

TULSA METROPOLITAN AREA PLANNING COMMISSION
 MINUTES of Meeting No. 1448
 Wednesday, March 23, 1983, 1:30 p.m.
 Langenheim Auditorium, City Hall,
 Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Gardner	Benjamin	Chisum	Linker, Legal Dept.
Higgins	Draughon	Gardner	
Hinkle, Secretary	Miller	Jones	
Kempe, Chairman	Petty	Wilmoth	
C. Young, 1st Vice-Chairman	Inhofe		
T. Young			

The notice and agenda of said meeting were posted in the office of the City Auditor, Room 919, City Hall, at 10:15 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Kempe called the meeting to order at 1:55 p.m.

MINUTES:

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Inhofe, "absent") to approve the minutes of March 9, 1983 (No. 1446) and March 16, 1983 (No. 1447).

REPORTS:

Chairman's Report:

Chairman Kempe reminded the Commission there will be an orientation meeting next Wednesday in the fourth floor conference room of the INCOG Offices.

Director's Report:

Mr. Wilmoth of the INCOG Staff presented copies of a letter from the Regional Metropolitan Utility Authority (RMUA) requiring the Staff to include a special paragraph on the face of plats (Exhibit "A-1"). This language would need to be included on any plat within the Haikey Creek Treatment Plant service. A meeting was recently held with the City Attorney and the Attorney for the City Water and Sewer Department and the attorneys recommended the language as specified in the letter.

If all the subdivisions that have been approved within the Haikey Creek Treatment Plant area were completed, the Plant would be at capacity. At the present time, the Plant is more than able to handle the developed areas and the capacity will not be met for a year. The recommended paragraph would state that, "The filing of this plat does not guarantee that connections will be permitted to the Haikey Creek Wastewater Treatment Plant. The owner of each lot is responsible for obtaining from the (Superintendent of Waterworks and Sewerage in Tulsa) (City Engineer of Broken Arrow) a connection contract and/or connection permit, certifying to capacity.

OFFICIAL RECORD: EXHIBIT "A"
 ENTERED IN THE 4/6/83
 MINUTES OF THE TULSA METROPOLITAN
 AREA PLANNING COMMISSION

Director's Report: (continued)

If capacity is not available, connection of the lot will not be permitted". This recommendation has been before the City Water and Sewer Engineering Department and is presented to the Planning Commission as a matter of information only.

Commissioner T. Young did not think this paragraph is necessary, since the developer would have to get Health Department and Water and Sewer Department approval before developing. Mr. Wilmoth explained this is strictly in regard to the Haikey Creek Plant and would not deal with a house on a septic system. A plat can be filed of record, but if this paragraph is on the face of the plat, the developer has been advised there is no guarantee of connection.

Commissioner T. Young felt zoning should not be approved if the utilities are not available because problems always arise. If the City of Tulsa is concerned about subdivision plats being approved in areas where services cannot be provided, why can't the T.A.C. deny the plat.

Mr. Gardner explained this is merely for notice purposes because if all agencies have approved a plat, the plat will be recommended for approval to the Planning Commission. Technically, the City could choose not to connect subdivisions for health and safety reasons, but everyone would be notified well in advance of this possibility with this note on the plat.

Commissioner T. Young could not agree with the language because it allows people to build in an area where the City should not allow more growth.

Mr. Wilmoth noted this originated in the City Water and Sewer Engineering Department and Broken Arrow is also requiring the same language on their plats.

Application No. Z-5805

Present Zoning: RS-1

Applicant: Bob Latch (Burluson)

Proposed Zoning: OM

Location: NE corner of 74th Street and South Lewis Avenue

Date of Application: February 3, 1983

Date of Hearing: March 23, 1983

Size of Tract: 264' x 247.5'

Presentation to TMAPC by: Bob Latch

Address: 2518-A East 71st Street - 74136

Phone: 496-2015

Relationship to the Comprehensive Plan: Z-5805

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested OM District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 1.5 acres in size and located north of the northeast corner of 75th Street and South Lewis Avenue. It is partially wooded, gently sloping, vacant and zoned RS-1.

Surrounding Area Analysis -- The tract is abutted on the north by a single-family dwelling and a small commercial use zoned RS-3; on the east by vacant land zoned RS-1 (TMAPC approved for RD) and proposed as townhouses under a PUD; on the south by a fire station zoned RS-1; and on the west by a doctor's office zoned OM and apartments zoned RS-3 (approved PUD).

Zoning and Board Historical Summary -- There has been BOA action to allow the fire station to the south of the tract. Also, zoning actions that have occurred in the area surrounding the tract have allowed low density condominiums to the north and apartments to the west on a tract zoned RS-3 (PUD). In addition, the ORU Family Practice Center has developed across the street at a lesser intensity than OM zoning would allow.

Conclusion -- The Comprehensive Plan calls for this tract as well as the land north and south of this tract to be low intensity -- residential. At the same time, directly across the street the Plan calls for medium intensity -- no specific land use, low intensity -- no specific land use, and medium intensity -- office. The Staff feels the Plan is inconsistent for these reasons and that the remaining frontage tracts will not be developed as low intensity -- residential. We would recommend that the Comprehensive Plan be amended to low intensity -- no specific land use which would allow as a "may-be-found".

Even though there are some medium intensity zoning districts in the area of the subject tract, most of the actual development has been restricted by PUD conditions, BOA review or developed less than the Code would allow.

Therefore, the Staff would recommend DENIAL of OM and APPROVAL of OL zoning on the subject tract. This would require the applicant to have

Z-5805 (continued)

Planning Commission or BOA review if he wants to use the special exception, which would allow a floor area ratio of .4. The Staff would note this would be consistent with the method of developing the surrounding area and at the same time would allow the applicant almost the same floor area as requested (OL Special Exception - .4 floor area ratio, OM - .5 floor area ratio). Also, the Staff could support a 2-story building height and .40 floor area ratio under a PUD if all other land use relationships were appropriate.

Applicant's Comments:

Mr. Bob Latch is the developer for this property. He pointed out an error in the map to the south of 75th Street, which is shown as RS-1. This is Oral Roberts University and is not developed residential. The OM zoning was requested in order to get the 50% density on the property and a three-story building is proposed. The Board of Adjustment bases decisions on need and does not recognize land cost as a need. In this particular case, the land cost is quite expensive and the density is necessary to make the project economically feasible. The three-story concept is of value to exceed the minimum parking requirements for office. It has been his experience that the minimum required parking by the Code is not sufficient for today's market. The tenants demand more parking. With the OM zoning across the street, the commercial usage to the north and the fire station, the OM is a justifiable request.

Mr. Gardner explained a 3-story building could be permitted with OL zoning and a PUD, but the floor area ratio could not be over the .4 ratio. A strip of OM on the northern portion would allow a .43 or .44 floor area ratio and the applicant is requesting .5 floor area ratio.

Protestant: Mrs. Varley Taylor

Address: 2434 East 72nd Street

Protestant's Comments:

Mrs. Varley Taylor lives in the Esplanade Condominium project. All of the streets within the project are private and there is a wall around the perimeter. All residences within the complex are one-story. The residents have no objection to an office building on the subject tract; however, everything on this side of the street is one-story from 71st Street to 75th Street and the residents object to a building of any greater height. The OM category would permit more than one-story. Any tall building would have an overview of the condominiums. The drawing Mrs. Taylor saw of Mr. Latch's building showed five stories. She did not feel a two-story building would be objectionable and she concurs with the Staff's recommendation.

The traffic is a problem in this area. There are no through streets on the east side of Lewis. There is a supermarket and shopping center across the street. Traffic from the south is heavy going to the shopping center and blocks the exit from the condominium project. She realizes Mr. Latch has no control over the traffic, but felt he should realize this problem exists.

All of the buildings on the west side of the Lewis frontage are one or two-story and many have access to 71st Street or to Lewis Avenue. On the east side, there are no north-south streets until you get to Birmingham Place; all the others dead-end at 71st Street.

Applicant's Comments:

Mr. Latch explained that the Esplanade complex was a rental, apartment complex until about 3 years ago. These are very nice units. The Kensington complex on the southwest corner of 71st and Lewis is a multi-story project. Although it does not go as far east as the Sipes market, it will eventually engulf the market. At one time, there was a back exit to the east out of the Esplanade Condominiums. It has now been covered up. Mr. Latch is familiar with the traffic flow because he has the office building north of the condominiums and one on 71st and Yorktown that is being developed. This is primarily the reasons this area is developing into a high commercial, high density use and the reason for the high land values. He appreciated Mrs. Taylor's comments. The rendering she saw was a three-story building. It would not be possible to get any more stories on this property with the setback requirements and he has no intention of doing so.

Mr. Gardner stated the Staff has no problem with office use on the property but would suggest a lower degree of intensity. There are other tracts in the area that would be affected by this rezoning. With a PUD, the applicant could count half of the abutting street when computing the ratio, plus the street that does not exist and would assumably be vacated someday. The street right-of-way could not be used under straight zoning. The PUD to the east is not developed.

TMAPC Action: 6 members present.

On MOTION of C. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Irnhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned OL:

A tract of land located in the NW/4 of the SW/4 of the NW/4 of Section 8, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, being more particularly described as follows, to wit: Beginning at the Northwest corner of the NW/4 of the SW/4 of the NW/4 of Section 8, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma; thence Due South along the West line of said Section 8 a distance of 247.50' to a point; thence Due East a distance of 264.00' to a point; thence Due North a distance of 247.50' to a point; thence Due West a distance of 264.00' to the Point of Beginning, containing 1.50 acres more or less.

Application No. Z-5806 Present Zoning: AG
Applicant: Melton (Lynch) Proposed Zoning: IL
Location: West of the NW corner of 61st Street and 129th East Avenue

Date of Application: February 9, 1983
Date of Hearing: March 23, 1983
Size of Tract: 3.458 acres

Presentation to TMAPC by: Pat Melton
Address: 1001 Main Street, Court Place Building, Suite 614
Lubbock, Texas 79401 Phone: 806-762-4474

Relationship to the Comprehensive Plan: Z-5806

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 -- Industrial Development encouraged.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis -- The subject tract is approximately 3.5 acres in size and located just west of the northwest corner of 129th East Avenue and 61st Street. It is non-wooded, flat, contains a vacant single-family dwelling and telephone switching station and is zoned AG.

Surrounding Area Analysis -- The tract is abutted on the north and east by the railroad and some industrial uses zoned IL; on the south by vacant land zoned RS; and on the west by industrial uses zoned IL.

Zoning and BOA Historical Summary -- There have been no zoning or BOA actions on the tract or surrounding area that would support a land use decision contrary to the Comprehensive Plan.

Conclusion -- Based upon the Comprehensive Plan designation, the surrounding land uses and the existing zoning patterns, the Staff recommends APPROVAL of the requested IL zoning.

Applicant's Comments:

Mr. Pat Melton explained this rezoning was requested in order to build a warehouse that will be a wholesale distribution center for U. S. Gypsum on the railroad tracks. After discussions with the Staff, the IL zoning seems appropriate. There will be some outside storage that will be fenced. Steel studs and joists have to be kept outside because they are too unwieldy to be stored inside.

Protestants: None.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Inhofe, "absent") to recommend to the Board of City Commissioners that the following described property be rezoned IL:

Z-5806 (continued)

That part of the SE/4 of the SE/4 lying South of the M.K. & T. Railroad Right-of-Way, Section 32, Township 19 North, Range 14 East of the Indian Base and Meridian, according to the U. S. Survey thereof.

application for lot split that would create a title problem. Ordinarily, lot splits do not create title problems and nothing will be held up because the lot splits have already been deeded without approval of the Commission. All the deeds have been exchanged and filed of record.

Mr. Richard Cleverdon, 202 West 8th Street, represents the applicant, Mr. Robert Flaherty. He did not agree that a lot split does not create a title problem. There have been exchange deeds filed by Mr. and Mrs. Flaherty and Mr. and Mrs. Cebuhar. There have been many problems in this area and Mr. Cleverdon has proposed many solutions to these problems. It is mandatory that lot split approval be received by the TMAPC in order to validate the deeds. As to part of the land, it may very well be a valid transaction as to both sets of deeds. Ultimately, to solve the problems in this particular area, there is a significant, genuine need to have a lot split effected. Mr. Cleverdon was not present when the first application was heard, which leaves him uncertain as to what has been said. However, he was present last week when the previous lot split was heard. The needs of Mr. and Mrs. Flaherty have not been solved. The owners transferred to California approximately one-year ago; and, because of the land title descriptions involved, they have been unable to sell their property. This proposal has been approved for title purposes subject to approval by this Commission. The Flahertys have a crisis because the equity company which assists with the management of corporate transfers has an offer open until April 6. The requested continuance would not allow time to complete this transaction. There has been considerable loss to the Flahertys because of this dispute. There were certain comments made last week that need to be cleared up. He would like to have the opportunity in this meeting to make some statements. The technical material before this Commission has long been before the protestants that are present and the protestants who are not here today. This is no surprise. Mr. Hettinger made the statement last week before the Commission that Mr. Bovaird has no objection to the lot split that would benefit the Flahertys. This is in the minutes and is his recollection of the precise language and Mr. Cleverdon has discussed this with Mr. Hettinger on other occasions. The INCOG Staff notified the protestants immediately after the lot split was filed.

Commissioner C. Young commented that urgency has never been an issue during these hearings. He thought Mr. Rupe should have requested the Commission to consider this request last week if that request were denied. Commissioner Higgins remembered that Mr. Main did state during one of the hearings that contracts had been extended three times.

MOTION was made by HIGGINS to hear the request at this time. Commissioner C. Young thought this could be heard first on the agenda on April 6 and the applicant would still have an opportunity to meet the deadline for that date. Mr. Cleverdon advised that Guaranty Abstract is the agent for closing. There will be additional abstracting necessary once it is known the legal description will be acceptable. Merrill Lynch has accepted the legal description for the purpose of this transaction subject to approval of the lot split. Approval by this Commission on the deadline day seems to be insurmountable. Commissioner C. Young felt Mr. Cleverdon should have spoken to the matter

of a deadline at the previous meeting. Mr. Cleverdon apologized for this discrepancy, but the more complex phases of the lot split application were centered around the portion owned by Mr. Rupe. Mr. Cleverdon attended the meeting last week with the agreement he would remain silent except with Mr. Rupe's permission. It was his expectation this item would have been severed from the one presented last week. He did not wish to repudiate this agreement in public, although it places Mr. Cleverdon in a difficult position. Mr. Huckin and Mr. Hettinger were aware that the Flaherty property needed to be sold from previous conversations with Mr. Cleverdon. There would not have been any authority to grant part of the application as it was presented last week and deny the other.

MOTION made by HIGGINS died for lack of a second.

MOTION was made by T. Young, seconded by GARDNER, to continue consideration of this matter for two weeks.

Commissioner C. Young wondered if a special meeting could be called for next week, since the Commission is not set for a regular meeting. Mr. Gardner suggested the orientation session called for next week be interrupted for a short meeting in this auditorium. Commissioner T. Young thought it might be difficult to get a quorum for a special meeting next week.

Commissioner C. Young presented a SUBSTITUTE MOTION that a special meeting be held next week to hear this item. MOTION was seconded by HINKLE.

Commissioner T. Young wondered how this item could have been placed on the agenda so quickly. Mr. Gardner explained this is a prior approval and does not require notice. Because of the uniqueness of the case, the interested parties were notified. An attempt has been made to contact these people.

On MOTION of C. YOUNG, the Planning Commission voted 4-2-0 (Gardner, Hinkle, Kempe, C. Young, "aye"; Higgins, T. Young, "nay"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Inhofe, "absent") to continue consideration of L-15761 for one week when a special meeting will be held at 1:30 p.m., in Langenheim Auditorium, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD #275-SP-2 Jones (HBP, Inc.) SW corner of 91st Street and Yale Avenue

Staff Recommendation - Detail Site Plan:

Planned Unit Development No. 275 is located at the southwest corner of East 91st Street and South Yale Avenue. The total PUD is approximately 56 acres in size and was approved for 13 acres of shopping center and office and 43 acres of residential condominium dwelling units. The applicant is phasing the residential portion of the PUD and is requesting Detail Site Plan approval on the 13.47 acre Phase II.

PUD #275-SP-2 (continued)

The Staff has reviewed the minutes of the meeting concerned with the case, the Development Plan, and the Development Text and compared them to the submitted Detail Site Plan and find the following:

<u>ITEM</u>	<u>APPROVED</u>	<u>PHASE I</u>	<u>SUBMITTED</u>	<u>REMAINING</u>
Net Area:	43.04 sq. ft.	6.39 acres	13.47 acres	23.18 acres
Permitted Uses: Residential Dwelling Units & Accessory Uses				
Maximum No. of Units:	511 units	80 units	120 units	211 units
Maximum Building Height:	26 ft., 2-story	Same	Same	Same
Minimum Livability Area:	23.94 ac.	3.63 ac.	8.38 ac.	11.92 ac.
Minimum Parking Spaces:	1.5 for efficiency, or 1 bedroom; 2 for 2, or more bedrooms (200 required).		280	
Minimum Building Setback				
From centerline of Yale Avenue	110 feet		270 feet	Same
From interior sts.	20 feet		20 feet	Same
From other build- ings	15 feet		15 feet	Same

After review of the submitted Site Plan and the original PUD, the Staff recommends APPROVAL of PUD #275 - Development Area "B", Phase II as submitted, subject to the elimination of the southernmost access to Yale Avenue from the proposed office area. The Staff cannot support two access points to Yale in such close proximity (within 25' of each other).

Therefore, the Staff recommends APPROVAL of Phase II, Development Area "B", subject to the elimination of the southernmost access point for Development Area "A" and recommend the applicant be allowed access from Area "A" into the collector street for Development Area "B", Phase II.

TMAPC Action: 6 members present.

On MOTION of HIGGINS, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Inhofe, "absent") to approve the Detail Site Plan for PUD #275-2, Phase II of Development Area "B", subject to the conditions set out in the Staff Recommendation.

PUD #128-2 Kensington II Amended, Lot 39, Block 3

Staff Recommendation - Minor Amendment:

The applicant is requesting to build a single-family structure which encroaches into the required 20' rear yard by 3'.

After review of the submitted plot plan, the Staff has found the request to be minor in nature and in keeping with the spirit and intent of the original PUD and therefore recommend APPROVAL of the minor amendment as submitted.

PUD #128-2 (continued)

TMAPC Action: 6 members present.

On MOTION of T. YOUNG, the Planning Commission voted 6-0-0 (Gardner, Higgins, Hinkle, Kempe, C. Young, T. Young, "aye"; no "nays"; no "abstentions"; Benjamin, Draughon, Miller, Petty, Inhofe, "absent") to approve the requested minor amendment for PUD #128 as requested.

There being no further business, the Chair adjourned the meeting at 3:05 p.m.

Date Approved April 6, 1983

Cherry Kempe
Chairman

ATTEST:

Scott Young
ACTING Secretary

