

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1684
Wednesday, February 10, 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
Doherty, 2nd Vice- Chairman	Kempe	Gardner	Counsel
Draughon	Paddock	Setters	
Harris	Parmele		
Wilson	VanFossen		
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 9, 1988 at 10:38 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 2nd Vice-Chairman Doherty called the meeting to order at 1:34 p.m.

MINUTES:

Approval of Minutes of January 27, 1988, Meeting #1682:

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Harris, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Paddock, Parmele, VanFossen, "absent") to **APPROVE** the **Minutes of January 27, 1988, Meeting #1682**.

REPORTS:

Report of Receipts & Deposits for the Month Ended January 31, 1988:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Harris, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Paddock, Parmele, VanFossen, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended January 31, 1988**.

ZONING PUBLIC HEARING:

Application No.: CZ-163

Present Zoning: RS

Applicant: Knigge

Proposed Zoning: CH

Location: South of the SE/c of North Peoria Avenue & East 73rd Street North

Date of Hearing: February 10, 1988

Presentation to TMAPC by: Mr. W. Knigge, 7306 E. 116th St. N., Collinsville

Relationship to the Comprehensive Plan:

The District 24 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Commercial.

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

Staff Recommendation:

Site Analysis: The subject tract is .65 acres in size and is located south of the southeast corner of North Peoria Avenue and East 73rd Street North. It is nonwooded, flat, contains single-family residential use, and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north, south and east by single-family dwellings zoned RS; and on the west, across Peoria Avenue, by an automobile salvage zoned IL.

Zoning and BOA Historical Summary: Previous zoning actions have permitted industrial zoning on the west side of North Peoria Avenue and permitted a maximum of CS medium intensity zoning on the east side.

Conclusion: Although the Comprehensive Plan designates the property for commercial use, Staff cannot support the high intensity CH designation. Staff could, however, support a commercial intensity less than CH and more compatible with the existing zoning.

Therefore, Staff recommends **DENIAL** of the requested CH designation and **APPROVAL** of CS zoning in the alternative.

Applicant's Comments:

In reply to Commissioner Harris, Mr. W. Knigge confirmed the property to the north was not part of the subject application as it was under different ownership. Mr. Knigge advised he intended to construct a building for sale of mobile home parts and supplies. He stated the building would be approximately 30' x 60' and have a sandstone facade so as to be compatible with the neighborhood. Mr. Knigge added that a fence would be installed around the structure.

Commissioner Harris commented the County Commissioners usually had a problem with applications dealing with interior lot zoning, and that the last zoning matter in this area was denied by the County Commission mainly due to it being interior zoning.

CZ-163 Knigge - Cont'd

In reply to Mr. Draughon, Mr. Knigge stated CS zoning would be satisfactory for his needs. Mr. Gardner further clarified for Mr. Draughon that, should the applicant want to sell or repair mobile homes, then he would need CG zoning. However, for retail sales of mobile home parts, CS zoning was adequate.

Interested Parties:

Mr. Robert Warnick (7241 North Peoria, 74126), property owner to the south of the subject tract, commented he was not particularly objecting to this application, but to the commercial development in this entire area, i.e. junk yards, etc. Mr. Warnick pointed out that there was more residential remaining than commercial, and those commercial uses that have gone in were not really benefitting this part of Tulsa. He reiterated that he was not necessarily opposed to this application, but he requested more care be given to planning along this portion of Peoria.

Mr. Doherty suggested Mr. Warnick get in touch with the District 24 Planning Team chairman regarding concerns about the general development in this area and work through the Planning Team.

Review Session:

Ms. Wilson confirmed this application was in an area proposed as a Special District - Commercial, and she inquired as to the boundaries of this district on the planning map. Mr. Gardner advised that, when the district plan was originally adopted, the commercial area ended at 66th Street North. However, over a period of time, zoning had been approved so that the commercial deviated from the nodes and began to expand up and down Peoria so that the area to 76th Street North was added as a business district. Mr. Gardner added that through the planning team, the business district was eventually expanded so as to resemble a T-shape, and the commercial was not limited to the intersections. Mr. Gardner commented that, over the years, some nonconforming uses have remained and some illegal uses have developed in this area.

In reply to Ms. Wilson regarding the IL zoning across the street from the subject tract, Mr. Gardner confirmed there was a salvage yard in full operation that looked like any other salvage operation, even though at one time it was to have been a very selective operation for storage of damaged vehicles only. Commissioner Harris confirmed the IL zoning to the west was the lot that had line after line of older cars.

In answer to Mr. Carnes regarding the submission of a PUD, Mr. Gardner advised that this was not in an area that required PUD's under the Comprehensive Plan; therefore, this could not be zoned subject to a PUD. Mr. Gardner further commented that, in this particular situation, there were several single-family homeowners who lived along and faced Peoria and who were basically "stuck" with the hope that they might someday get the opportunity to sell their property for commercial. He reiterated the difficulty of dealing with applications in this area, as there was a commercial or business establishment on almost each block intermingled with the residential along Peoria Avenue.

Considering Staff's recommendation for CS zoning, Mr. Doherty inquired if there were any use units that Staff might find objectionable on the subject tract. Mr. Gardner stated that there were specific uses that could be objectionable to the residential properties, i.e. a club or bar. He added that the problem arose from the fact that the Comprehensive Plan called for commercial and not single-family residential, yet residential was already in place. Mr. Doherty asked if Staff anticipated any further modification to the Plan along this area. Mr. Gardner commented that he could not foresee a change because "the die is cast". He remarked that, if there was a block that was totally residential or that did not have commercial across the street, then a restriction might possibly be placed on future commercial development.

In reply to Mr. Draughon, Mr. Gardner advised the applicant would be required to install a six foot solid screening fence on the north, east and south under CS zoning, if approved. Therefore, Mr. Draughon stated favor for the CS zoning.

Commissioner Harris advised he would be abstaining from the vote at this time, since this would be coming before the County Commission for review. He stated he would also take a closer look at the site and area before the County Commission hearing. Commissioner Harris commented that the County Commissioners share the quandary as to how best to handle zoning in this area, and they have occasionally directed the County Inspector to check the use of each of the zonings approved along this mile of Peoria, and several violations have been found.

Mr. Carnes moved for approval of CS zoning as recommended by Staff. Ms. Wilson advised she would be voting against the motion since the subject tract was surrounded on three sides by residential, and she did not feel the IL zoning to the west should have an overbearing persuasion on approval of CS.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **4-1-1** (Carnes, Doherty, Draughon, Woodard, "aye"; Wilson, "nay"; Harris, "abstaining"; Crawford, Kempe, Paddock, Parmele, VanFossen, "absent") to **APPROVE CZ-163 Knigge for CS zoning**, as recommended by Staff, and **DENY CH zoning**.

Legal Description:

The north 75' of the south 155' of the east 190', Lot 6, Block 6 GOLDEN HILL ADDITION, and the south 75' of the north 150' of the east 190', Lot 6, Block 6, GOLDEN HILL ADDITION to the County of Tulsa, Oklahoma.

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Application No.: Z-6187 Present Zoning: AG
Applicant: Sumner (Forest Park Development) Proposed Zoning: RS-2
Location: South of the SW/c of East 101st Street & South Sheridan Road
Date of Hearing: February 10, 1987
Presentation to TMAPC by: Mr. E.O. Sumner 8173 East 31st Place (627-4442)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential and Development Sensitive.

According to the Zoning Matrix the requested RS-2 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 24 acres in size and is located south of the southwest corner of East 101st Street South and South Sheridan Road. It is partially wooded, flat, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a church and a single-family residence zoned RS-3; on the east, across Sheridan Road, by single-family dwellings zoned RS-3; on the south by vacant property and single-family dwellings zoned AG and RS-2; and on the west by vacant property zoned AG.

Zoning and BOA Historical Summary: Similar RS-2 zoning has been approved abutting the subject property.

Conclusion: Based on the Comprehensive Plan and prior approval of RS-2 zoning abutting the subject tract, Staff can support the rezoning request. The request represents an orderly transition to the south from the medium intensity corner to low intensity single-family residential.

Therefore, Staff recommends **APPROVAL** of RS-2 for Z-6187 as requested.

For the Record: The subject tract is located outside of the "Sump Area" Special District #2.

Comments & Discussion:

In reply to Mr. Doherty, the applicant confirmed agreement to the Staff recommendation. Therefore, Mr. Woodard moved for approval of the requested zoning.

Mr. Draughon expressed concerns as to the DSM case report which stated fees-in-lieu of detention would be acceptable. He requested Staff follow up with DSM on this, as he thought a fee-in-lieu of detention was no longer permitted. Staff indicated a letter would be drafted to DSM requesting an update on their policy. Ms. Wilson commented this could possibly one of the areas with a Master Drainage Plan under way, which

Z-6187 Sumner (Forest Park Development) - Cont'd

should be coming to Comprehensive Plan Committee in the near future. Mr. Doherty confirmed this to be correct, as the Fry Creek Master Drainage Plan was pending Committee review.

In response to Mr. Draughon, Mr. E.O. Sumner reviewed the drainage proposed for this project, as well as detention ponds in the area that go into Fry Creek. He confirmed that DSM had approved their plans for drainage.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **5-1-0** (Carnes, Doherty, Harris, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Crawford, Kempe, Paddock, Parmele, VanFossen, "absent") to **APPROVE Z-6187 Sumner (Forest Park Development)** for **RS-2 zoning**, as recommended by Staff.

Legal Description:

The east 410' of the SW/4 of the NE/4 of Section 27, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof; and the north 13-1/3 acres of the SE/4 of the NE/4, Section 27, T-18-N, R-13-E, less that certain tract of land described as follows to-wit: Beginning at the point 352' south of the northeast corner of said 40 acres as a place of beginning and thence west, parallel with the north line of said 40 acre tract 660' to a point; thence south parallel with the east line of said 40 acres 88' to a point; thence east parallel with the north line of said 40 acre tract 660' to a point in the east line of said SE/4 of the NE/4; thence north along the east line of said subdivision 88' to a place of beginning; the land herein conveyed being 12 acres, more or less, and situated in Tulsa County, Oklahoma, according to the US Government Survey thereof.

OTHER BUSINESS:

PUD 414-5: 3505 South Yorktown Place, Lot 9, Kennebunkport

Staff Recommendation: Minor Amendment of Rear Yard Setback

The subject tract is irregular in shape, located on a cul-de-sac and has underlying zoning of RS-2 and PUD 414 which has been approved for single-family detached development. The applicant is requesting relief on the rear yard (north) setback from 20 feet to 16 feet. Similar minor amendments of the PUD for setbacks have been approved for the development. Lot 10, which abuts the subject tract to the west, received a minor amendment of the rear yard from 20 feet to 15 feet (PUD 414-3). Notices were mailed to all interested parties that spoke at the original PUD hearing. The applicant and his company own all abutting property.

PUD 414-5 Minor Amendment - Cont'd

After review of the applicant's submitted plot plan, Staff finds the request to be minor in nature and consistent with the original PUD. Staff can support the requested 16 feet rear yard based on previous actions, irregular lot shape, and that the subject tract is bounded on the north by a 50 foot wide Reserve "A" detention area.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 414-5, per plot plan submitted.


TMAPC ACTION: 6 members present

On **MOTION** of **HARRIS**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Harris, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Paddock, Parmele, VanFossen, "absent") to **APPROVE** the **Minor Amendment to PUD 414-5**, as recommended by Staff.

There being no further business, 2nd Vice-Chairman Doherty declared the meeting adjourned at 2:06 p.m.

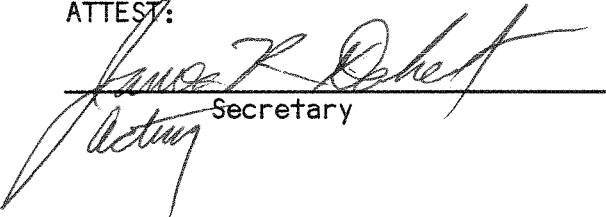
Date Approved

2-24-89



Chairman

ATTEST:


Secretary

