

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1633  
Wednesday, **January 14, 1987**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes Doherty, 2nd Vice- Chairman Draughon Kempe Paddock, Secretary Parmele, Chairman Rice VanFossen Wilson, 1st Vice- Chairman Woodard	Crawford	Frank Gardner Lasker Setters	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 13, 1987 at 9:50 a.m., as well as in the Reception Area of the INCOG offices.

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

**MINUTES:**

(No minutes to approve as there was no meeting December 31, 1986.)

**REPORTS:**

**Committee Reports:**

Mr. VanFossen announced the **Comprehensive Plan Committee** had met this date to review the Capital Improvements Program (CIP) and would be meeting again in two weeks for further consideration of this item.

Mr. Paddock advised that at last week's meeting of the **Rules & Regulations Committee**, it was voted to recommend a public hearing be set for an amendment to the Subdivision Regulations in regard to Section 2.4, Final Construction Plans, as relates to providing for an exception wherein the TMAPC may, with the concurrence of the appropriate City/County Department, delay the requirement for approval of final construction plans relating to onsite drainage improvement as a condition of final approval and release of a subdivision plat.

TMAPC ACTION: 9 members present

On MOTION of PADDOCK, the Planning Commission voted 9-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to SET a Public Hearing for Wednesday, February 4, 1987 to consider an amendment to the Subdivision Regulations, Section 2.4, Final Construction Plans, as recommended by the Rules & Regulations Committee.

Mr. Paddock further advised the Rules & Regulations Committee would be meeting again January 21, 1987.

Director's Report:

Mr. Lasker advised INCOG would be starting their budget and program development for the next fiscal year in February and asked the Commission members to submit any ideas or suggestions on any project they would like included in the work program. Mr. Lasker stated the representatives of the Citizen Planning Teams would also be meeting in February to discuss possible work program items.

Mr. Lasker announced that the new Chairman of the Board of the Indian Nations Council of Governments was Mr. Mel Rice, Tulsa County Commissioner.

In reference to a letter received by Chairman Parmele, Mr. Gardner advised the BOA held a hearing to approve a Greyhound Bus Terminal on 11th Street near the Mingo Valley Expressway (BOA 14222). Mr. Gardner stated notice was sent out on this item, and one protestant made an appearance at the hearing who stated his primary concern was exhaust from the buses. The BOA dealt with this concern in their actions and ultimately approved the bus terminal per the plot plan. Mr. Gardner further advised that following the BOA action, the balance of the neighborhood heard about this matter and that prompted the letter(s) to the TMAPC. He advised the interested parties felt like the notice process did not work properly. Mr. Gardner stated that, according to INCOG records, none of the notification letters were returned from the property owners.

Mr. Gardner stated that the notification procedure for BOA and zoning matters was to notify all property owners within 300' and to also notify the Citizen Planning Team Chairman of the District. In this case, the Chairman lives a few miles from this particular site, however, the Co-Chairman lives a couple of blocks from the Terminal. He stated he felt it was incumbent upon the Chairman and Co-Chairman of the Districts to communicate, along with other members of the Citizen Planning Team, their concerns on matters of this nature. Mr. Gardner suggested that at the meeting in February with the Citizen Planning Teams that instances such as this be reviewed, so as to relay the importance of communication in order to get a district more



Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.5 acres in size and located west of the northwest corner of East 61st Street and South Mingo Road. It is nonwooded, flat, vacant and is zoned RS-3. A portion of the eastern part of this tract is located in a designated floodplain area.

**Surrounding Area Analysis:** The tract is abutted on the north by a large barn and horse corral and a single-family dwelling zoned RS-3, on the east by an unoccupied medical clinic zoned CS, on the south by vacant property zoned RM-1 and PUD, and on the west by a single-family subdivision zoned RS-3.

**Zoning and BOA Historical Summary:** Commercial zoning has been permitted to a depth of 660 feet from Mingo Road along East 61st Street, basically at the node.

**Conclusion:** The subject tract is a part of the Woodland View Park 6th Addition and is specified on the plat as, "Reserve 'A' (Drainage Way)." The covenants on the plat state:

"Restricted drainage easements are reserved for overland drainage flow and no fence, wall, planting, aboveground structure or any other obstruction may be placed on said easements, nor may any alteration of grade, filling, or other action be taken that would in any way restrict the flow of surface water across said easement; this covenant shall run to the benefit of and be enforceable by the City of Tulsa."

Staff considers it inappropriate to evaluate the merits of a rezoning application in the face of this covenant and recommends this item be **CONTINUED** a minimum of two weeks (until January 28, 1987) to allow questions of drainage and related matters to be resolved between the City of Tulsa and owner.

Comments & Discussion:

Chairman Parmele advised that the advertising fees had not been paid on this case and there was a legal question that needed to be resolved. Therefore, he requested Staff to update the Commission as to the status of this application. (It was noted for the record that the applicant was not present.) Mr. Gardner advised that, basically, the request was for rezoning property that not only had drainage problems, but the entire property appeared to be located in a drainage easement. He stated that Legal should advise whether the drainage issues should be addressed first, or if the Commission could proceed with the rezoning consideration. Mr. Gardner stated that this was the basis for Staff suggesting a continuation to January 28th.

Mr. Linker first stated that if there were a drainage easement on the property, it would not be affected by changing the zoning. However, the Commission should not want to put the applicant in a position where he possibly could not get financing to do engineering studies, etc. Mr. Linker added that should the applicant indicate that he does not plan to do any engineering work to reclaim any of the property, then there would not be much reason to rezone to OL because the applicant could not proceed with development the way the property now stands. Mr. Gardner expanded on this by stating that should the latter instance prevail, rezoning the property might be premature and the Commission would be placing a zoning classification on a piece of property that had absolutely no utility as long as the drainage easement was in place and there was no way to get it off unless some creek improvements might be made. Mr. Gardner suggested that, should the Commission determine that zoning could be considered, then continue the matter so Staff could go back and review the zoning request.

Mr. Paddock asked Legal if it might be possible to recommend approval of rezoning subject to certain conditions being met in regard to drainage, or would this be an exception to the general rule that the TMAPC should not conditionally zone property. Mr. Linker advised that under the present Zoning Code, the Commission does not have the latitude to impose conditions on straight zoning, as the only time the Commission does have that latitude was in the PUD/CO process. Mr. Paddock then inquired if, through the use of a PUD accompanying this rezoning request, the problem of not allowing conditional rezoning might be circumvented. Mr. Linker stated that reasonable conditions could be imposed during the PUD process, but he was not sure the Commission could accomplish what Mr. Paddock was suggesting, even through the PUD process. Mr. Linker commented that what the Commission had to determine in this situation, was what the applicant intended to do. Mr. Linker clarified that, if the applicant was attempting to improve this piece of property and reclaim part of it, then he did not think the Commission should stand in his way by denying the rezoning. However, if the applicant did not intend to do this, then he suggested the Commission be hesitant on the rezoning due to the physical facts that would prevent development under OL or its present zoning.

Chairman Parmele suggested this case be continued for two weeks to allow this information to be relayed to the applicant so he can determine what he wished to do.

**TMAPC ACTION: 9 members present**

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-1-0** (Carnes, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Crawford, Kempe, "absent") to **CONTINUE Consideration of Z-6139 Frye** until Wednesday, January 28, 1987 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.: Z-6140

Present Zoning: RS-1

Applicant: Moody (Ryan)

Proposed Zoning: CO

Location: SW/c of 96th Street South & Memorial Drive

Size of Tract: 3.5 acres, approximate

Date of Hearing: January 14, 1987

Presentation to TMAPC by: Mr. John Moody, 4100 BOK Tower

(588-2651)

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 - No Specific Land Use and Development Sensitive.

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 3.5 acres in size and located on the west side of Memorial Drive at approximately 96th Street. It is partially wooded, gently sloping, vacant and is zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property which is planned for the Creek Expressway zoned AG, on the east by vacant property zoned CO, on the south by vacant property zoned RS-1, and on the west by vacant property which is the rear yards of large lot single-family residences zoned RS-1.

**Zoning and BOA Historical Summary:** The TMAPC and City Commission approved CO zoning on the east side of Memorial and through the Corridor Site Plan review and allowed the commercial uses to extend from 101st Street north to the proposed Creek Expressway under a PUD/CO Outline Development Plan.

**Conclusion:** The subject tract is in a unique location, in that property to the north across the proposed expressway, and to the east is already zoned Corridor. Although the Comprehensive Plan does not designate the tract as Corridor, it would qualify under the Development Guidelines. Due to the existing residential development southwest of the subject tract, it is important that the depth of the Corridor zoning be limited to minimize any detrimental impact. Staff recommends Corridor zoning to a depth of 537.3 feet, which covers the subject tract on Memorial Drive and which will align with the existing commercial node on the northwest corner of East 101st Street South and South Memorial Drive. Staff would also recommend that the intensity of development for the subject tract be limited through the Site Plan process until such time the property abutting the subject tract to the north is purchased for the Creek Expressway. It is noted that the applicant has stated the proposed use is automotive/commercial.

Therefore, Staff recommends **APPROVAL** of Corridor zoning as requested.

Z-6140 Moody (Ryan) - Cont'd

**Note:** If Corridor zoning is approved by the City Commission, Staff would recommend an amendment to the Comprehensive Plan to reflect the rezoning.

Comments & Discussion:

Mr. Paddock, referring to Staff's suggestion of a zoning depth of 537.3 feet, inquired as to the number of feet the applicant was requesting. Mr. Gardner clarified that the 537.3 feet just happened to be the depth of the subject property, which would essentially align with the Node and would be an appropriate depth as it would not infringe on residential areas. Mr. Paddock then asked Mr. Gardner his opinion on the current status of the Creek Expressway, in regard to the wording of the Development Guidelines referring to expressways that were "existing, programmed or planned". Mr. Gardner stated that at this point it was "planned".

In reply to Chairman Parmele, Mr. Gardner clarified that this request was not in violation of the Development Guidelines, which were a part of the Comprehensive Plan, but it was only in violation of the Plan **Map**.

Applicant's Comments:

Mr. Moody, in reply to Ms. Wilson, explained the proposed development would be dealing with the type of facilities which would support and supply auto dealerships (such as those developing along Memorial at 91st and 101st Streets). Mr. Moody further clarified that the concept for the facility was similar to those in Europe where a person could drive their car in at one location and everything that needed to be done could be handled at this one facility, i.e. car wash, brakes, auto repair, etc.

Additional Comments and Discussion:

Mr. Carnes commented that he vowed he would never vote for Corridor zoning on land that was not acquired, but in this case it would be very unfair as the subject tract was surrounded by CO zoning. Mr. VanFossen stated he would be voting in favor of the Staff recommendation for CO, but only because of the prior cases that had been approved in this area that established a precedent. However, he did not believe that CO zoning should be approved until the conditions upon which CO was based, principally a usable expressway in the near future, were in existence such that we (TMAPC) would allow and encourage the intense usage of the land as was expected of CO zoned areas. Mr. VanFossen added that the Comprehensive Plan Committee would soon be reviewing the Corridor section of the zoning ordinances and the Development Guidelines.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent")) to **APPROVE Z-6140 Moody (Ryan) for CO zoning**, as recommended by Staff.

Legal Description:

Commencing at the NE/c of the NE/4 of the SE/4, Section 23, T-18-N, R-13-E, Tulsa County, Oklahoma; thence S 88°45'34" W a distance of 120.0' to the POB; thence S 01°07'48" E along the west right-of-way line of Highway 64 a distance of 370.0'; thence S 88°45'34" W a distance of 417.30'; thence N 01°07'48" W a distance of 370.0'; thence N 88°45'34" E a distance of 417.30' to the POB.

\* \* \* \* \*

Application No.: Z-6141 Present Zoning: CS & RS-2  
Applicant: Cleverdon (Benien) Proposed Zoning: CG  
Location: 13100 Block of East 11th Street  
Size of Tract: 1.59 acres, approximate  
Date of Hearing: January 14, 1987  
Presentation to TMAPC by: Mr. Richard Cleverdon, 114 East 8th Street, 6th Fl

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use.

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.59 acres in size and located at the southeast corner of East 11th Street South and South 131st East Avenue. It is nonwooded, flat, vacant, and is zoned CS and RS-2.

**Surrounding Area Analysis:** The tract is abutted on the north by an auto parts store and a pawn shop zoned CS, on the east by an auto repair facility zoned CS, on the south by single-family residences zoned RS-2, and on the west by what appears to be office use zoned CS.

**Zoning and BOA Historical Summary:** A mixture of commercial designations has been permitted along East 11th Street South. At the southwest corner, commercial zoning extends 350 feet south of the centerline of East 11th Street.

**Conclusion:** Although CH zoning has been given in the immediate area of the subject tract, Staff notes that the adjacent area has developed to a much lower intensity than CH zoning would permit. Staff can support commercial zoning on the entire tract, but not the requested CG due to the type of uses permitted in that district and the abutting residential single-family area to the south.

**Z-6141 Cleverdon (Benien) - Cont'd**

Therefore, based on the Comprehensive Plan and existing zoning patterns in the area, Staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS zoning in the alternative.

Comments & Discussion:

Mr. Gardner commented that there were certain uses in the CG category that could be approved by the BOA with a Special Exception, and that was Staff's recommendation. Mr. Paddock inquired as to how to about amending or changing the zoning so the CH District in the area would no longer appear on the map. Mr. Gardner stated that this was a policy decision by the City Commission and the TMAPC in 1970, and he briefed the Commission on the history of this decision. Mr. Gardner advised that the only way the Commission could withdraw this zoning on the map would be to file a rezoning application.

Ms. Wilson inquired if the CS zoning, as recommended by Staff, would permit the trucking business or would the applicant need BOA approval. Mr. Gardner advised that it would depend on the type of trucking business.

Applicant's Comments:

Mr. Cleverdon stated the purpose of the application was to have a single zoning classification on the subject tract, which was under contract for sale. He advised the prospective buyer wished to have uniform zoning. Mr. Cleverdon, in response to Chairman Parmele, stated the CS zoning as recommended by Staff, would meet their requirements and he had no objection.

Interested Parties:

Ms. Wise, 1145 South 131st East Avenue, stated concern about protecting the neighborhood against noise and, until it was known what the applicant had in mind for development, she was not sure whether she objected or not. She stated she hoped that, whatever was intended, it would not be harmful to the neighborhood, and she assumed that the applicant understood he would have to extend the sewers. In reply to Mr. VanFossen, Ms. Wise stated she understood that CS zoning was the lightest zoning and she really did not object to this, but any heavier zoning would be objectionable.

Additional Comments and Discussion:

Ms. Wilson confirmed with Staff that CS zoning would be in accordance with the Plan Map. Mr. Gardner, referring to the zoning map, pointed out the depth of the property immediately west was CS to the same depth of the subject tract.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; Kempe, "abstaining"; (Crawford, "absent")) to **APPROVE Z-6141 Cleverdon (Benien) for CS zoning**, as recommended by Staff.

Legal Description:

The north 250' of the east 155' AND the north 175' of the west 75' of the W/2 of the NE/4 of the NW/4 of the NW/4 of Section 9, T-19-N, R-14-E of the IBM, according to the US Survey thereof, LESS the West 20' thereof, Tulsa County, Oklahoma.

Chairman Parmele advised the Commission of the reappointment of Bob Paddock and Cherry Kempe for another three year term on the TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 2:08 p.m.

Date Approved 1-28-87  
Rant J. D. D.  
Chairman

ATTEST:

R. B. Paddock  
Secretary