

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1787
Wednesday, April 11, 1990, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 2nd Vice Chairman	Kempe Parmele	Gardner Lasker	Linker, Legal Counsel
Coutant	Randle	Matthews	Connelly, City Development
Doherty, Chairman		Setters	
Draughon, Secretary		Stump	
Paddock			
Rice			
Wilson, 1st Vice Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 10, 1990 at 11:15 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:33 p.m.

MINUTES:

Approval of the Minutes of March 28, 1990, Meeting #1785:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Rice, "absent") to **APPROVE** the **Minutes of March 28, 1990, Meeting #1785**.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** met last Wednesday to put "final touches" on the draft amendments to the Zoning Code provisions relating to signs.

Director's Report:

Mr. Lasker stated the City Commission rejected the resolution containing amendments to the Park, Recreation and Open Space Plan based on their feelings that it would be better to have this matter reviewed by the new City Council. Mr. Lasker suggested sending the resolution to the County Commission and then refer it back to the City Council after the County review.

Director's Report - Cont

Mr. Lasker reviewed and answered questions from the Commission on HB 1888 (PUD legislation) and SB 220 (provisions for a Mayorial appointment to the TMAPC). He also mentioned the upcoming orientation for the new City Council members.

ZONING PUBLIC HEARING:

Application No.: CZ-182 Present Zoning: AG
Applicant: Kornegay Proposed Zoning: IL
Location: East side of US Highway 169, south of East 66th Street North
Date of Hearing: April 11, 1990
Presented to TMAPC by: John Kornegay, PO Box 66, Owasso 74055 (272-3377)

Relationship to the Comprehensive Plan:

The North Tulsa County Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject properties Development Sensitive due to flooding, Special District 3 (agricultural and recreational land uses) and residential.

According to the Zoning Matrix, the requested IL District is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The northern tract is approximately 0.42 acres in size and located at the southeast corner of U.S. Highway 169 and East 66th Street North. It is nonwooded, contains a single-family dwelling and is zoned AG.

The southern tract is approximately 2.78 acres in size and is located south of the southeast corner of U.S. Highway 169 and East 66th Street North. It is partially wooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The northern tract is abutted on the north across 66th Street by an office building zoned IL; on the east by a trailer sales business zoned IL; on the south by mini-storage and offices zoned IL; and on the west by US Highway 169 and vacant property zoned AG.

The southern tract is abutted on the north by mini-storage zoned IL; on the east by vacant land and scattered mobile homes zoned RMH; on the south by a single-family dwelling on a large lot and on the west by U.S. Highway 169 and vacant property zoned AG.

Zoning and BOA Historical Summary: IL zoning has been approved on the south and east of the northern tract and RMH has been approved east of the southern tract.

Conclusion: Since the northern tract is bordered by IL zoning on the two sides which do not front on a highway or street and this tract is not within the 100 year floodplain, Staff can support IL. The southern tract is adjacent to residential zoning and development and is within the 100 year floodplain and floodway. The North Tulsa County Plan recommends this area be used for agricultural or recreation land uses. Staff does not feel IL is an appropriate zoning for this tract.

Therefore, Staff recommends **APPROVAL** of IL zoning on the northern tract (Tract 1) and **DENIAL** of IL on the southern tract (Tract 2).

Applicant's Comments:

Mr. John Kornegay reviewed the elevations of the two parcels, noting there should be no flooding on the southern tract, and there would be no structure on this tract as he proposed to only use it for recreational purposes (driving range). Mr. Kornegay noted that the driving range would be permitted with the current AG zoning, subject to BOA review and approval.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to **APPROVE CZ-182 Kornegay for IL Zoning only on Tract 1 (the northern tract)** as recommended by Staff and **DENY** IL on Tract 2 (the southern tract).

Legal Description:

Tract 1: Beginning at a point on the northeast corner of Government Lot 4; thence south 150'; west 201.6'; northeasterly 140.4'; north 40.0' to a point on the north line of Government Lot 4; thence east to the POB, Section 5, T-20-N, R-14-E, Tulsa County, Oklahoma.

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Application No.: **Z-6284** Present Zoning: RM-2
Applicant: **Cowen** Proposed Zoning: CG
Location: SE/c of West Archer Street & North Nogales Avenue
Date of Hearing: April 11, 1990
Presented to TMAPC by: Steve Cowen, PO Box 3465, Tulsa 74101 (582-2220)

Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Historical Neighborhood.

According to the Zoning Matrix, the requested CG District **may be found** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 2.44 acres in size and located at the southeast corner of West Archer Street and North Nogales Avenue. It is nonwooded, flat contains a vacated public school which is now being used for a construction office and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north and west by single-family dwellings zoned RM-2; on the east by Hwy 75 zoned RS-3; on the south by two vacant buildings and single-family dwellings zoned RM-2.

Zoning and BOA Historical Summary: The Board of Adjustment approved office use on the subject tract in 1974 and 1985.

Conclusion: The Surplus Public Schools Alternative for Redevelopment study dated November 1988 would support rezoning the subject tract to a high designation based on two criteria which are: (1) The site abuts an arterial street or expressway; and, (2) the proportion of land used residentially within a quarter mile radius is less than fifty percent. The request would also be supported by the Comprehensive Plan. The subject tract would have adequate access from the expressway and collector street and the intersection could be considered a node. Other commercial zoning to the west of the subject tract would support commercial zoning. Staff can support the requested CG zoning on the portions of the tract fronting Archer Street and the Inner Dispersal Loop.

Therefore, Staff recommends **APPROVAL** of the requested CG zoning on the north 152.9' and the east 137' of the subject tract.

Applicant's Comments:

Mr. Steve Cowen obtained clarification of the Staff's recommendation as to zoning only a portion of the tract. He requested CG zoning on the entire tract as applied for.

Mr. Carnes commented that, with the entrances to the tract located as they were, he could see no reason to "chop this up". Therefore, he moved for approval of CG zoning on the entire tract as requested.

In reply to Mr. Coutant, Staff verified that CG zoning on the entire tract would comply with the Surplus School Site Study. Discussion followed as to buffering, possible use of a Limits of No Access (LNA), and various alternatives for commercial zoning patterns on this site.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to **APPROVE Z-6284 Cowen for CG Zoning**, as requested.

Legal Description:

All of Block 20, Amended Plat of OWEN ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma.

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Application No.: Z-6285 Present Zoning: RMH
Applicant: Styron (Walters) Proposed Zoning: IM
Location: SW/c of North Yale Avenue & Gilcrease Expressway
Date of Hearing: April 11, 1990
Presented to TMAPC by: Harry Styron, 125 West 15th St., 6th Floor (584-0719)

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity - No Specific Land Use, Corridor and Special District 3 (Industrial).

According to the Zoning Matrix, the requested IM District **may be found** in accordance with the Plan Map. All zoning districts are considered may be found in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is 12.59 acres in size and located at the southeast corner of North Yale Avenue and the Gilcrease Expressway. It is partially wooded, gently sloping, vacant, and is zoned RMH.

Surrounding Area Analysis: The tract is abutted on the north by the Gilcrease Expressway zoned AG; on the east across North Yale Avenue by vacant property zoned IL; on the south by vacant property zoned IL; and on the west by both vacant property and industrial uses zoned IL.

Zoning and BOA Historical Summary: Previous rezoning applications approved IL zoning in the immediate area and on the subject tract. All agreed in 1982 that the mobile home park would make a good interim use until the area was ready to develop as industrial.

Conclusion: Based on the Comprehensive Plan, the existing zoning pattern for the area, and the fact the subject tract was once zoned IL, Staff is supportive of industrial zoning, but not the IM intensity. Since the applicant's proposed use is a motocross track, Staff would recommend IL zoning and direct the applicant to the Board of Adjustment where conditions could be placed on the use, if approved, to insure compatibility with surrounding uses. Staff would also note that the Department of Stormwater Management zoning case review indicates a portion of the subject tract is in the Coal Creek floodplain and may have development constraints.

Therefore, Staff recommends **DENIAL** of IM zoning as requested and **APPROVAL** of IL zoning in the alternative.

Comments & Discussion:

Staff commented that they had received a reminder from the Health Department that this site was a former landfill, and any material extracted from the site must be disposed of in a proper manner.

Z-6285 Styron (Walters) - Cont

Mr. Harry Styron, attorney for the applicant, presented information as to the history of the tract and the applicant's intended use as a motocross track. Mr. Styron advised they have consulted with an environmental specialist, and they do not anticipate any digging of the site and may, in fact, be bringing in more soil. He commented that under the current and previous zoning (IL and RMH), there has been no activity for several years on the property. He added that the motocross use would be permitted by right under IM zoning and, while a special exception through the BOA was a good avenue when protection of residential areas was involved, this site was situated between and surrounded by IL uses. Therefore, he felt the BOA review process should not be needed in this case. Mr. Styron remarked that he felt the intended use would be better than the current landfill or vacant waste, and he did not see where IM zoning, rather than IL, on the tract would be a detriment.

Mr. Carnes commented that the proposed motocross was not objectionable, but he did find it difficult to support IM zoning due to the possibility of setting a precedent. Ms. Wilson agreed and moved for approval of the Staff recommendation for denial of IM and approval of IL zoning.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to **APPROVE Z-6285 Styron (Walters) for IL Zoning and DENY IM Zoning**, as recommended by Staff.

Legal Description:

Part of Lot 1, Block 6, Gilcrease Freeway Industrial Park, beginning 690.3' east of the southwest corner of said lot; thence east 690.3'; thence north 662.89'; thence N 79°34'11" W a distance of 174.53'; thence N 47°23'13" W a distance of 382.66'; thence N 58°58'17" W a distance of 182.07'; thence N 62°28'10" W a distance of 90.22'; thence south 1,135.87' to the POB; LESS the east 30' thereof, Lot 1, Block 6, Gilcrease Freeway Industrial Park Blocks 3 - 10, City and County of Tulsa, Oklahoma.

OTHER BUSINESS:

PUD 410-A: Detail Landscape Plan and Waiver of Installation for Area B
East of the SE/c of 36th & Yale (The Little Light House)

Staff Recommendation:

Staff has reviewed the Detail Landscape Plan for the Little Light House and finds it to be in conformance with the PUD conditions, with the following clarification: The fence along the east and south boundaries must be a 6' tall screening fence. With this clarification, Staff recommends **APPROVAL** of the Detail Landscape Plan for Area B of PUD 410-A.

PUD 410-A (The Little Light House) - Cont

The applicant is also requesting a waiver of the requirement that the landscaping and screening fences be installed prior to issuance of an Occupancy Permit. The Little Light House wishes to occupy the building immediately and install the landscaping and screening fences over a period of time depending upon the degree of success of a campaign for landscaping material donations.

Staff feels that due to the nature of the charitable organization, immediate occupancy is very important and would, therefore, recommend **APPROVAL** of the waiver and imposition of a deadline of July 1, 1990 for installation of all landscaping materials and screening fences proposed in the approved Landscape Plan.

Comments & Discussion:

Mr. Jim Stanton, Chairman of the Board of Directors of The Little Light House, submitted a letter to the TMAPC regarding the Landscape Plan and the request for waiver of the installation requirement. Mr. Stanton discussed the July 1st deadline, stating they were already in the process of trying to obtain the materials needed for sod, fencing, landscaping, etc. Mr. Stanton assured the Commission that they would move as expeditiously as possible with meeting the landscaping requirements. In response to the Commission, Mr. Stanton stressed the need for an extended deadline due to financial circumstances, and he explained a sizable donation, which was distributed in segments, would be coming in December. However, he thought there might be some funding available prior to that time. He also pointed out that some of the proposed landscaping would require a fall planting season if they could not meet the spring planting, and that seemed probable due to the current lack of funds for materials.

Staff commented they felt 90 days would be appropriate time limit in order to allow for any unexpected delays. Mr. Carnes commented that, as planning commissioners, they had no choice but to place a deadline. He suggested December 1, 1990 as the completion date with the understanding that the fencing would be first priority. Mr. Stanton indicated they could have everything in by July 1st except the trees. Therefore, Mr. Carnes moved for approval of the Detail Landscape Plan with the screening fence and smaller landscaping (everything except the trees) in place by July 1st, and the balance completed by December 1, 1990. Mr. Coutant stated support of the motion as stated only because this was a charitable organization; otherwise, he would not have given this favorable consideration. Ms. Wilson requested Staff report back to the TMAPC after July 1st as to the progress of the landscaping and fencing.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to **APPROVE** the **Detail Landscape Plan and Waiver of Installation Request (prior to occupancy) for PUD 410-A The Little Light House**, subject to the fencing and smaller landscaping being in place by July 1, 1990 with the balance (trees) installed by December 1, 1990.

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REVIEW OF THE CITY OF TULSA
FY 90 CAPITAL IMPROVEMENTS PROGRAM (CIP)
TO DETERMINE CONFORMANCE WITH THE COMPREHENSIVE PLAN

Comments & Discussion:

Ms. Dane Matthews, INCOG, advised the CIP requests have been reviewed by the Comprehensive Plan Committee, and she presented an overview as previously outlined in a memo to the TMAPC members.

Mr. Pat Connelly, Department of City Development, repeated the recommendation of the Comprehensive Plan Committee for approval as to conformance with the Comprehensive Plan. Mr. Connelly noted these were fairly routine and contained nothing out of the ordinary.

In regard to the Department of Stormwater Management (DSM) items included in the CIP, Mr. Carnes stated that, since DSM had their own tax levy, he could not support having their projects listed as a part of the CIP. Therefore, he would be voting against any motion for approval if DSM was included. As Chairman of the Comprehensive Plan Committee, Mr. Coutant explained that the Committee had received a full description of the DSM project, an engineering study, required by federal law, "which was functional, usable and needed by the City for the purpose of coming to grips with some of the stormwater CIP projects that were undoubtedly needed to start addressing some of the problems with the stormwater system." He advised the Comprehensive Plan Committee voted unanimously to approve because "we became convinced that it was appropriate even though it is a 'soft cost' being an engineering study."

Mr. Terry Wilson, Planning District 6 Chairman, spoke on concerns with Phase III of the Audobon Creek Channel project, and he requested assurance that this project was on the CIP list. Mr. Wilson advised he had letters from Charles Hardt and Pat Connelly supporting the urgency of completing this phase of the project.

Mr. Doherty advised that, if this project was not on the list, the TMAPC did not have any authority to add or delete projects from the CIP list. The TMAPC's role was only to review the proposed projects for conformance with the Comprehensive Plan. Mr. Connelly confirmed Mr. Doherty's statement and added that the mentioned letters were in support of completion of Phase III which would need to be reviewed and/or addressed by the City Council, who was the proper authority to consider Mr. Wilson's request.

TMAPC ACTION: 8 members present

On **MOTION** of **DRAUGHON**, the TMAPC voted 6-1-1 (Coutant, Doherty, Draughon, Rice, Wilson, Woodard, "aye"; Carnes, "nay"; Paddock, "abstaining"; Kempe, Parmele, Randle, "absent") to **FIND** the **FY 90 Capital Improvements Program as being in conformance with the Comprehensive Plan.**

NEW BUSINESS:

REQUEST TO THE TMAPC: Call a public hearing to receive comments on a proposed enlargement of a Homeland Store (formerly Safeway) at the northwest corner of East 15th Street and South Yale Avenue which would require modification to a District Court Journal Entry affecting the property.

Comments & Discussion:

Staff advised the applicant has requested notification of the public hearing to property owners within 300' of the subject tract.

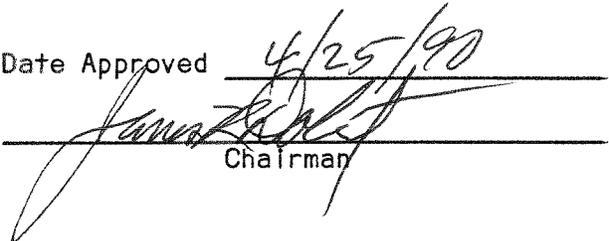
Mr. Charles Norman, attorney for the applicant, reviewed the 25 year history of the zoning action on this site and the related court action and order. Mr. Norman advised he has filed a motion in District Court for a modification of the previous court order to permit renovation and expansion of the grocery store. He requested this matter be set for a regular public hearing with notice to the property owners, and suggested a May 9th hearing date. After consulting with Legal Counsel, Mr. Linker stated this matter may not have to meet the standard statute requirements since this was under a court order. Therefore, Staff could send a ten day notice rather than the usual 15 or 20 days as done with some zoning items. Discussion followed on notification to property owners.

Mr. Carnes moved to set this matter for public hearing on May 9th (four weeks) with notification to property owners within 300' as requested. Mr. Doherty confirmed notification would include the posting of a sign, in addition to the mailing of notice. Mr. Norman further elaborated as to this process through court order compared to a zoning change.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the TMAPC voted 7-0-1 (Carnes, Doherty, Draughon, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; Coutant "abstaining"; Kempe, Parmele, Randle, "absent") to SET a **Public Hearing for May 9, 1990** as requested and outlined above, with notification of said hearing to property owners within 300' of the subject tract, and the posting of a sign on the property giving notice.

There being no further business, the Chairman declared the meeting adjourned at 2:59 p.m.

Date Approved 4/25/90

Chairman

ATTEST:

Art Draughon
Secretary

