

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1821
Wednesday, January 16, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Horner	Gardner	Linker, Legal
Coutant	Neely	Stump	Counsel
Doherty, Secretary	Parmele	Russell	
Draughon, 2nd Vice Chairman		Wilmoth	
Harris		Peters	
Midget, Mayor's Designee			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 15, 1991 at 11:35 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, First Vice-Chairman Carnes called the meeting to order at 1:32 p.m.

Minutes:

Not applicable; no meeting January 2, 1991.

REPORTS:

Report of Receipts and Deposits:

Staff presented the report of Receipts and Deposits for the month ended December 31, 1990 and advised that all items were in order.

TMAPC ACTION, 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Draughon, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Horner, Neely, Parmele "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended December 31, 1990.

Committee Reports:

Mr. Coutant advised that the **Comprehensive Plan Committee** met January 9, 1991 to consider proposed changes to the District 1 Plan regarding the Civic Center area. The Committee unanimously recommended consideration of those changes by the Planning Commission. He stated that the Rezoning of Blanket Zoned Areas Study was also considered and they were passing it on to the Commission for its consideration.

Mr. Doherty commented that the **Rules and Regulations Committee** met January 9, 1991 to consider special housing and changes to the ordinance

required by the Federal Fair Housing Act. He advised that the committee would meet again January 23, 1991 to continue the work on special housing.

Director's Report:

Mr. Gardner advised that the City Council approved the Light Industry zoning for the area at 55th and Mingo on January 15, 1991, per the Planning Commission's recommendation.

Rezoning of Blanket Zoned Areas Study:

Ms. Donna Peters, INCOG, discussed the history and purpose of the Rezoning of Blanket Zoned Areas Study. She briefed the Planning Commission regarding the manner in which the study was conducted. She presented the four components critical in determining areas which may need rezoning to a single-family district. They were: 1) The area composed of 90 percent or greater single family residences; 2) conformity of use with the Comprehensive Plan; 3) conformity of use with Tulsa Development Authority Sector Plans; and 4) the area's existing physical components and infrastructure.

Ms. Peters suggested that staff had determined three areas which met the criteria, and which had the support of the Tulsa Development Authority Plan and the neighborhood. She mentioned that these identified neighborhoods may be an appropriate exception to TMAPC's policy on Planning Commission initiated rezoning.

The Planning Commission was requested to receive and file the study. Ms. Peters commented that staff anticipated meeting with the residents of the first of these identified areas "Westbank", to determine support for a rezoning effort.

Comments & Discussion:

Mr. Draughon inquired whether input had been received from the neighborhoods involved in the study. Ms. Peters commented that the neighborhoods had not been contacted as of yet, since the purpose of the study was basically to identify criteria for determining possible rezoning areas. Staff was waiting for direction from the Planning Commission before contacting the neighborhoods for their input.

Mr. Gardner commented that it was his understanding that the Planning Commission had wanted to receive and file the study and then let staff, at some point and time, present neighborhoods they felt would be an exception to the policy. He further commented that the staff had determined which areas they felt should be exceptions to the TMAPC policy. The first of these was the urban renewal area "Westbank" located between 23rd and 25th Streets and between Southwest Boulevard and Maybelle. It was noted that staff had gathered more details and had met with the councilor for that district for input. Staff is now ready to go to the residents of the neighborhood. He commented that staff did not want to go to the neighborhood without direction from the Planning Commission.

Staff inquired what direction the Planning Commission wished for them to take. Mr. Doherty commented that it was his understanding that staff

should discover what type of interest there was among the residents of the Westbank neighborhood. Mr. Gardner commented that the next step would be to send out notices to the neighborhood, to meet with the chair and co-chair of the planning district and the councilor for that district. After completing that process, the TMAPC would be requested to initiate a rezoning application.

Request from Council regarding satellite dishes:

Mr. Stump advised the Commission that correspondence had been received from Don Cannon, City Council Administrator, informing the Planning Commission that the Council heard from Mr. Mike Reynolds concerning the City's regulation of satellite dishes which he feels is contrary to FCC national regulations and should be amended. The Council requested the Planning Commission to investigate Mr. Reynolds concerns and to report back to the Council within thirty days. The First Vice-Chairman referred the item to the Rules and Regulations Committee. Mr. Doherty, chairman of the Rules and Regulations Committee, asked staff to request more time from the Council to review the item.

Wexford Estates:

Mr. Stump reminded the Commission that when the PUD for Wexford Estates was approved, a condition was provided that imposed a restriction requiring any development to protect the trees on the western boundary. A prohibition for using utility easements along the west property line for any type of water, sewer or storm drainage lines was included in the restrictive covenants of the subdivision, but it did not prohibit the use for electric lines or gas lines. In developing these lines, the trenches were placed too close to the trees and have damaged these trees. Mr. Stump advised that the developer had been contacted but they had not yet determined what action they would take. Staff requested input from the Commission regarding what could be done. Mr. Doherty commented that nothing could be done at this point.

ZONING PUBLIC HEARING

Z-6305: Southeast corner of East Oklahoma Street North and North Utica Avenue.

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property High Intensity -- Industrial.

According to the Zoning Matrix, the requested IH District may be found in accordance with the plan map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 5 acres in size and is located at the southeast corner of East Oklahoma Street North and

North Utica Avenue. It is flat, contains both vacant property and a vacant building which has been destroyed by fire and is zoned IL.

Surrounding Area Analysis: The tract is abutted on the north by vacant property and single-family dwellings zoned CS and RM-2; on the east by single-family dwellings zoned RM-2; on the south by vacant property and industrial uses zoned IL and IM; and on the west by industrial uses zoned IL.

Zoning and BOA Historical Summary: The City of Tulsa has approved IM zoning in the area, but only abutted and buffered from the single-family uses by IL zoning.

Conclusion: Because the Comprehensive Plan does not designate the property on the north side of East Oklahoma Street as industrial, but rather Low Intensity -- No Specific Land Use, the existing residential uses and vacant property must be protected from the planned industrial. Staff cannot support the requested IH zoning, but can support the lesser intense IM designation in the alternative, but only to a depth that will line up with the commercial zoning district to the north.

Therefore, Staff recommends **DENIAL** of IH zoning as requested and **APPROVAL** of IM zoning in the alternative on the west 180' as measured from the centerline of north Utica Avenue which will line up with the CS zoning line to the north.

Applicant's Comments:

Applicant, Ms. Sandy Beard, 2039 North Yale, commented that the property has been vacant for several years. She advised that she would like to put in a wrecking yard, keep the building as is, and install a fence. She commented that she runs a very clean wrecking yard and felt that she could clean up the area involved.

Comments & Discussion:

In response to questions from the Commission, Ms. Beard stated that she ran a salvage yard and did not wish to relocate her current business, but, would like to begin an additional location.

Mr. Harris commented that Ms. Beard's wrecking yard is run very neatly and cleanly. He stated that she and her husband operate a business that is the epitome of the industry. They take old car parts, label them and place them on shelves inside buildings. They have a computer operation which inventories their merchandise. He commented that it is totally different from the salvage yards one would normally picture where cars are stacked three to five high.

Mr. Doherty commented that several other types of businesses would be permitted under the requested IH zoning and the Commission would have to seriously consider what those types of businesses were before permitting a rezoning to IH, since there is no guarantee that the Beard's will always operate their wrecking business at that location.

Mr. Midget stated that he was also familiar with the Beard's operation on north Yale and it was very well run and clean. But, he stated concern for the surrounding area if another business that would require an IH zoning were permitted.

Mr. Gardner advised that the only IH zoning that has been permitted in recent years was east of the city, in an area where dynamiting is allowed and no one cares if there aren't any restrictions. He further stated that receiving IH zoning was not the only way to accommodate an auto salvage. IM zoning on the entire property and a Board of Adjustment special exception would allow it to be done with conditions imposed.

Interested Parties:

Joe Hoffman 1320 North Wheeling
Mr. Hoffman stated that his business, Hoffman Fixtures Company, was located directly south of the given property and bordered the property at issue. He pointed out that there were no automotive related businesses in this area at present. Hoffman Fixtures Company has operated out of the location on North Wheeling for 22 years. He commented that he had no doubt that the Beards operated a good business, but did feel that moving a salvage yard further into the city would not be beneficial to the City of Tulsa. He felt these types of businesses are better suited for the outer limits of the city.

G. Elden Hoffman 1320 North Wheeling
Mr. G. E. Hoffman reiterated the comments of Mr. J. Hoffman. He further commented that he did not feel any business requiring IH zoning would be beneficial to the city. He advised that they did feel that almost anything would be better than what was there now and that maybe, under certain conditions, the area could support a salvage yard.

Edwena Maddox 1923 East Oklahoma Street
Ms. Maddox commented that she has been a property owner in the area for the past 23 years. She stated that in recent years the area has gone down. She still did not feel that a salvage yard would help their neighborhood. She commented that the residents of the neighborhood have had problems with getting the City of Tulsa to enforce conformity to the zoning laws now in effect. She questioned whether anyone would really make sure that restrictions, if imposed, would be kept. She presented the Commission with a petition signed by 61 property owners opposing IH zoning being allowed in the area. It was her feeling that once High Industry zoning is allowed, there would be no control over what type of industry goes into the area. She stated that there are a lot of elderly people in the neighborhood and the noise level which may accompany High Industry businesses concerned her.

B. S. Roberts, City Councilor District 1 200 Civic Center
Councilor Roberts stated he was present representing Ms. Oakley who operates a small business across from the location in question. He advised that she was concerned that an entity of this type might

deteriorate her business. Councilor Roberts stated that he personally felt that this district already had enough salvage yards.

G. Todd Skinner

1115 North Utica

Mr. Skinner commented that he owned six pieces of property within this area. He has been meeting with different representatives of state legislature for Oklahoma regarding upgrading this area. He mentioned that he has also been in the area for in excess of 23 years. He felt that an auto salvage facility would be detrimental to the area. If such a facility was allowed, he would strongly consider not developing any more of his land in the area.

Mary Bailey

1113 North Utica

Ms. Bailey was present representing Okie Pawn. She commented that she was in opposition to the IH zoning and stated that her concerns had already been stated by the previous interested parties.

Dick Talley

1338 North Utica

Mr. Talley advised the Planning Commission that he is co-owner of Hinman Manufacturing Company/Action Aire Heating and Cooling located across from the property. He has been in business there since 1967. He stated the area would be an excellent location for future development of small manufacturing, but did not feel anything falling under the category of IH zoning would be appropriate. He stated that, like others, he was concerned with what type of industry would be allowed should the Beards move out of the area.

William Wynn

1717 East Latimer Place

Mr. Wynn was present representing Magardni Spring and Washer located a few blocks south of the property. Their main concern was the IH zoning. He reiterated Mr. Skinner's comments that state legislators had been working toward making this a target area for expansion in the light industrial area. This could be jeopardized by classifying the area High Industry.

Pat Tarver-Alcorn

9026 East 68th

Ms. Tarver-Alcorn was present representing Dowell Schlumberger located at 1150 North Utica. They have operated a manufacturing facility there for over 45 years and employ over 225 employees. They did not feel it was in the best interest of their property to rezone the area in question.

Allen Stucky

1314 North Wheeling

Mr. Stucky was present representing Loveless Manufacturing. They have been a light manufacturing company in the area since the 1950s and he advised that he was opposed to the IH zoning and to the use of the property for a salvage yard.

Gail R. Williams

1422 North Utica

Ms. Williams advised the Commission that her husband, Everett S. Williams, owns approximately one block of property which is one and one-half blocks north of the proposed rezoned property. Until June 30,

1990, she and her husband operated ABC Uniform Services. The business has now been sold and they would like to sell their property for retirement income. It is their feeling that a rezoning of the property would make it difficult for them to sell their property. She asked the Commission to consider the other people who had already made significant investments in the area.

Applicant's Rebuttal:

Ms. Beard stated that the Beard family has been in business since 1942 when the company was started by her father-in-law. She advised that her wrecking yard is not what the normal person pictures. It was her idea that the wrecking yard would enhance the now dilapidated property. The property would be well kept. The cars would be dismantled inside the building and there would be no loud noise. She and her husband are present every day at their operations. Their operation receives national recognition as a model wrecking yard.

Mr. Doherty reminded Ms. Beard that in granting the IH zoning, the Commission would be approving the absolute heaviest industry for the tract of land. There is no guarantee that the Beard family will continue to operate. He advised that the another option would be to apply for a PUD which could impose strict conditions.

Mr. Harris advised Ms. Beard that he could not, in good conscience, vote to approve IH zoning on that tract of land. The fallback is to seek IM zoning and then go before the City Board of Adjustment and let them write rules and restrictions around what may be permitted on the tract of land. The other option is to seek a PUD. The goals are the same for both.

TMAPC Review Session:

Mr. Doherty commented that he felt it would be fair to give Ms. Beard more time to consider her options.

Staff advised that one option for Ms. Beard would be to amend her request to IM zoning and then request a continuance to give her time to determine whether to file a PUD or try to get IM zoning. Ms. Beard then agreed to amend her request to IM.

Mr. Coutant stated that he would have a problem voting in favor of a PUD that would permit a wrecking yard. His reason was the factors which make her operation acceptable for this neighborhood are not the things that can be characterized as conditions in a PUD.

TMAPC ACTION, 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Draughon, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Horner, Neely, Parmele "absent") to AMEND Z-6305 to a request for IM zoning and to CONTINUE Z-6305 until Wednesday, February 20, 1991, 1:30 p.m., Francis Campbell City Council Room.

First Vice Chairman advised that a timely request had been received from the Applicant asking for a continuance for two weeks.

Interested Parties:

Mr. Roy Johnsen 324 Main Mall
Mr. Johnsen, attorney for the applicant, commented that it was his request for the two week continuance. He stated it was primarily due to the issue emerging regarding the connection of two stub streets into the project which the applicant does not want. He advised that the PUD contemplated private streets. One of the reasons given for requesting the continuance was to provide him the opportunity to meet with the concerned neighbors to discuss the issue with them.

Mr. Gerald Williams 3149 East 89th Street
Mr. Williams inquired why no effort was made to contact the interested parties that the hearing had been cancelled.

Mr. Charles Goodwin 3407 East 86th Street
Mr. Goodwin asked that the interested parties present be given the opportunity to speak to the Planning Commission. He stated that there were a lot of people present who would like to raise additional issues and that the stub streets were not the only issue of concern.

Ann Weatherly 9014 South Gary
Ms. Weatherly requested that the Planning Commission clarify what the reason was for the requested continuance. Mr. Gardner commented that staff's recommendation was that the streets must be open and the applicant felt that would defeat his entire project. Therefore the applicant was requesting a continuance to resolve this disagreement regarding traffic circulation.

Comments and Discussion:

Ms. Wilson advised the interested parties present that the applicant does not know when they request a continuance whether or not it will be granted. The Planning Commission decides at the meeting.

Mr. Coutant commented that the request for having a "partial hearing" was appealing. He further commented that it was not really fair to the public because when the application is ultimately heard, the same people (interested parties and Commissioners) may not be present. It is in the best interest of everyone for the arguments and concerns to be presented at the same time the application is being heard in its entirety. This allows for a fair and complete opportunity to be persuasive.

Mr. Draughon stated that he had seen this happen many times and did not feel it was right for interested parties to show up only to have the item continued to a later date. He asked who usually notifies interested parties of a continuance. Staff commented that it is the

responsibility of the applicant to notify any interested parties that a continuance has been requested.

Mr. Doherty stated that he had a very deep concern regarding this project and the issue of traffic circulation and the stub streets.

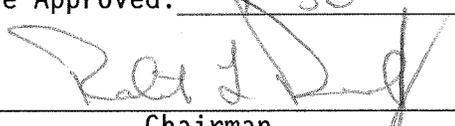
TMAPC ACTION, 8 members present:

On MOTION of WILSON, the TMAPC voted 7-1-0 (Carnes, Coutant, Doherty, Harris, Midget, Wilson, Woodard, "aye"; Draughon "nay"; no "abstentions"; Horner, Neely, Parmele "absent") to CONTINUE Z-6306/PUD 464 until Wednesday, January 30, 1991 at 1:30 p.m., Francis Campbell City Council Room.

There being no further business, the First Vice Chairman declared the meeting adjourned at 3:25 p.m.

Date Approved: _____

1-30-91



Chairman

ATTEST:

Art. Draughon, 2nd Vice Chm.
for Secretary

