeast of this area on the east side of Sheridan Road. However, the predominant character of abutting land use is RS-2 and RS-3 low intensity, single-family.

Conclusion: RM-T zoning on the subject tract will insure single-family development at a density that would permit the property to develop residentially. Although the density will be higher than the surrounding area, the uses will be compatible. Therefore, Staff recommends APPROVAL of RM-T zoning on the subject tract, as requested.

For the record, access to 54th Street should be prohibited in the platting process.

Applicant's Comments:

Mr. Nichols appeared representing the owners, John Hausam and Gary Hobbs, and advised the zoning strategy has been changed from previous applications on this tract to the present RM-T request. Mr. Nichols stated agreement with Staff's recommendation and requested approval.

Interested Parties:

Ms. Roma Frans	Address: 5331 South Joplin
Mr. Charles Small	5908 South 68th East Avenue
Mr. Don Todd	5521 South Hudson
Mr. Blaine Smith	5278 South Joplin Place
Ms. Patti Smith	5278 South Joplin Place
Ms. Grover Hudson	6806 East 57th Street
Mr. Irving West	5930 East 54th Street
Ms. Arlene Fruehling	6081 East 56th Street

A strong consensus among the Interested Parties was concern of any increased flooding from Little Joe Creek. Ms. Fruehling submitted petitions in opposition to this zoning request due to the increased flooding, increased traffic and the devaluing of property, as was voiced by the protestants present.

Applicant's Rebuttal:

In regard to the flooding issue, Mr. Nichols spoke on the Livability and Bulk Area Requirements of the Code and other City ordinances that help address the flooding problems. Mr. Nichols further advised the applicant is looking at 18 - 20 units on the tract which is low intensity, not the 30 - 32 as allowed. Mr. Nichols stated the requested RM-T zoning is a "may be found" according to the Plan and asked for approval of the Staff recommendation. As to the closing of access to 54th Street, Mr. Nichols stated the owners had no objection.

Mr. Draughon inquired as to the owners of the RM-T zoned property to the south of the subject tract. Mr. Nichols replied his records indicate this property was last owned by Mr. Robert Lemons. In response to Mr. Paddock, Mr. Nichols stated that the owners had done feasibility studies on office only, and at present, no studies had been done on townhouses. Mr. Paddock inquired as to the number of acres in the floodplain area on the northern portion of the tract. Mr. Nichols stated there was 2.5 acres on the tract, and approximately 1.8 acres was **not** in the floodplain area. Mr. Paddock and Mr. Nichols discussed livability space as allowed by the Code in regard to this tract.

Mr. Draughon asked if the widening of Sheridan has been considered in estimating the number of units that could be built. Mr. Nichols stated that, after discounting the area in the floodplain and easements for the widening process, there is enough area remaining to build approximately 20,000 square feet of residential units. Mr. Nichols confirmed, for Ms. Kempe, that no definite plans had been made, at this time, for development, as the zoning issue affected the planning process.

Mr. Woodard advised there were approximately 300 names on the petitions submitted in protest. Mr. Nichols stated he was not aware of this, but pointed out that none of the abutting property owners were in attendance to protest. In response to Mr. Draughon, Mr. Nichols reviewed the report of the hydrologist presented at the previous TMAPC meeting on this tract.

Additional Comments & Discussion:

Mr. Paddock advised there were 282 signatures on the petitions in opposition. In addition, Mr. Paddock mentioned letters had been submitted from the following people in protest (which will be made a part of the file):

Ms. Rex Brooke	Address: 6148 East 53rd Street
Mr. Irving West	5930 East 54th Street
Mr. Charles Small	5908 South 68th East Avenue
Mr. Harold E. Bockelken	5411 South Oxford
Mr. David H. Loeffler	5922 East 54th Street
Ms. Betty Jean Williams	6029 East 56th Street

Mr. VanFossen stated that most of the complaints heard today had to do with flooding, and the City now has very stringent flood control standards and enforcement that were not in effect at the time the surrounding housing development was built. If the present codes are met, the proposed request should not adversely affect the flooding in the area. Therefore, Mr. VanFossen stated he did not feel there was a basis to deny the request, and he personally felt the use, as proposed for RM-T, did make sense. In response to Mr. Draughon, Mr. VanFossen commented that fees-in-lieu-of are not and have not been approved in this particular creek area, and the TMAPC should rely on the Stormwater Management Department to insure this is continued.

Mr. Paddock asked Staff if the density requested had been lower, it might have been in accordance with the Plan instead of a may be found. Mr. Gardner explained that single-family is in accordance, and anything greater than that, up to RM-1, may be found in accordance. Mr. Paddock then inquired as to the floodplain portion on the northern part of the property, if the entire property were zoned RM-T, how many units might be built if the floodplain were excluded. Mr. Gardner advised, if the floodplain were excluded, 16 to 18 units would be allowed, but some units would be lost due to the dedication for the widening of Sheridan. In regard to the Staff suggestion of prohibiting access to 54th Street, Mr. Paddock asked if there was any particular reason for this suggestion, and if the application had been made for single-family, would prohibiting this access still be recommended. Mr. Gardner stated that, in this particular instance, Staff looks at the number of streets going from Sheridan west into the subdivision and there was ample access into the subdivision. Mr. Gardner also mentioned that this particular tract is unique in that it fronts Sheridan.

Mr. Gardner commented, in response to Mr. Carnes, that duplexes would be the next step down in number of units per acre that would more closely relate to the usage of the area. Mr. Carnes also stated agreement with Mr. VanFossen that the TMAPC had to have faith in the Stormwater Management Department to enforce the present ordinances controlling watershed. In reply to Mr. Draughon, Mr. Gardner reviewed the background of the area south of the application zoned RM-T.

Mr. Draughon commented on the ^{Failure of} past efforts of the Planning Commission and the City Commission to control flooding in the City of Tulsa. Ms. Kempe remarked that the entire City of Tulsa is a watershed as it is criss-crossed with creeks. Mr. Gardner advised that, if the single-family subdivision had been developed under today's standards, there would not be any houses within 150' - 200' feet of the creek. When the developer built this subdivision he met the law in effect at that time, and the City Engineer's Department enforced the laws they had on the books. It has taken three major floods before the laws became stringent enough to try to prevent continued flooding. Mr. Gardner continued by stating, to his knowledge, not one of the projects built since 1977 has flooded, because they meet the requirements and he felt it was unfair to go back and fault previous Engineering Departments.

* per Mr. Draughon at 4/14/86 TMAPC

Mr. Paddock stated he felt the RM-T zoning could be justified, but only on that portion outside the floodplain area. Mr. VanFossen, having made a motion for approval, asked Staff if the motion could be restated for RM-T, less and except that portion designated as a floodplain. Mr. Gardner stated that, technically it could be equated to livability space, which would allow the applicant to have more units south of the creek as the applicant could not use the floodplain area in any way unless he filed a PUD. After continued discussions on livability space and the floodplain portion of the tract, Mr. VanFossen modified his motion for approval of RM-T, less and except that portion determined to be in a floodway, which will remain RS-2.

TMAPC ACTION: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **4-2-0** (Carnes, Kempe, Paddock, VanFossen, "aye"; Draughon, Woodard, "nay"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent")) to **APPROVE Z-6102 Nichols (Hausam) for RM-T, less and except that portion determined to be in a floodway.** Note: TMAPC suggested that perhaps the applicant, working with Stormwater Management, define the floodway which is to remain zoned RS-3.

Legal Description:

RM-T, except Floodway (RS-3): Beginning at a point 759' North of the SE corner of the NE/4 of Section 34, Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof; thence North 396' to a point, 165' South of the SE corner of the NE/4 of the NE/4; thence West 281.53'; thence South 396'; thence East 281.53' to the POB, all in Section 34. Township 19 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof; containing 2.57 acres, more or less, the street address of which is 5346 South Sheridan Avenue, Tulsa, Oklahoma, less and except any portion determined to be in a floodway, said portion shall remain RS-3.

* * * * *

Application No.: Z-6104

Present Zoning: CS, RS-3

Applicant: Johnsen (Dawson)

Proposed Zoning: CS

Location: North & West of the NW/c of 47th Street North & Peoria

Size of Tract: 2.5 acres, more or less

Date of Hearing: March 26, 1986

Presentation to TMAPC by: Mr. Roy Johnsen, 324 Main Mall

(585-5641)

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Special District, and a small portion at the northwest corner as Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS District is in accordance with Medium Intensity - No Specific Land Use and may be found in accordance with the Special District, and is not in accordance with Low Intensity - Residential.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.5 acres in size and located north of the northwest corner of 46th Street North and North Peoria. It is non-wooded, flat and contains one dwelling unit and several accessory buildings along with vacant commercial structures and is zoned RS-3, Single-Family Residential.

Surrounding Area Analysis: The tract is abutted on the north and south by single-family residences zoned RS-3; on the east by commercially developed land zoned CS; and on the west by vacant land zoned RS-3.

Zoning and BOA Historical Summary: The zoning on abutting land, except on the east along North Peoria, has been confined to low intensity residential.

Conclusion: The subject tract is designated in the Comprehensive Plan such that the requested medium intensity zoning either is in accordance with or may be found in accordance with said Plan. Only a small portion of the request (at the northwest corner) is not in accordance with the Plan and it would be logical to extend the Special District to cover that area. Staff cannot support CS zoning on the entire tract. The CS zoning would front existing single-family residences to the south, and restricted access with a screening requirement should be enforced on the west 190'.

Therefore, Staff recommends APPROVAL of CS zoning, except on the south 30' of the west 190' which shall remain RS-3.

NOTE: If the Commission approves this request, an amendment to the Comprehensive Plan for the Special District would be required.

Comments & Discussion:

Mr. Gardner advised the Commission of a conversation with the applicant just prior to this meeting where the applicant was not wanting to restrict the existing commercial, but has no problem restricting that portion requesting additional commercial as far as any access to the south.

Applicant's Comments:

Mr. Johnsen reviewed the application request and stated that, at least 50' of the 186' frontage on 47th Street was currently zoned CS. Mr. Johnsen restated the conversation with Staff, as mentioned by Mr. Gardner. However, due to uncertainty as to actual footage, Mr. Johnsen suggested the south 30' of that portion of the frontage on 47th Street, not presently zoned CS, would not be approved in this application, so those restrictions would only apply to that portion not presently zoned.

Mr. Gardner stated Staff had no problem with this, as Staff used these dimensions with the thought that this was the amount of additional zoning the applicant was seeking. Mr. Gardner stated Staff's purpose was not to allow any new commercial zoning with access and frontage to 47th Street, but they have no problem with the existing access.

Interested Parties:

Mr. James F. Love, 2734 North Cheyenne, stated he had no objection to the CS zoning, but he was curious as to the type of development planned. Mr. Johnsen stated the use would likely be a restaurant.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **APPROVE Z-6104 Johnsen (Dawson)** for CS, except on the south 30' of the west 126.04 feet, which shall remain RS-3, as recommended by Staff.

Legal Description:

A tract of land containing 2.51 acres that is part of the SE/4 of the SE/4 of Section 12, T-20-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is 480.00' North and 200.00' West of the SE corner of said Section 12; thence due North and parallel to the Easterly line of Section 12 for 100.00'; thence N 89°58'30" E and parallel to the Southerly line of Section 12 for 150.00'; thence due North and parallel to the Easterly line of Section 12 for 270.00'; thence S 89°58'30" W and parallel to the Southerly line of Section 12 for 336.04'; thence due South and parallel to the Easterly line of Section 12 for 370.00'; thence N 89°58'30" E and parallel to the Southerly line of Section 12 for 126.04' to the POB of said tract of land, except the south 30' of the west 126.04', which shall remain RS-3.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Sharp Industrial Tracts 401 West 161st Street South (IL)

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **APPROVE** the **Final Plat and Release for Sharp Industrial Tracts**, as recommended by Staff.

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Resource Sciences Office Park (PUD 407) 68th & South Yale (OM)

Staff advised the City Commission differed slightly with TMAPC on the conditions of approval for the PUD, and reviewed the application. Mr. Roy Johnsen, representing the applicant, further clarified that the City Commission stated the traffic signal would be placed, regardless of the final square footage. The applicant expressed concerns at the City Commission hearing that, at some time in the future when the traffic signal was to be installed, should the City not permit the traffic signal, the new construction of floor area may proceed in accordance with the conditions approved by the TMAPC. Mr. Linker asked Staff if the City put the proviso on the plat that, if the City at a later date said there could be no traffic signal, the applicant could still build. Staff confirmed the City Commission did word the proviso, and Staff was satisfied the applicant was meeting what the City approved.

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **APPROVE** the **Final Plat and Release for Resource Sciences Office Park**, as recommended by Staff.

OTHER BUSINESS:

PUD 332-1: Located West of the NW/c of East 36th Place and South New Haven Avenue being Lots 5 and 6, Devasher Addition.

Staff Recommendation - Major/Minor Amendment

PUD 332 was approved by the TMAPC on December 14, 1983 and by the City Commission on January 27, 1984, as was companion zoning case number Z-5852 which changed the subject tract from RS-3 to RD. The developer had the replatting requirement waived and built two duplexes. These duplexes were later conveyed to Firstier Mortgage Company, which put the duplexes on the market. When the property was surveyed, it reflected several setback encroachments and livability space shortages that are not consistent with the RD zoning district, or with the standards as permitted by PUD 332.

This is a two-fold request: the first reason for the amendment is to clear title to the property by allowing the existing structures; and the second reason is to allow for separate ownership of each side of the duplexes by means of a lot split for increased marketability. The physical characteristics of the properties will not change. Staff would not normally be supportive of such a request, however, this is an existing situation requested to clear title.

Therefore, Staff recommends **APPROVAL** of PUD 332-A, subject to the following conditions:

- 1) The applicant's Outline Development Plan be made a condition of approval, except as revised herein.
- 2) Amended declaration of covenants, conditions and restrictions be submitted by the applicant and approved by the TMAPC and City Commission with a copy of the filed instrument kept in the PUD file.

3) Development Standards:	<u>Required</u>	<u>Existing</u>
Land Area (Gross):	.42 acre	same
Land Area (Net):	.35 acre	same
Permitted Uses:	Attached single-family duplexes on individual lots.	
Maximum No. Dwelling Units:	4 units	same
Maximum Building Height:	30 foot/1-story	same
Minimum Off-Street Parking:	2 spaces per unit	same
Minimum Building Setbacks:		
from Centerline of 35th Pl	50 ft	49.0 ft
from East property line	10 ft	9.7 ft
from North property line	20 ft	19.0 ft
from West property line	5 ft	4.9 ft
between buildings	10 ft	9.5 ft
between units	0 ft	0.0 ft

	<u>Required</u>	<u>Existing</u>
Minimum Livability Space:	2080 sf/unit	5-A /1994.33* 5-B /1706.46* 6-A /1702.02* 6-B /1698.34*

* 5-A and 5-B, and 6-A and 6-B correspond to the respective parcels to be created by lot splitting Lots 5 and 6, Devasher Addition.

- 4) That the applicant seek and receive approval from the Board of Adjustment for variances to the livability space and related requirements of the Zoning Code.
- 5) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping material required under the approved plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 6) That the requirement for Detail Site Plan approval by the TMAPC is considered to be satisfied by approval of PUD 332-1 Major/Minor Amendment.
- 7) That no Occupancy 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. This will require submission and approval of amended Deeds of Declaration as discussed in item 2 above.

NOTE: Notice of this public hearing has been given to all property owners within 300 feet of the subject tract and by advertising in the Legal News as a contingency measure. If the TMAPC determines this item does not require action by the City Commission, this finding should be expressed in the approval motion if one is forthcoming.

Comments & Discussion:

Mr. Carnes made a motion for approval of Staff's recommendation and stated he saw no reason to forward this to the City Commission, as it appeared to be a housekeeping item clearing title. Mr. Draughon asked who was responsible for allowing this to happen, Code Enforcement or the Building Inspector. Mr. Gardner stated it appeared the units built might have been slightly in excess of the square footage first shown, which would cause encroachment. Mr. Carnes remarked it appeared the developer, due to financial problems, was unable to finish the project; therefore, he never applied for an Occupancy Permit. If he had received a Permit, this situation would have been noticed at that time.

Mr. Paddock commented that if Staff is treating this as a major amendment, it should go to the City Commission. Mr. Paddock asked Legal if the TMAPC had a right to waive the requirement that it go before the City. Mr. Linker advised that it would go to the City if it is truly a major amendment, but it appears it might be questionable in this instance. Mr. Frank stated Staff anticipated that TMAPC would make the final decision as to this being a major or minor amendment, and notified property owners in case the final determination was that this is a major amendment.

Mr. Carnes restated his motion to favor Staff's recommendation, acknowledging this as a minor amendment. Mr. Paddock confirmed with Staff, should the motion carry, the PUD would be numbered 332-1, not 332-A.

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **APPROVE** the **Minor Amendment to PUD 332-1 allowing existing structures**, as recommended by Staff.

In discussing the lot split, Mr. VanFossen asked if this has been reviewed by the Building Inspection Department to see if the lot split meets the conditions required for dividing on a property line, and would like this to be a condition of approval.

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Paddock, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Doherty, Parmele, Selph, Wilson, Young, "absent") to **APPROVE** the **Lot Split to PUD 332-1**, as recommended by Staff, subject to approval by the Building Inspection Department that the construction meets the building codes for construction on a lot line.

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Mr. Gardner announced the annual INCOG Golf Tournament to be held April 19, 1986 at the Sapulpa Golf Course, and invited those interested to participate.

Mr. Gardner also advised the TMAPC has been named in a lawsuit which has been filed with the County. The suit involves a mobile home park on the north side of 66th Street North and east of the Mingo Valley Expressway, where a plat was denied by the TMAPC because it did not meet the City/County Health Department standards. The District Attorney's office is handling the suit on behalf of the County and the TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 3:47 p.m.

Date Approved 4-9-86
Rand J. [Signature]
Chairman

ATTEST:

[Signature]
Secretary

