

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2281

Wednesday, July 25, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes	Midget	Beach	Boulden, Legal
Harmon	Selph	Dunlap	
Hill		Huntsinger	
Horner		Matthews	
Jackson		Stump	
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 23, 2001 at 10:20 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of July 11, 2001, Meeting No. 2279**

On **MOTION** of **HORNER**, the TMAPC voted 7-0-1 (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; Pace "abstaining"; Midget, Selph "absent") to **APPROVE** the minutes of the meeting of July 11, 2001, Meeting No. 2279.

### REPORTS:

#### **Chairman's Reports:**

Mr. Westervelt reported that the minor amendment PUD-187-21, located 7227 East 65<sup>th</sup> Place, has been withdrawn by the applicant.

Mr. Westervelt stated that if the subject case were heard at a later date, the staff would readvertise and notify the interested parties.

**Committee Reports:**

**Rules and Regulations Committee**

Mr. Westervelt reported that the Committee met today and discussed consolidating the committees into worksessions. He explained that it has been difficult to have a quorum for each individual committee and the Chair would have to appoint new members at each worksession. The proposal is more closely related to the actual way the Planning Commission functions.

Mr. Horner stated that he would like to see that a chair is still appointed to the committee.

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**Director's Report:**

Mr. Stump reported that there are no zoning items on the City Council agenda for Thursday, July 26, 2001; however, Jerry Ledford, Sr. is on for reappointment and Stacey Bayles is on as a new appointee to the Planning Commission.

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**SUBDIVISIONS**

**PLAT WAIVER:**

**PUD 570-A - (2683)** (PD-26) (CD-8)

**Location:** North of the northwest corner of 111<sup>th</sup> and Memorial

**Staff Recommendation:**

A major amendment to the PUD was approved earlier this year to add drive-in restaurants as a permitted use. The property is being developed for a Sonic Drive-in Restaurant. The major amendment triggered the platting requirement.

Southern Crossing Second subdivision plat was approved in November 2000. There have been no significant changes since the plat was filed. The addition of drive-in restaurants probably has no effect that would make it necessary to replat this lot.

***The following information was provided at the TAC meeting of July 5, 2001.***

**STREETS:**

*Public Works, Transportation: No comments.*

*Public Works, Traffic: No comments.*

**SEWER:**

*Public Works, Waste Water: No comments.*

**WATER:**

Public Works, Water: No comments.

**STORM DRAIN:**

Public Works, Storm Water: The detention pond provided is temporary. Collect storm water on-site and tie to existing storm drain.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No comments.

Based on the requirements stated above and the answers to the checklist below, staff recommends **APPROVAL** of the request for plat waiver with the following conditions:

- 1. Applicant must record an amendment to the restrictive covenants incorporating the changes of the major amendment.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

4. Is right-of-way dedication required to comply with major street and highway Plan?	X
5. Will restrictive covenants be filed by separate instrument?	X
6. Infrastructure requirements:	
a) Water	
i. Is a main line water extension required?	X
ii. Is an internal system or fire line required?	X
iii. Are additional easements required?	X
b) Sanitary Sewer	
i. Is a main line extension required?	X
ii. Is an internal system required?	X

- iii Are additional easements required? X
- c) Storm Sewer
  - i. Is a P.F.P.I. required? X
  - ii. Is an Overland Drainage Easement required? X
  - iii. Is on site detention required? X
  - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? X

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the plat waiver for PUD-570-A, subject to conditions as recommended by staff.

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life. Homeowners need to feel protected by the Zoning Code and not worry, in older neighborhoods, that the home next door might become a business, an office or parking lot at any time.

**TMAPC Comments:**

Ms. Pace asked Ms. Nicklas how easy she finds the matrix to read and a little bit about her background. In response, Ms. Nicklas stated that she has a little planning background and she has observed applicants presenting their zoning change to the Planning Commission by using the Zoning Matrix.

Ms. Pace asked Ms. Nicklas if she thought the term “may be found” introduces an expectation of subjectivity. In response, Ms. Nicklas stated that she feels the term introduces an expectation that the use would be allowed.

On a **MOTION** of **CARNES** to recommend **APPROVAL** of the amendment to the Zoning Matrix to designate PK and OL zoning categories as “may be found” in accord in the Low Intensity-Residential Land Use plan categories as recommended by staff.

**TMAPC Comments:**

Mr. Harmon asked Mr. Boulden if there is any legal significance to “may be found”. In response, Mr. Boulden stated that this is a management tool for planning professionals, as opposed to the legal profession. Mr. Boulden further stated that it is a factual argument that could be made by developers or people opposing a development. Mr. Boulden concluded that the proposal hasn't any real legal significance.

Mr. Jackson stated that he agrees with Legal's opinion that this is a management tool.

Ms. Pace stated that the staff is the only paid source the Planning Commission has to enforce the Zoning Code. Staff can go back and do the task that the Planning Commission hands to them. If staff has to change the zoning in a district then they can do that. The rest of the people who are involved in this are volunteers from the community and volunteers who sit here. She commented that the Zoning Matrix is difficult to read and it is confusing. To change this matrix is a way to not look at the entire matrix. The Zoning Code is due an overhaul or replacement and there is no funding to this. She reminded the Planning Commission that she had moved to have this proposal to come before the Planning Commission for consideration, only if it would be heard in September. She stated that she would like to see this matter continued to at least the third week in September in order to have time to look at it and it apply to some of the examples in the neighborhoods. In large areas where PUDs are regularly applied, it doesn't have the same ramifications as it does in neighborhoods that are struggling to keep people from moving out to the suburbs. The neighborhoods in the inner city are being eroded and this is one

less tool that they would have. Ms. Pace concluded that she sees no reason to change the Zoning Matrix, but staff can do it and they are paid to do so. She commented that this is one more blow to the neighborhoods.

Ms. Pace stated that she would like to amend the motion to continue this proposal to the third week in September.

Ms. Westervelt asked Mr. Carnes if he would like to reconsider his motion. In response, Mr. Carnes answered negatively.

Mr. Westervelt stated that he disagrees that the Zoning Matrix is hard to understand. He directed staff to consider this issue for the next budget and work program, but he doesn't see that it really makes any impact on this decision today.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **6-2-0** (Carnes, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; Hill, Pace "nays"; none "abstaining"; Midget, Selph, "absent") to recommend **APPROVAL** of the amendment to the Zoning Matrix to designate PK and OL zoning categories as "may be found" in accord in the Low Intensity-Residential Land Use plan categories as recommended by staff.

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**Amending the Major Street and Highway Plan Map, a Part of the Comprehensive Plan for the Tulsa Metropolitan Area**

**Staff Recommendation:**

Proposed amendment of the Major Street and Highway Plan Map to redesignate that portion of West 23<sup>rd</sup> Street, between Southwest Boulevard and the western edge of the 23<sup>rd</sup> Street Bridge, as an urban arterial.

Mr. Stump stated that this is an area of 23<sup>rd</sup> Street that runs along the bridge and then turns into 21<sup>st</sup> Street. He explained that 21<sup>st</sup> Street was downgraded on the east side of the river to an urban arterial. The current right-of-way between Jackson and Southwest Boulevard is 80 feet and the City has no plans to widen or acquire more right-of-way, and an urban arterial cross section would fit better to that 80 feet. He indicated that the Public Works Director has recommended that this downgrading or change in designation on the Major Street and Highway Plan be done from secondary to urban arterial.

**There were no interested parties wishing to speak.**

**ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-388-B-3**

**MINOR AMENDMENT**

**Applicant:** Jeffrey Lower

(PD-18) (CD-8)

**Location:** North of northwest corner of East 71<sup>st</sup> Street and South Trenton

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow an existing two-story building to have a 9'6" setback from the north property line. The site requires a ten-foot setback from the north property line per the approved PUD.

Staff can recommend **APPROVAL** of the 9'6" setback as requested to facilitate the existing structure. There appears to be no harmful consequence to surrounding uses in this office district.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the minor amendment for PUD-388-B-3 as recommended by staff.

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**OTHER BUSINESS:**

**APPLICATION NO.: PUD-648**

**DETAIL SITE PLAN**

**Applicant:** Roger Taylor

(PD-8) (CD-2)

**Location:** Northeast corner of West 71<sup>st</sup> Street and Highway 75 South

**Staff Recommendation:**

The applicant is requesting detail site plan approval for The Tulsa Spine Hospital. A 25-foot high, 76,889 square foot, 23-bed facility is proposed. The use proposed is in conformance with the adopted Planned Unit Development standards for PUD-648, Development Area A.

The site plan proposed meets the development standards for the PUD including parking, and setback requirements. Staff can recommend **APPROVAL** of the detail site plan as submitted.

**Note:** Detail site plan approval does not constitute landscape or sign approval.

**There were no interested parties wishing to speak.**

The applicant indicated his agreement with staff's recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-648 as recommended by staff.

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**PUBLIC HEARING ON POSSIBLE AMENDMENTS TO THE COMPREHENSIVE PLAN**

**Amending the Zoning Matrix, A Part of the Comprehensive Plan for the Tulsa Metropolitan Area**

**Staff Recommendation:**

Proposed amendments of the Zoning Matrix to designate PK (parking) and OL (light office) zoning categories as "may be found" in accord in the Low Intensity-Residential Land Use plan categories.

Ms. Matthews stated that this is a proposed amendment to the Zoning Matrix that has been discussed at committee meetings previously. She explained that the proposal would place the PK and the OL as "may be found", which would not be an automatic approval, but would indicate that these zonings might be feasible to locate in the Low Intensity-Residential areas. Staff has found in the past that these two zonings are compatible because offices hours are usually 8:00 a.m. to 5:00 p.m. when most residents are out of their neighborhood. This would also give the residents an opportunity to work in their homes and this would play into some of the results of the Infill Study.

Staff recommends **APPROVAL** of the PK and OL designations as "may be found" in the Low Intensity-Residential designated areas.

**TMAPC Comments:**

Mr. Carnes stated that he would call this a housekeeping item because this is something that the Planning Commission has considered doing for approximately 15 years. He commented that it is time to do this.

Mr. Westervelt asked staff to explain the difference between may be found and the current designation. In response, Ms. Matthews explained that staff reviews all zoning applications on a case-by-case basis, which includes a visit to the site, review of the surrounding zoning patterns and activities in the subject area, and if it is in accord with the Comprehensive Plan. Ms. Matthews stated that an application for office use adjacent to single-family residential today might be



recommended for denial by staff, but if the Planning Commission were to be inclined to approve the application, staff would request to be directed to amend the Comprehensive Plan to reflect the change. Ms. Matthews explained that if the proposal to amend the designation to "may be found" were approved, that same application would be reviewed with the same criteria as before, but more than likely have a more favorable recommendation from staff, and the Planning Commission wouldn't have to direct staff to amend the Comprehensive Plan. Mr. Westervelt stated that, in other words, the amendment to the Zoning Matrix would eliminate the need to amend the Comprehensive Plan each time an application like this would come in.

Mr. Stump stated that the proposal would prevent the Planning Commission from having to take the residential overlay from the piece of property and make it Low Intensity, No Specific Land Use. It could stay as it was displayed and the zoning would still be in conformance with the plan.

Mr. Westervelt stated that the application would still come before the Planning Commission. In response, Mr. Stump stated that all of the processing would be the same and the only change would be that the case report would state "may be found" in conformance with the Plan. Mr. Stump explained that the application would be reviewed to see if it is compatible, and to identify the streets, the zoning, etc., before making a recommendation for or against. Mr. Stump stated that the proposal would not automatically approve a PK or OL, no matter where it is located. Mr. Stump commented that the Planning Commission has been recommending in a number of cases zoning that is contrary to the Comprehensive Plan, and then it requires a housekeeping amendment to the Comprehensive Plan to make the new zoning in conformance.

Mr. Stump stated that the proposal would reflect that, in fact, the low intensity-residential areas may be appropriate for parking or office zoning.

Mr. Westervelt stated that the Planning Commission currently uses OL as one-story buffer against residential.

Mr. Stump stated that the OL is the most popular buffer with the single-family residential. In response, Mr. Westervelt mentioned that mini-storage is a favored buffer too. In response, Mr. Stump stated that residences are usually hesitant about mini-storages because of the word "storage".

Mr. Westervelt asked how this proposal would work if someone comes in with an OL/PUD application and would like a two-story office building next to residential. In response, Mr. Stump stated that when a PUD application is on top of an area zoned OL, the applicant has the opportunity to propose multiple-story office buildings; however, that does not mean it would get approved if it is not compatible with the area.

Mr. Westervelt stated that the reason for the proposal is to avoid doing administrative Comprehensive Plan amendments after a zoning decision is made.

Mr. Harmon asked staff if the proposal were approved, would an intrusion in to the neighborhood be less likely or more likely. In response, Ms. Matthews stated that it would remain the same because staff would still review the application with the same physical facts. Mr. Harmon asked if it would be easier to get an approval with the new system. In response, Ms. Matthews stated that in her opinion it would remain the same as the old system. Ms. Matthews stated that regardless if it is considered "may be found" or not, staff still looks at the same physical facts when doing a staff review. Ms. Matthews explained that the proposal would avoid the second administrative plan amendment.

Mr. Stump stated that the proposal would make the Comprehensive Plan better reflect the zoning practices that are going on in the City.

Ms. Pace stated that the zoning would still have to be changed in order to use it as PK or OL. In response, Mr. Stump stated that the proposal is to change the Comprehensive Plan and not change anyone's zoning. Ms. Pace stated that in order to use the proposal, in an R district one would have to change it to an O and it would open it up to all O uses. Mr. Stump stated that the uses by right are office and parking. Ms. Pace stated that with the limitations that are in place, multifamily should not be that offensive, but she is opposed to parking. Mr. Stump stated that the proposal would only change the wording to say that perhaps PK is in accordance with the Comprehensive Plan and it could still be denied if it is not appropriate. Mr. Stump stated that staff would not have to recommend violating the plan as often if the proposal is approved. Ms. Pace stated that she understands.

Mr. Westervelt stated that the staff wouldn't do anything differently when reviewing the applications, but it would mean that the staff would less frequently having to do extra paper work to amend the Comprehensive Plan.

Ms. Pace stated that the Planning Commission does, from time to time, override the staff recommendation. In response, Mr. Stump stated that he would almost guarantee that many times staff would still be recommending against PK or OL in a particular area.

**Interested Parties Comments:**

**Wayne Bohannon**, 10617 East First Street, Tulsa, Oklahoma 74128, representing the Wagon Wheel Association, stated that he is concerned that the neighborhood may not have any say about a parking lot or office building that may be built in their neighborhood. He commented that he is not sure what "may be found" means. He further commented that a neighborhood would not have a way to know in advance what may be planned for their neighborhood.

Mr. Westervelt stated that the proposal would not change the process in which a neighborhood is notified of an application.

Mr. Stump stated that the reason for having a matrix is to give the residents, developers, etc., a guide to what is meant in the Comprehensive Plan. He explained that one can look at the Comprehensive Plan and there is an area designated low intensity-residential, then if one looks at the matrix it would say that quite a number of the residential and agricultural districts are in accordance with the plan. If someone wanted to propose to change the zoning to one of those zoning districts, many are in accordance with the plan, so it is compatible with the plan. Then it goes to an "iffy" category, which is called may be found appropriate or may not be found appropriate (circles on the matrix). What "may be found" means is that one has to look at each application on a case-by-case basis for the precise location of the property the applicant wants to rezone, or see what could happen in a resident's own neighborhood. Mr. Stump explained that the iffy category does not mean that it can't be rezoned and be in accordance with the plan, but it doesn't mean one is entitled to it, either. The "may be found" means that staff would have to review the application on a case-by-case basis and then what becomes the most important factor is the surrounding uses or land activities that are around the property under application, the access points, is the piece of property in the middle of the subdivision or on the outskirts of the subdivision, etc. Mr. Stump stated that the applicant is not guaranteed that those zoning categories are appropriate, but there is a possibility that they are. Mr. Stump explained that the next category is zoning districts that are considered not appropriate if the property is designated as low intensity-residential.

Mr. Bohannon stated that he understands the proposal better now. Mr. Bohannon thanked the Planning Commission for explaining the proposal.

**James Mautino**, 14628 East 12<sup>th</sup> Street, Tulsa, Oklahoma 74108, stated that if the Planning Commission wants to change the matrix maybe it would be better to remove the RMH as a "may be found" so that when one goes into there they can better develop the area and say that it gives some security to the people. When the Planning Commission changes this to say "may be found", it becomes an extra burden for the homeowners and associations. This is unfair to the developer as well, because he thinks he can come before the Planning Commission for a "may be found" when in the past he couldn't. Why would the Planning Commission need an amendment to the Comprehensive Plan to allow a minor amendment, housekeeping items.

Mr. Mautino stated that the amendment should go one step further and look at all of the aspects. Let's be fair and have a level playing field for the developers, builders and homeowners.

**TMAPC Comments:**

Mr. Westervelt stated that this issue is not advertised for what Mr. Mautino is suggesting, which is a larger project. This may need to be on the work program for the fiscal year.

Mr. Westervelt asked Mr. Mautino if he understood the reason for the change that is proposed, which the Planning Commission considers a housekeeping amendment. In response, Mr. Mautino stated that if he were a developer and he looks at the Zoning Matrix and it says that he cannot have OL or PK in an area, then it is fair. Mr. Mautino further stated that if the wording changed to "may be found", then the developer would see that he could try it and go through the procedures. Mr. Mautino commented that this would dilute the homeowners' rights. Mr. Mautino explained that homeowners buy homes in RS districts that state it would not allow OL or PK, but now the amendment would change this. Mr. Westervelt stated that he understands what Mr. Mautino is stating, but the City uses OL and PK as a buffer with regularity and then amends the Comprehensive Plan. Mr. Mautino stated that according to the matrix, the OL and PK are not approved in RS-1. In response, Mr. Westervelt stated that Mr. Mautino's statement is incorrect, because the Planning Commission can and does approve OL and PK next to RS-1 as a buffer; however, the only difference is then the Comprehensive Plan has to be modified to reflect the change, and that is considered a housekeeping issue.

Mr. Stump read the other "may be founds" that are in Low Intensity-Residential currently. Under may be found are duplex zoning, townhouse zoning, RM-0 zoning (which is the lowest intensity apartment zoning), RM-1 (which is the medium intensity apartment zoning, up to 25 units with a PUD), manufactured home zoning (which would allow mobile home parks or subdivisions).

Mr. Westervelt stated that the list Mr. Stump just recited is currently under "may be found" if one looks at what could go into a neighborhood. Mr. Westervelt further stated that if he had the choice between duplexes, townhouses, etc. or OL and PK zoning, he would prefer the OL. Mr. Mautino stated that he would like an explanation of "not found" because what it appears is that it doesn't make any difference. Mr. Mautino further asked why, if the proposal is that minor, it needs to be changed. Mr. Mautino asked the reason for not changing all of them to "may be found" as that would eliminate all of the problems. Mr. Westervelt explained that the Planning Commission did not advertise to amend the Zoning Matrix as a whole, and the only issue is to take care of the housekeeping amendment. Mr. Westervelt stated that this issue could be put on the work program to give some consideration to changing the Use Units as "may be found" in the future.

**Al Nichols**, 8525 East 16<sup>th</sup> Street, Tulsa, Oklahoma 74112, representing Mingo Valley Homeowners Association and the East Tulsa Mingo Valley Association, stated that he sees this as a further attempt to weaken the Zoning Code, which seems to be a prevalent thing that is going on these days. He commented that he does not see any redeeming qualities to making the proposed change, but he does see a possibility to weakening the Code.

Mr. Nichols stated that he does not accept the fact that the proposal would not make it easier for someone to come in and over-develop a low intensity area. This is opening the door to further deterioration of neighborhoods. He commented that there seems to be a lot of confusion of what is attempting to be accomplished. He suggested that the proposal be denied.

**Michael Bates**, 4727 East 23<sup>rd</sup> Street, Tulsa, Oklahoma 74114, stated that he thought there was a request for a continuance on this issue until September, and his neighborhood association would like the opportunity to deal with the potential implications.

Mr. Bates stated that he understands that the proposal makes no difference in the way the staff and the Planning Commission evaluate individual zoning cases. He indicated that by making this change it would eliminate the Low Intensity-Residential plan category because it becomes identical, in this Zoning Matrix, with the low intensity, no specific use category. What may be more appropriate is to redesignate these boundary areas where the Planning Commission is likely to approve these sorts of things as Low Intensity-No Specific Use and reserve the Low Intensity-Residential category for residential-low intensity uses. Mr. Bates stated that if the Planning Commission wants to reflect the zoning practice, which is what he understands to be the motivating force behind this, that it would make more sense to use that approach than to eliminate the Low Intensity-Residential designation.

**TMAPC Comments:**

Ms. Pace asked Mr. Bates if he thought the Zoning Matrix was an easy tool to help the neighborhood advocates understand what may be going on in their neighborhood. In response, Mr. Bates stated that the Zoning Matrix is not an easy tool and by blurring the two categories it would make it even harder for someone to know in a given situation if this kind of zoning is likely or not likely to be approved by the Planning Commission. Mr. Bates explained that when one invests in a piece of land, either for residential purposes or non-residential purposes, one wants to know what the current zoning and the surrounding zoning is and what the potential changes are that could come down the road. Mr. Bates stated that the Comprehensive Plan should provide these answers. Mr. Bates suggested that if the Planning Commission knows of areas where they are likely to approve OL and PK zoning, then they should designate those as Low Intensity-No Specific Land Use and reserve the Low Intensity-Residential where the Planning Commission does anticipate would remain residential. Mr.

Bates further suggested that the Low Intensity-Residential be more restrictive than it is today.

Ms. Pace asked Mr. Bates if the special district would be a better way to get a handle on the mixed uses in the City. Mr. Westervelt reminded Ms. Pace that the Planning Commission is not advertised to discuss anything except the PK and OL proposal. Mr. Bates stated that if the Planning Commission is considering a change, then it has to be considered in the entire Zoning Matrix. Ms. Pace stated that she is trying to get to some place that the staff seems to feel they can't go and everyone is saying that this is not a good idea. Mr. Westervelt stated that there are five speakers today and so far they have pointed out some other changes that the Planning Commission may want to make, but there has not been an overwhelming opposition. Mr. Westervelt further stated that the interested parties are finding out today that what the Planning Commission wants to do is very insignificant.

Mr. Westervelt stated that he feels that the way the matrix reads today is unfair. Mr. Westervelt further stated that the proposal better reflects what could happen in a Low Intensity-Residential area and is better protective to the residents. In response, Mr. Bates stated that if the concept is to give everyone fair warning, then maybe the best thing to do is to consolidate the entire matrix into one line, which would have zeroes all the way across. In response, Mr. Westervelt stated that he wouldn't want to do that because the Planning Commission does not approve some things. Mr. Westervelt further stated that perhaps the matrix should be looked at again in the near future.

Mr. Stump stated that Mr. Bates's comments would probably be a more honest way of configuring the matrix, but it would take an intensive amount of staff time to examine all the parcels throughout the City of Tulsa that would be appropriate to change from Low Intensity-Residential to Low Intensity-No Specific Land Use. Mr. Stump explained that at the staffing levels available today, it could not be done and changing the Zoning Matrix is the only thing possible right now.

**Janice Nicklas**, 122 East 25<sup>th</sup> Street, Tulsa, Oklahoma 74114, representing the Riverside Alliance of Maple Ridge, stated that she is very concerned about the proposed change. She commented that she does not see the change as a housekeeping amendment. She stated that when someone is applying to change the zoning, they use the Zoning Matrix as their beginning argument on why their zoning request should be approved. This is something that needs a lot of study and it would cause problems for fragile and stable residential neighborhoods.


Ms. Nicklas stated that if this proposal were approved, the number of requests for zoning changes would increase, which the Planning Commission would have to consider on a case-by-case basis. Ms. Nicklas explained that residents make investments in the home, which often is the major investment they make in their


**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to recommend **APPROVAL** of the amendment of the Major Street and Highway Plan Map to redesignate that portion of West 23<sup>rd</sup> Street between Southwest Boulevard and the western edge of the 23<sup>rd</sup> Street Bridge as an urban arterial as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date Approved: 8-15-01  
  
Chairman

ATTEST:   
Secretary

