

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1686
Wednesday, February 24, 1988, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Coutant	Kempe	Gardner	Counsel
Doherty, 2nd Vice- Chairman		Setters	
Draughon			
Harris			
Paddock, 1st Vice- Chairman			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 23, 1988 at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of February 10, 1988, Meeting #1684:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Harris, Kempe, "absent") to **APPROVE** the **Minutes of February 10, 1988, Meeting #1684**.

REPORTS:

Chairman's Report:

Chairman Parmele announced the 1988 election of TMAPC officers would be scheduled for next Wednesday, March 2nd. He introduced new Planning Commissioner Kevin Coutant.

Director's Report:

Chairman Parmele advised of discussions with Mr. Jerry Lasker at INCOG to request copies of the enabling legislation that established the TMAPC, so as to consider possible amendments to the legislation governing appointments to the TMAPC and by whom. General discussion among the TMAPC members followed on this topic.

Comments & Discussion:

Mr. Draughon commented that he did not think IL zoning would be inappropriate considering the fact that the railroad was located behind the subject tract. Mr. Gardner explained that Staff's feeling was that some type of commercial was ample usage of the property, yet it protected the property values of all concerned, private and public. Chairman Parmele suggested it might be possible to zone a portion of the tract IL and have the applicant present a PUD so as to protect the park entrance with landscaping, screening, etc.

Mr. Doherty stated that, based on his personal observations of the area, he felt that any industrial-type use would not be appropriate and he would be strongly opposed to IL. He added that he had some reservations for permitting even CS uses.

Commissioner Harris commented that there was no question the public (park) entryway should be protected. However, some consideration must also be given to the applicant's desire to make use of the property. Therefore, he stated he could support some medium level of intensity use since there were other commercial uses in the area. Commissioner Harris agreed with Chairman Parmele's suggestion as to some type of buffer less intense on the east end which would allow the applicant to still use his property.

Mr. Carnes suggested the applicant meet with Staff to consider the possibility of a PUD application, as he could not support this unless something was done to protect the entrance to Mohawk Park.

Ms. Wilson inquired as to the number of trucks the applicant would have in his trucking business. Mr. Hill advised there would be five trucks (18-wheelers) in addition to the repair shop.

Mr. Carnes stated that he could not support the idea of a truck operation at this location; therefore, he moved for denial of IL zoning. Mr. Paddock commented that some consideration should be given to Staff's recommendation for CS zoning in the alternative, rather than flatly deny any rezoning. Therefore, Mr. Paddock moved to amend Mr. Carnes' motion for denial of IL zoning and approval of CS zoning. Mr. Doherty stated he would reluctantly vote for the amended motion to allow CS zoning as he did not feel this area was appropriate for residential. He further remarked that, since the applicant could go before the BOA for a trucking company, he wished to strongly express that such a use would be inappropriate. Mr. Gardner clarified that, even with CS zoning, the applicant could NOT obtain a BOA Exception for a trucking company, but could for automobile repair. In reply to Mr. Doherty, Mr. Gardner advised that the applicant could bring in trucks with A Special Exception for an automobile repair business.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **DENY IL Zoning and APPROVE CS Zoning for Z-6186 Hill**, as recommended by Staff; and to **APPROVE** Early Transmittal of these minutes to the City Commission.

Legal Description:

CS Zoning: A tract of ground situated in the SE/4 of Section 15, T-20-N, R-13-E, Tulsa County, Oklahoma, and being more particularly described as follows: Beginning at a point on the west line of the SE/4, 40.0' ^{north} of a ^{3.24.88} brass cap marking the south quarter corner of Section 15; thence north ^{IF} along said west line a distance of 90.0' to a point on the south line of SL/SF Railroad property; thence northeasterly along said railroad property line a distance of 740.8'; thence south a distance of 210.0'; thence west along a line parallel to and 40.0' equal distance north of the south line of Section 15 a distance of 731.0' to the POB.

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Application No.: **CZ-164** Present Zoning: AG
Applicant: **Nassif/Keith** Proposed Zoning: CG
Location: West of the SW/c of US Hwy 75 & State Hwy 20 (146th Street North)
Date of Hearing: February 24, 1988
Presentation to TMAPC by: Mr. Gene Denison, 317 East Rogers, Skiatook

Relationship to the Comprehensive Plan:

The District 13 Plan, a part of the North Tulsa County Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Commercial/Office and Medium Intensity - Agriculture and Rural Residential.

According to the "Zoning Matrix" the proposed CG District may be found in accordance with the Plan Map for the Medium Intensity - Commercial/Office portion, and is not in accordance with the Medium Intensity - Agriculture and Rural Residential portion of the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 64.4 acres in size and is located west of the southwest corner of US Highway 75 and State Highway 20 (146th Street North). It is partially wooded, rolling, vacant and is zoned AG. The subject tract is located outside the city limits, but within the corporate fenceline, of Collinsville.

Surrounding Area Analysis: The tract is abutted to the north, across 146th Street North, by both vacant property zoned AG and an automobile dealership presently zoned AG which was approved by the TMAPC and County Commission for CG and OL but was later annexed into the City of Collinsville; on the east by vacant property approved for CG by Tulsa County and later annexed into Collinsville. South of the subject tract, as well as to the west, is vacant property zoned AG. CG and OL zoning for the property at the northwest and southwest corners of East 146th Street North and Highway 75 is pending publication of an ordinance by Collinsville.

Zoning and BOA Historical Summary: CG zoning for Type III (15 acre nodes) consistent with the Development Guidelines, has already been approved at the intersection nodes of 146th Street North and Highway 75.

Conclusion: Based on the Comprehensive Plan, and because the maximum amount of commercial zoning has already been allocated at the intersection, Staff cannot support the requested rezoning. Staff would consider the additional request as strip zoning and not consistent with Comprehensive Plans, Development Guidelines, and physical facts at this location.

Therefore, Staff recommends **DENIAL** of CG zoning as requested. (For the record, if the Collinsville Comprehensive Plan was amended to permit commercial land use along State Highway 20, Staff could support the request.)

Comments & Discussion:

Chairman Parmele read letters submitted by the City of Collinsville advising support of the application as presented, as their Planning Commission felt that commercial development in this area would be of significant economic benefit to the City of Collinsville.

Applicant's Comments:

Mr. Gene Denison, representing the applicant, advised that CG zoning was requested for the primary use of a major auto dealership. Mr. Denison advised the 64 acre property would allow the applicant to use 10 acre tracts to overcome the sewage problems in this area. He pointed out the recently zoned areas (from AG to CG/OL) across from the subject tract, and stated he felt this would be a positive economic impact to the area. Mr. Denison reiterated the support of the Collinsville Planning Commission.

Mr. Paddock inquired as to the depth of this parcel from Highway 20. Mr. Denison advised it was approximately one-quarter mile. Mr. Paddock then inquired if the requested zoning for the 64 acres followed the lines of ownership. Mr. Denison confirmed this to be correct, as a purchaser was not allowed to buy this from the applicant on a "piecemeal" basis. In further response to Mr. Paddock, Mr. Denison explained the "handle" configuration was for signage, as no access from Highway 75 was planned.

Commissioner Harris commented that it has not been more than two years since this area was totally vacant, and it did not take a great deal of vision to foresee that, in the future, this would be a tremendous shopping and industrial area along these two highways, which were programmed for four-laning. He pointed out that the City of Collinsville appeared ready to annex this land, and if Tulsa did not act on this, considering the possible economic impact, then he felt Collinsville would. Commissioner Harris stated support of the request and urged the Commission to consider a favorable vote, as he felt this presented a situation where the Commission needed to act outside "the plan maps".

TMAPC ACTION: 9 members present

On **MOTION** of **HARRIS**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **APPROVE CZ-164 Nassif/Keith for CG Zoning** as requested by the applicant.

Legal Description:

CG Zoning: A tract of land in the N/2 of the NE/4 of the E/2 of the NE/4 of the NW/4 of Section 28, T-22-N, R-13-E in Tulsa county, Oklahoma, more particularly described as follows, to-wit: Beginning at the NW corner of the E/2 of the NE/4 of the NW/4 of said Section 28, thence N 88°39'51" E along the north line a distance of 1,920.64' to a point on said north line 1,380.33' west of the NE corner; thence S 1°20'09" E a distance of 40.0' to a point; thence S 88°39'51" W a distance of 12.12' to a point; thence S 1°35'05" E a distance of 1,012.45' to a point; thence N 88°39'51" E a distance of 1,045.52' to a point on the west right-of-way line of US Highway 75; thence S 11°39'51" E along said right-of-way a distance of 184.08' to a point; thence S 1°15'59" E along said right-of-way line a distance of 87.15' to a point on the south line of the N/2 of the NE/4 of said Section 28; thence S 88°44'20" W along said south line a distance of 2,991.90' to the SW corner of the E/2 of the NE/4 of the NW/4 of said Section 28; thence N 1°17'28" W a distance of 1,316.88' to the POB, containing 64.412 acres more or less.

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Application No.: **Z-6188** Present Zoning: RS-1
Applicant: **Pittman** Proposed Zoning: IL
Location: West of the SW/c of East Admiral Place & South 177th East Avenue
Date of Hearing: February 24, 1988
Presentation to TMAPC by: Mr. Harlan Pinkerton, PO Box 1409 (587-7221)

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as a Linear Development Area - Medium Intensity (PUD required) for the north 330' and Low Intensity - No Specific Land Use on the balance.

According to the "Zoning Matrix" the proposed IL District would not be in accordance with the Plan Map for the north portion due to the lack of a companion PUD and is not in accordance with the Low Intensity - No Specific Land Use portion.

Staff Recommendation:

Site Analysis: The subject tract is 2.55 acres in size and is located west of the southwest corner of East Admiral Place and South 177th East Avenue. It is partially wooded, gently sloping, contains a single-family dwelling with three large accessory buildings and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north, across East Admiral Place, by an industrial use zoned IL; on the east by vacant property zoned RS-1; on the south by vacant property zoned AG; and on the west by a church zoned RS-1.

Zoning and BOA Historical Summary: Industrial zoning has been approved on the north side of East Admiral Place in a Special District.

Conclusion: Although the Comprehensive Plan supports industrial zoning for the area north of East Admiral Place, Staff cannot support the request due to the tract's location in a Linear Development Area. Section 3.4.1 of the District 17 Comprehensive Plan requires the filing of a Planned Unit Development in order to minimize the impact of the underlying zoning on adjacent non-industrial uses and also in order to develop at medium intensity.

Therefore, Staff recommends **DENIAL** of the requested IL zoning due to no PUD being filed. In the alternative, Staff would support a continuance of the application in order to give the applicant time to file a PUD.

Note: The proposed use, "automobile storage", is not clearly defined in the zoning code and possibly should be clarified in order to determine the exact zoning classification needed for the intended use.

Applicant's Comments:

Mr. Harlan Pinkerton, representing the applicant, stated that he had just recently learned that a PUD would be required. Therefore, he submitted a request to readvertise the zoning application for OL, instead of the originally requested IL zoning, and continue the case accordingly.

Mr. Gardner confirmed that the application would have to be readvertised since the applicant was now requesting OL zoning, and he clarified that a PUD would not be required since OL was Low Intensity - No Specific Land Use.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **CONTINUE Consideration of Z-6188 Pittman** until Wednesday, **March 23, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 131-C: SW/c of I-44 and South Garnett Road

Staff Recommendation: **Detail Site Plan, Detail Sign Plan and Detail Landscape Plan for Convenience Store Development**

The subject tract is located at the southwest corner of I-44 and South Garnett Road and has underlying zoning of CS with PUD 131-C. The proposed development is for a convenience store on a tract which is the product of PUD 131-C-3 and Lot Split 16979, which was approved by the TMAPC on November 13, 1987.

Detail Site Plan: The proposed convenience store will be located on parts of original Development Parcels 2 and 3 of PUD 131-C. The building has an area of 3,200 square feet and faces South Garnett Road. This development includes 20 off-street parking spaces, two curb cuts to Garnett, a remote gasoline fill area, plus a gasoline pump island area with four pumps covered by a canopy.

Staff review finds that the proposed Detail Site Plan meets or exceeds other PUD 131-C requirements; therefore, Staff recommends APPROVAL of the proposed Detail Site Plan as follows:

- 1) That the applicant's Detail Site Plan and Text be made a condition of approval, unless modified herein.
- 2) **Development Standards:**

Land Area (Gross):	35,678 sf	.819 acre
(Net):	27,678 sf	.635 acre
Permitted Uses: All uses permitted under Use Units 12, 13, 14, and 15		
Maximum Building Height: Two story (one story proposed)		
Maximum Building Floor Area: 3,200 sf proposed (23,358 sf unutilized)		
Minimum Off-Street Parking: 1 space/225 sf; 20 spaces proposed		
Minimum Building Setbacks:		
from Centerline of S. Garnett	100' *	
from West Boundary	None required	
from South Boundary	None required	
from North Boundary	Exceeds	
Minimum Landscaped Open Space: No minimum requirement **		

* The pump island canopy is considered by the Zoning Officer to be exempt from the 100' setback for buildings.

** Landscaped open space shall include internal and external landscaped open areas, parking lot islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation. Staff recommended 5% subsequent to approval of PUD 131-C, and the Plan exceeds the 5% figure.
- 3) That all trash, mechanical and equipment areas shall be screened from public view.
- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code.
- 6) 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 materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.
- 7) Subject to TMAPC review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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.

Detail Landscape Plan: The proposed Detail Landscape Plan indicates sodded areas will be installed north and south of the convenience store and along South Garnett. Small shrubbery will be planted at two locations along Garnett and three 6' to 8' tall Bradford Pear trees will be planted adjacent to the building. Staff recommends APPROVAL of the Detail Landscape Plan as submitted subject to the required materials being installed prior to the issuance of an Occupancy Permit; further, that the landscaping materials required shall be maintained and replaced as needed as a continued condition of the granting of an Occupancy Permit.

Detail Sign Plan: The proposed Detail Sign Plan indicates various signs will be placed on the canopy and building facades (east and north), and a freestanding sign will be built on the South Garnett frontage. All signs meet the requirements of the PUD Chapter of the Zoning Code. Although the freestanding "Kiosk" sign on Garnett Road is lighted in a manner that could be considered flashing, the Protective Inspections Department previously approved a similar sign for PUD 429 (a similar convenience store location at East 71st Street and South Canton).

Therefore, Staff recommends APPROVAL of the submitted Detail Sign Plan subject to the submitted plans and subject to the lighting of the "Kiosk" sign being consistent with a similar sign in PUD 429.

TMAPC ACTION: 9 members present

On **MOTION** of **CARMES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **APPROVE** the **Detail Site Plan, Detail Sign Plan and the Detail Landscape Plan to PUD 131-C**, as recommended by Staff.

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PUD 288-5: Lot 14, Block 1, Eight Acres Addition

Staff Recommendation: Minor Amendment for Building Setback

The subject tract has underlying zoning of RS-1 with PUD 288 and is described as Lot 14, Block 1, Eight Acres Addition. This tract has double-frontage with a private street on the west, and South Birmingham Place on the east. The applicant is requesting an amendment from 35' to 25' for the building setback line requirement on South Birmingham Place. This tract is unique in that it is subject to unusually large setbacks on the front and rear; the proposed house addition would meet all other PUD requirements.

PUD 288-5 Minor Amendment - Con'd

Therefore, Staff recommends APPROVAL OF PUD 288-5 for Lot 14, Block 1, Eight Acres Addition amending the building setback line along South Birmingham Place from 35' to 25' in accordance with the submitted plot plan.

TMAPC ACTION: 9 members present

On **MOTION** of **CARMES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Harris, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment** to **PUD 288-5**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:23 p.m.

Date Approved March 9, 1988
Cherry Kempe
Chairman

ATTEST:

Kevin C. Coutant
Secretary

