

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1649
Wednesday, **May 13, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Doherty, 2nd Vice-Chairman	Carnes	Frank	Jackere, Legal Counsel
Paddock, 1st Vice-Chairman	Crawford	Gardner	
Parmeale, Chairman	Draughon	Lasker	
Selph (Designee)	Kempe	Setters	
VanFossen, Secretary	Rice		
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 12, 1987 at 9:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:38 p.m.

REPORTS:

Report of Receipts & Deposits for the Month Ended April 30, 1987:

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Doherty, Paddock, Parmeale, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Draughon, Kempe, Rice, Crawford, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended April 30, 1987**.

Committee Reports:

Mr. VanFossen advised that a **Joint Committee** meeting would be held this date to receive the proposed amendments to the Development Guidelines.

Mr. Paddock announced the **Rules & Regulations Committee** was scheduling a meeting for Wednesday, May 20th to discuss further the portable/promotional sign issue in regard to Stokely Signs.

ZONING PUBLIC HEARING:

Application No.: Z-6150 Present Zoning: RS-3
Applicant: Holmboe Proposed Zoning: OL
Location: NW/c of East 17th Street & South Victor; 1632 South Victor
Size of Tract: .16 acres, approximate
Date of Hearing: May 13, 1987
Requested Continuance to: May 27, 1987

For the record: The applicant had requested a continuance of Z-6150 until May 27, 1987 to allow time for relief through a BOA and/or PUD application.

Relationship to the Comprehensive Plan:

The District 6 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 OL District is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .16 acres in size and is located on the northwest corner of East 17th Street South and South Victor Avenue. It is nonwooded, flat and contains a single-family dwelling with detached accessory building and a nonconforming retail bakery, and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east across Victor Avenue by single-family dwellings zoned RS-3; on the south across East 17th Street by the Child Development Center, a part of the St. John's Hospital complex, zoned RS-3; and on the west by a dental office, zoned OL.

Zoning and BOA Historical Summary: The TMAPC and City Commission have approved office use in the area to the south per PUD 417 and BOA approval has also been given for nonresidential uses.

Conclusion: Although the subject tract is abutted on two sides by nonresidential use, Staff cannot support the encroachment of office zoning into the residential district. Presently, 17th Street is a well defined boundary between the OL and RS-3 districts and should be maintained. The existing commercial use on the property should not be considered justification for nonresidential zoning on the subject tract. The nonconforming commercial use is properly addressed within the Zoning Code.

Therefore, based on the Comprehensive Plan and existing zoning patterns, Staff recommends DENIAL of the requested OL zoning.

Comments & Discussion:

Chairman Parmele stated he had been advised by Staff that the continuance request to May 27th was timely; however, this application may be withdrawn prior to that date. He informed those in attendance as protestants and/or interested parties that they would be advised whether or not this case was withdrawn from the TMAPC agenda prior to the May 27th hearing.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **7-0-0** (Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Draughon, Kempe, Rice, Crawford, "absent") to **CONTINUE Consideration of Z-6150 Holmboe** until Wednesday, **May 27, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

Application No.: **CZ-158** Present Zoning: AG
Applicant: **Cox** Proposed Zoning: CS
Location: SW/c of North Yale Avenue & East 86th Street North
Size of Tract: 11.8 acres
Date of Hearing: May 13, 1987
Presentation to TMAPC by: Mr. Fred Cox, 8416 North Yale, Owasso (272-5558)

Relationship to the Comprehensive Plan:

The North Tulsa County Comprehensive Plan 1980-2000, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Corridor.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately 11.8 acres in size and is located at the southwest corner of North Yale Avenue and East 86th Street North. It is nonwooded, flat, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north and south by single-family dwellings on large tracts zoned AG; on the east by vacant property zoned AG; and on the west by US Highway 75 (Cherokee Expressway) zoned AG.

Zoning and BOA Historical Summary: Commercial zoning has been approved at the intersections of North Yale Avenue and 86th Street North and at 86th Street North and Highway 75.

Conclusion: According to the Development Guidelines, the subject tract would qualify as a Type II Node with ten acres (660' x 660') of medium intensity use. The northeast corner of the intersection would qualify for the same ten acres, but was limited to five acres by the applicant. Although the subject tract contains more area than recommended by the Comprehensive Plan, Staff feels the request is consistent and can see no purpose in zoning the 1.8 acres outside the node to any designation other than commercial. Between one and two acres of the subject tract will be required for right-of-way dedication resulting in approximately ten acres net commercial. Also, the unique location of the tract being abutted on three sides by major streets would support the request.

Therefore, Staff recommends APPROVAL of the requested CS zoning for the entire tract based on the Development Guidelines and existing development patterns.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-0** (Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Draughon, Kempe, Rice, Crawford, "absent") to **APPROVE CZ-158 Cox for CS**, as recommended by Staff.

Legal Description:

The N/2 of the NE/4 of the NE/4; LESS AND EXCEPT that portion occupied by highway right-of-way, all in Section 28, T-21-N, R-13-E, being more particularly described as follows: commencing at the northeast corner of said NE/4 of the NE/4; thence S 01°17'21" E along the east line a distance of 16.50' to the POB; thence continuing S 01°17'21" E along the east line a distance of 644.63' to the southeast corner of said NE/2 of the NE/4 of the NE/4; thence S 88°36'09" W along the south line a distance of 943.63' to a point on the easterly right-of-way line of US Highway 75; thence N 03°06'46" E along said right-of-way a distance of 5.82'; thence northerly along said right-of-way on a curve to the right, said curve having a radius of 1,357.40' (tangent bears N 17°37'49" E), for an arc distance of 14.71' to the end of said curve; thence N 18°15'04" E along said right-of-way a distance of 344.17'; thence along said right-of-way on a curve to the left, said curve having a radius of 791.20' for an arc distance of 242.96'; thence N 88°37'41" E parallel to and 80.0' distance from the north line of said N/2 of the NE/4 of the NE/4, being the southerly right-of-way line of 86th Street North, for a distance of 239.64'; thence N 77°19'05" E along said southerly right-of-way line a distance of 239.65'; thence N 01°22'19" W a distance of 16.50'; thence N 88°37'41" E parallel to and 16.50' distance from the north line of said N/2 of the NE/4 of the NE/4 along said southerly right-of-way line a distance of 303.58' to the POB, containing 11.8795 acres, more or less; subject to easements and rights-of-way of record.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Garnett Village (PUD 428)(2094)

S & W of 31st & South 121st East Avenue
(AG to RS-3 pending)

This is a part of a 40 acre site which presently contains a church and related facilities. The church was not required to plat since it was approved by the Board of Adjustment prior to a platting requirement. Therefore, this tract under review now will be the only part of the 40 acres "subject to a plat" because a new zoning and PUD application is being processed. Existing church property is not subject to platting. Since the zoning and PUD hearing is not until 4/22/87 (Z-6156), Staff has no objection to a review by TAC at this time, but the plat should be held until the PUD and zoning have been approved by both TMAPC and City Commission.

Staff inquired if access to East 32nd Street will be permitted, or will "LNA" need to be shown on plat? If required, include applicable language in covenants. Traffic Engineer recommended no access to 32nd Street so "LNA" will be required.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Garnett Village, subject to the following conditions:

1. Show "LNA" at 32nd Street and include applicable language in covenants.
2. Since there is only one point of access into the housing proposed, access shall be approved by Fire Department. Make sure that fire trucks and other service vehicles can adequately turn around in the area provided by the site plan.
3. All conditions of PUD 428 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1170 of the Zoning Code, in the covenants.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property lines and/or lot lines.
5. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Water & Sewer Department prior to release of final plat.

Garnett Village - Cont'd

8. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission.
9. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
10. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
13. The Zoning Application Z-6156 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
14. Covenants:
 - Section I-A, page 2; Reference made to public streets. Omit; these are private.
 - Section II-A, page 5; Add additional PUD details to this section when available.
15. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
16. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Frank advised the City Commission unanimously approved the zoning and PUD applications (Z-6156/PUD 428) at their May 12th meeting. In reply to Mr. Doherty, Mr. Frank reviewed and clarified the access requirements.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Draughon, Kempe, Rice, Crawford, "absent") to **APPROVE** the **Preliminary Plat for Garnett Village**, subject to the conditions as recommended by the TAC and Staff.

OTHER BUSINESS:

PUD 129-5: North of the NE/c of South Richmond Avenue & East 79th Place South; being 7911 South Richmond Avenue

Staff Recommendation: Minor Amendment of Front and Rear Yard Requirement

The subject tract is 10,200 square feet in size and contains a single-family dwelling and has an underlying zoning of RS-2. The applicant is requesting a minor amendment of the required 30' building setback to 29.5' to allow for an existing encroachment. The applicant is also requesting relief from the 25' rear yard requirement to 23' to allow for construction of an additional room to the dwelling.

Review of the applicant's submitted plat of survey indicates a proposed 20' x 25' (500 square feet) addition to the existing structure. The plat also shows the .5 foot front yard encroachment. Staff finds the request to be minor in nature and consistent with the original PUD.

Notice of the request has been given to the abutting property owners. Staff would also note that similar minor amendments have been approved in PUD 129.

Therefore, Staff recommends APPROVAL of minor amendment PUD 129-5 subject to the applicant's submitted plat of survey with the proposed addition.

TMAPC ACTION: 7 members present

On MOTION of VANFOSSEN, the Planning Commission voted 7-0-0 (Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Draughon, Kempe, Rice, Crawford, "absent") to APPROVE the Minor Amendment of Front and Rear Yard Setbacks to PUD 129-5, as recommended by Staff.

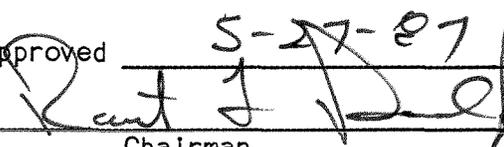
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Mr. Gardner advised of a lawsuit naming the TMAPC and the County Commission in regard to a "wildcat" subdivision matter. He stated a copy of the summons had been forwarded to the City Legal Department, TMAPC's representative, so this Department can work in conjunction with the Tulsa County District Attorney's office. Mr. VanFossen, who received the summons as Secretary of the TMAPC, commented that there was no monetary judgment against the TMAPC. Mr. Jackere confirmed this to be correct and clarified that the suit appeared to involve an alleged fraudulent matter in regard to Tulsa County's responsibility as to providing roads to these particular subdivisions.

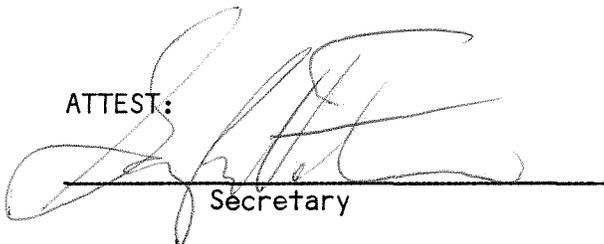
There being no further business, the Chairman declared the meeting adjourned at 1:53 p.m.

Date Approved

5-27-87


Chairman

ATTEST:


Secretary