

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1714
Wednesday, **September 28, 1988**, 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
Coutant, Secretary	Randle	Gardner	Counsel
Draughon		Lasker	
Harris		Setters	
Kempe, Chairman		Stump	
Paddock, 2nd Vice-Chairman			
Parmeale, 1st Vice-Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 27, 1988 at 10:17 a.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 1:32 p.m.

MINUTES:

Approval of the Minutes of September 14, 1988, Meeting #1712:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to **APPROVE** the **Minutes of September 14, 1988, Meeting #1712.**

Approval of a Correction to the Minutes of September 7, 1988:

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Harris, Randle, "absent") to **APPROVE** a **Correction to the Minutes of September 7, 1988, Meeting #1711**, to cross-reference the fact that **L-17085 New Bedford** was incorrectly listed on the 9/7/88 agenda and was ultimately withdrawn on 9/21/88.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to continue review of amendments to the Tulsa County Code as relates to wild or exotic animals. Noting the public hearing on this matter was scheduled today, he stated the Committee had unanimously recommended the public hearing be continued to October 12th to allow time for release of a final draft of the amendments.

Director's Report:

- a) Approval of a resolution regarding Urban Renewal Plan amendments, finding them in accord with the Comprehensive Plan for District 2. (Submitted by the Tulsa Development Authority for the Neighborhood Development Program Area).

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Carnes, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Doherty, Harris, Randle, "absent") to **APPROVE** the Resolution regarding Urban Renewal Plan amendments, as confirmed by Staff to be in accord with the Comprehensive Plan for District 2.

- b) Mr. Jerry Lasker, INCOG, advised the Development Fees Inventory Study, a part of the TMAPC Work Program for FY89, had been completed and was ready for presentation to the TMAPC. Mr. Paddock suggested this item be placed on a TMAPC agenda in a briefing format before going to the Rules and Regulations Committee for review. The consensus of the Commission was to place the briefing on the October 5th TMAPC agenda.

ZONING PUBLIC HEARING:

Application No.: Z-6207 & PUD 442 Present Zoning: OM
Applicant: Moody Proposed Zoning: CS
Location: North of the NW/c of East 71st Street & South Canton Avenue
Date of Hearing: September 28, 1988
Presentation to TMAPC by: Mr. John Moody, 7666 East 61st, #240 (254-0626)

Relationship to the Comprehensive Plan: Z-6207

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 - Hospital, Medical and Related Activities, Office Activities, Commercial Shopping Activities, Residential Activities and Cultural Activities.

According to the Zoning Matrix, the requested CS District may be found in accordance with the Plan Map. All zoning categories are considered "may be found" in accordance with Special Districts.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.4 acres in size and located north of the northwest corner of South Canton Avenue and East 71st Street. It is nonwooded, gently sloping, vacant, and is zoned OM.

Surrounding Area Analysis: The tract is abutted on the north by an office building zoned OM and PUD 254; on the east across South Canton by office buildings zoned OL; on the south by a convenience store zoned CS and PUD 429; and on the west by vacant property and a restaurant zoned OM, CS, and PUD 260-A.

Zoning and BOA Historical Summary: The southeast corner of East 71st Street and South Yale was denied commercial zoning by the City and permitted commercial uses by the District Court. Commercial zoning at the northeast corner of this intersection was limited to only that area necessary to support the medium intensity uses in PUD 260-A. Recently, the City approved CS zoning at the northwest corner of East 71st Street and South Canton upon submission of a PUD.

Conclusion: Although the requested CS zoning is a "may be found" in accordance with the Comprehensive Plan, all zoning classifications are similarly designated because the subject tract is located in a Special District. The subject tract is an interior lot which does not have frontage on an arterial street and the zoning of abutting tracts to the north and east across South Canton is for office uses. Further, the land to the west in PUD 260-A is planned for the noncommercial buffer around the commercially designated development areas at the intersection of South Yale and East 71st Street.

The CS zoning given at the intersection of South Canton and East 71st Street is not considered a precedent for the present application as the subject tract is not similarly located on an arterial street and the character of existing development in this immediate area has been established in accordance with the Comprehensive Plan as office. The

present OM zoning for Medium Intensity Office uses is considered most appropriate for the subject tract. Staff considers this request as being in noncompliance with the Comprehensive Plan based on the physical facts and Development Guidelines.

Therefore, Staff recommends **DENIAL** of CS zoning as requested per Z-6207.

Staff Recommendation: **PUD 442**

The subject tract is zoned OM and has an area of approximately 2.4 acres. It is an interior tract located north of the northwest corner of South Canton Avenue and East 71st Street. Staff has recommended denial of the companion CS zoning request per Z-6207 and, therefore, is also not supportive of PUD 442.

The applicant is requesting approval for a maximum floor area of 26,325 square feet (.26 Floor Area Ratio) which according to the Outline Development Plan will be constructed in two buildings. Access to this development would be at two locations from South Canton Avenue and an overall landscaped area of 12% of the net site is proposed.

As noted above, Staff is recommending denial of Z-6207 for CS zoning. Therefore, Staff recommends **DENIAL** of PUD 442.

Comments & Discussion:

Mr. Gardner advised the applicant had just submitted a letter amending this zoning application to realign the requested CS with the existing CS boundary to the west; therefore, OM zoning would remain on the northern portion of the subject tract. Mr. Gardner stated that, should the Commission be supportive of the amended application, then Staff would like two weeks to review and formulate the Staff recommendation for conditions of the related PUD. Mr. Gardner commented on compliance with the Development Guidelines and pointed out the tract was in a Special District, but a typical square Type III Node would not extend far enough east of the intersection of 71st Street and Yale to include this tract of land.

Mr. Coutant inquired if Staff had a recommendation in regard to the amended application. Mr. Gardner commented that Staff had discussed this with the applicant and had advised him as to what might make this application more tolerable to the TMAPC in terms of a compromise; and the applicant submitted the revised application.

Applicant's Comments:

Mr. John Moody, representing HBM 71, reviewed the history of this tract and the adjacent areas currently and previously owned by the applicant, as well as the zoning/PUD history of the 71st and Yale intersection. Mr. Moody remarked that the subject tract originally contained a large pond, but over the years the pond had been filled in and stormwater management facilities were now provided to the northwest of this site

which would service the subject tract as well. In regard to development allowed in a Type III Node, he pointed out that approval of the application, as amended, would still not exceed what would normally be acceptable at the intersection of two primary arterial streets. He commented that the applicant's proposed plans for the PUD were developed so that there was no greater impact to the 71st and Canton area than would be under conventional OM zoning. Mr. Moody submitted and reviewed traffic generation comparisons using their proposal for the amended CS zoning and PUD versus straight OM zoning. He added that the structure would be limited to one story and would be consistent with the architectural style of the area.

Mr. Moody stated the PUD would not be setting a precedent, nor would the suggested northern boundary for CS zoning, as the precedents for these had been established with the approval of the Quik Trip Corporation zoning and PUD. He added the proposed PUD would be compatible with existing OM uses. He agreed with Staff in that, should the Commission be agreeable to the amended zoning request, the PUD portion be continued for at least two weeks.

In response to Mr. Draughon, Mr. Moody reviewed the stormwater facilities accommodating this tract. Ms. Wilson and Mr. Moody discussed retail use versus restaurant use in this particular area of Tulsa. Mr. Paddock confirmed the amended application was for CS zoning on the south 190' of the tract with the balance remaining OM zoning.

Mr. Coutant stated that, upon learning the identification of Mr. Moody's clients, he had a conflict of interest. Therefore, he would be abstaining from the vote on this case.

Interested Parties:

Mr. Miles Northcutt (7259 South Quebec) stated he felt this application would set a precedent, and he therefore opposed any further CS zoning. He stated concern that, due to the location of his home, he would have more stormwater run-off from further commercial developments.

TMAPC Review Session:

Mr. Carnes moved for approval of the zoning request, as amended, but withhold transmittal of the minutes until such time that the PUD could be reviewed and approved. Mr. Paddock suggested continuing both the zoning and the PUD applications until Staff had time to consider the amended zoning request and the PUD. Discussion followed among the Commissioners as to which course of action to take. Mr. Moody was recognized by the Chairman to speak, and he agreed to withholding transmittal of the zoning case until the PUD was heard.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **4-4-1** (Carnes, Harris, Kempe, Parmele, "aye"; Draughon, Paddock, Wilson, Woodard, "nay"; Coutant, "abstaining"; Doherty, Randle, "absent") to **APPROVE** Z-6207 Moody for CS zoning as amended, and withhold transmittal of the minutes to the City Commission until the PUD was approved by the TMAPC.

With the above motion failing to pass due to the tie vote, Mr. Paddock moved to continue the rezoning application and the PUD for two weeks in order to allow Staff time to prepare the PUD recommendations. In reply to Mr. Parmele, Mr. Paddock confirmed it was his intention that Staff review the PUD as if the amended CS had been approved.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-1** (Carnes, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Doherty, Randle, "absent") to **CONTINUE Consideration of Z-6207 and PUD 442 Moody** until Wednesday, **October 12, 1988** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6209** Present Zoning: **RS-2**
Applicant: **Levy (Hamm)** Proposed Zoning: **CS, CG & CH**
Location: **SE/c of East 11th Street & South 129th East Avenue**
Date of Hearing: **September 28, 1988**
Presentation to TMAPC by: **Mr. Louis Levy, 5314 South Yale, #310 (496-9258)**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - (Node) - Linear Development Area, PUD encouraged, except for the node.

According to the Zoning Matrix, the requested CS District is in accordance with the Plan Map, the CG District may be found in accordance, and the CH District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 3.76 acres in size and is located at the southeast corner of East 11th Street South and South 129th East Avenue. It is nonwooded, flat, partially vacant with a single-family dwelling that has previously been used for a portable building sales lot and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north, across East 11th Street South, by vacant property zoned CH; on the east by a motel zoned CS; on the south by single-family residences zoned RS-2; and on the west, across South 129th East Avenue, by a gas station and vacant property zoned CS.

Zoning and BOA Historical Summary: Commercial zoning has been approved along East 11th Street South and the proposed commercial zoning aligns with commercial zoning to the west.

Conclusion: Based on the Comprehensive Plan and the existing zoning pattern in the area, Staff can support CS zoning which is the predominant zoning and is consistent with two other corners at the node. Because of the tracts location within the node, a PUD is not encouraged. (Resolution 1665:648, Section 3.7.1).

Therefore, Staff recommends **DENIAL** of CH and CG zoning and **APPROVAL** of CS zoning.

Comments & Discussion:

In reply to Mr. Paddock, Mr. Gardner confirmed the language pertaining to the node was taken from the Development Guidelines.

Applicant's Comments:

Mr. Carnes inquired if the applicant was prepared to consider a combination of CS/CG zoning. Mr. Louis Levy stated he was prepared to amend the application to delete a request for CH zoning as well as CS zoning, unless the CS might be located on the immediate corner in an approximate 150' x 150' configuration. He stated the primary purpose of this application was to have the zoning match the use of the property which has been in existence for approximately 35 years. Mr. Levy pointed out that there was a building on the property that had formerly been used for single-family use. He added that the current use of the property was for truck/auto storage and repair and portable building construction, which were all CG uses with Board approval.

Commissioner Harris inquired as to what configuration of CS/CG would be agreeable to the applicant. Mr. Levy stated the tract measured 330' (east to west), and he suggested a 130' square of CS at the corner, which would leave a 100' frontage for the lot facing 11th Street. He submitted photos of the area as an exhibit to these minutes.

Mr. Gardner stated that, if the Commission was leaning toward a combination of CS/CG zoning, Staff would recommend that all of the tract be zoned CG. Therefore, based on Staff's comment, Mr. Carnes moved to zone the entire tract CG. Mr. Levy stated agreement to the suggested motion, and added this would allow the BOA to take a look at the uses as they changed. Mr. Paddock commented the CG zoning was what should logically be done at this intersection.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Coutant, Draughon, Harris, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Doherty, Randle, "absent") to **APPROVE Z-6209 Levy (Hamm) for CG zoning.**

Legal Description:

CG Zoning: Beginning at the northwest corner of Section 9, T-19-N, R-14-E, Tulsa County, Oklahoma; thence east a distance of 330.26' to a point; thence south a distance of 495.65' to a point; thence west a distance of 330.26' to a point; thence north a distance of 495.65' to the POB, containing 3.76 acres more or less.

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TO CONSIDER AMENDMENTS TO THE TULSA COUNTY ZONING CODE REGARDING WILD OR EXOTIC ANIMALS, AND RELATED MATTERS.

(The TMAPC Rules & Regulations Committee recommends a continuance of this hearing to October 12, 1988.)

TMAPC ACTION: 8 members present

On MOTION of PADDOCK, the TMAPC voted 8-0-0 (Carnes, Coutant, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no, "abstentions"; Doherty, Harris, Randle, "absent") to CONTINUE Consideration of the Public Hearing to Consider Amendments the Tulsa County Zoning Code as relates to Wild or Exotic Animals, and related matters, until Wednesday, **October 12, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

Upon motion of PADDOCK, the TMAPC voted unanimously to go into Executive Session to discuss personnel matters.

There being no further business, the Chairman declared the meeting adjourned at 3:38 p.m.

Date Approved 10-12-88

PBPaddock
Chairman

ATTEST:

Kevin C. Coutant
Secretary