

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1850
Wednesday, August 28, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Ballard	Gardner	Linker, Legal
Doherty, 1st Vice Chairman	Harris	Hester	Counsel
Draughon	Horner	Stump	
Midget, Mayor's Designee	Neely		
Parmeale, Chairman			
Wilson, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 27, 1991 at 12:32 p.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 1:38 p.m.

Minutes:

Approval of the minutes of August 14, 1991, Meeting No. 1848:

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neely "absent") to **APPROVE** the minutes of the meeting of August 14, 1991 Meeting No. 1848.

REPORTS:

Chairman's Report

Chairman Parmele announced that he was in receipt of two letters relating to recreational vehicles. He referred these letters to Mr. Doherty for the next Rules and Regulations Committee meeting. The originals will be entered into the record. He also was in receipt of a letter from Ray Cosby, District 5 Co-Chairman, requesting that the Planning Commission consider limitations on screening fences on commercial property. This letter was also referred to the Rules and Regulations Committee for response to Mr. Cosby. The originals will be entered into the record.

Committee Reports:

Mr. Doherty reported that the **Rules and Regulations Committee** met at 11:30 on August 28, 1991 on the subject of antennas and towers, and the regulations thereof. A number of conclusions were reached and the consensus was there was sufficient data to take this matter to public hearing. He suggested the Chairman call for public hearing on this issue on October 9, 1991.

Chairman Parmele announced that public hearing will be set for October 9, 1991 on Communication Towers/Antennas, etc.

* * * * *

ZONING PUBLIC HEARING

Application No.: Z-6330 Present Zoning: RS3
Applicant: Young Proposed Zoning: OL/RM-2
Location: East of the southeast corner of E. 21st Street South
and South Atlanta Place.
Date of Hearing: August 28, 1991
Presentation to TMAPC: Elizabeth Paris, Attorney, LaSorsa, Webber
and Miles, 1710 One Williams Center, Bank
of Oklahoma Tower

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 Zoning Matrix the requested OL or RM-2 District is not found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately one-third of an acre in size and is located east of the southeast corner of South Atlanta Place and East 21st Street South. It is partially wooded, gently sloping, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by offices zoned OL; on the east by a nursing home zoned RM-2; on the south and west by single-family dwellings zoned RS-3.

Zoning and BOA Historical Summary: Office uses have been permitted both east and north of the subject tract.

Conclusion:

The lot in question is not part of the subdivision to the west which is restricted by covenants as well as zoning to residential uses. It also fronts on 21st street which the lots in that subdivision do not. Because of this and the surrounding existing land uses, Staff feels the OL zoning would be appropriate and still provide a reasonable buffer for the subdivision lots to the west.

Therefore, Staff recommends **APPROVAL** of Z-6330 for OL zoning.

NOTE: An amendment to the land use designation in the comprehensive Plan for District 6 will be required if OL zoning is approved.

TMAPC Action; 7 Members present:

On MOTION of CARNES the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neeley, "absent") to recommend APPROVAL of OL zoning for Z-6330 to the City Council as recommended by staff.

The East 80.6' of West 141' of N. 193' Lot 29, Harter's Second Subdivision.

* * * * *

Application No.: CZ-194 Present Zoning: AG
Applicant: Puryear Proposed Zoning: IL/CG
Location: South and west of intersection of West 21st Street
South and South 268th West Avenue
Date of Hearing: August 28, 1991
Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The Sand Springs Comprehensive Plan designates the subject property an intensity of rural residential and the land use on the eastern portion of the tract agriculture and the remainder residential. The requested IL or CG District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 12.5 acres in size and is located south and west of the intersection of West 21st Street South and South 268th West Avenue. It is partially wooded, gently sloping, contains 4 single-family dwellings, 2 boat storage buildings and business building and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by vacant property on the eastern portion of the tract and single-family dwellings on the western portion all zoned AG; on the east by vacant property zoned AG; on the south by railroad right-of-way and vacant property zoned AG; and on the west by single-family dwellings on large lots zoned AG.

Zoning and BOA Historical Summary: To the south two tracts which front on State Highway 51 have been rezoned to CG and CS.

Conclusion:

The Comprehensive Plan does not envision commercial or industrial activity in this area. The subject tract has limited access and does not front an existing or planned arterial street. The storage activities proposed abut residences to the north and west and could have adverse impact on them.

Therefore, Staff recommends DENIAL of CZ-194.

For the record: If the Commission is inclined to support the use, IL zoning would probably better protect the residential area to the west than the CG zoning would.

Applicant's Comments:

I.M. Puryear

26500 W 21st Street

Mr. Puryear stated that the map on display was outdated and gave a description of the present street layout. He went on to say the property was originally purchased by his mother for business purposes and has been used as such. He is requesting a zoning change for purposes of expansion. Currently there is boat storage on the property and recreational vehicle storage. He then had his son Jerry Puryear present their proposal.

Jerry Puryear

Olympia, Washington

Mr. Puryear stated that he failed to understand why this proposal was recommended for denial.

Mr. Parmele explained that it is not in accordance with the Comprehensive Plan; based on that the professional staff has recommended denial.

Mr. Puryear stated that there is a public boat launch within two miles of this property. He emphasized the market demand for boat storage units. The number of units on the property now is insufficient, and there is a waiting list of people requesting units to substantiate this. Their plan is to build 20 units at a time until demand is fulfilled. He asked for further clarification of the denial.

Discussion:

Mr. Gardner replied that when Sand Springs did the Comprehensive Plan in that area they did not recognize this existing use; therefore it was planned for residential low intensity rural type activity as opposed to industrial or commercial. When staff reviewed this there was no basis on which to support the application. If the Planning Commission chooses to approve this request the zoning will change the plan for this area. This is what will be debated and weighed based on what the Planning Commission recommends and what the interested parties have to say about this area.

Mr. Doherty stated the Sand Springs Comprehensive Plan envisioned the railroad as being a break point between the more intense commercial and industrial uses and residential uses to the north. He discussed zoning existing in this area. The fact that the applicant has had a legal nonconforming use, and this particular use may be appropriate, but there are uses within the industrial zoning which are not appropriate for the area. Staff is suggesting not that the applicant's use is inappropriate but there are other uses in the industrial classification which do not fit with the Comprehensive Plan.

Mr. Carnes stated that he feels the boat storage would be an appropriate use for this particular property. He suggested this property would be ideal for a PUD. This might allow the applicant to do what he wants to do. He had no objections to what the applicant was proposing, if it were before the Planning Commission as a PUD he would be in favor of it, but for IL alone, he is unable to give his support.

Mr. Parmele reiterated that the existing use and expansion is not objectionable, but other uses permitted under zoning of light industrial perhaps would be objectionable.

The Planning Commission discussed how the applicant's fees already paid might be applied toward County Board of Adjustment fees.

Mr. Gardner stated that notice would have to be sent out again for the Board of Adjustment meeting, but the applicant would not pay an application fee for a Board application. Fees already paid will apply toward these fees.

TMAPC Action; 7 Members present:

On MOTION of CARNES the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neeley, "absent") to DENY the application, but to allow the fees that have been paid for zoning be applied to a County BOA use variance request with a recommendation of support for an expansion of the existing nonconforming use.

* * * * *

SUBDIVISIONS

Final Approval and Release:

Sam's Center (PUD 468) (183) (PD-18) (CD-8) (CS)
NW/c E. 71st St. south and South Mingo Road

Staff Recommendation:

Mr. Stump advised that all approval letters have been received and staff was recommending approval.

TMAPC Action; 6 Members present:

On MOTION of DOHERTY the TMAPC voted 5-0-1 (Doherty, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon "abstention"; Ballard, Carnes, Harris, Horner, Neeley, "absent") to recommend APPROVAL of Final Plat for Sam's Center (PUD 468) (183) (PD-18 (CD-8) and RELEASE same as having met all conditions of approval as recommended by staff.

* * * * *

OTHER BUSINESS

PUD 463: Detail Site Plan for Development Area "C"
1768 South Utica Avenue

Staff Recommendation:

The applicant is requesting to remove the existing vegetation from the front 17 1/2' of the lot on Utica Avenue and pave it for parking. A request to abandon the PUD was filed on August 22, 1991 by another of the owners in the PUD and has been scheduled for public hearing on September 25, 1991.

Staff is not supportive of this request because it appears to be in conflict with the conceptual plan which was submitted as part of the PUD. In addition, parking is not allowed within 50' of the centerline of Utica since Utica is classified as a minor arterial street. All of this proposed parking area is within that required setback. The applicant would need a variance from the Board of Adjustment to construct this parking area even if the PUD is abandoned.

Therefore, Staff recommends **DENIAL** of the Detail Site Plan for Development Area "C" of PUD 463.

Comments & Discussion:

Discussion ensued regarding effects of abandoning entire PUD. Mr. Stump advised that the front yard would still not be allowed to be paved for parking because it is in the planned right-of-way. To approve parking in the front would have to be contingent upon BOA granting a variance to allow parking in the right-of-way.

Applicant's Comments:

Becky Hinkle

1768 S Utica

Ms. Hinkle reported that there had been a contract on Area "B", but the deal had fallen through. Now Area "C" is all that remains. She explained the inadequacy of parking in the rear of this establishment. Ms. Hinkle noted that there are five other houses on this block that have front yards asphalted. She is intending to landscape beside the house and install additional parking in the front. This additional parking is needed for handicapped patients. Since the other offices have their front yards asphalted she is unable to understand why they are not allowed to do so.

Mr. Parmele asked how the other houses are affected by the Major Street and Highway Plan (MSHP) and parking on the planned right of way.

Mr. Gardner replied that all are affected by the MSHP, but if there are some existing they are illegal or have BOA approval.

Ms. Wilson stated she understands the need for additional parking, and under the PUD, the proposed parking was intended to be in Development Area "B" to accommodate this office. She asked how the deal fell through.

Ms. Hinkle stated a contract had been written for the land in the amount of \$100,000, but the land did not appraise for this amount; therefore, the bank would not lend the money. This was an option contract and they optioned not to buy.

Mr. Doherty stated that as a PUD, it would be poor practice to approve parking where the applicant is requesting. This may be an abandoned PUD shortly, an application could then be made to the Board of Adjustment. Mr. Doherty added that under PUD standards he is uncomfortable with allowing a parking lot on that side of the building.

Mr. Parmele expressed his uneasiness with amending the PUD or approving the site plan knowing that application to abandon the other portion of the PUD has been filed. He suggested she go to the Board of Adjustment. If the PUD is abandoned she will not have to appear before the Planning Commission for site plan approval. The BOA would be the appropriate place to pursue this.

Discussion ensued regarding the other party in the PUD having applied for abandonment.

TMAPC Action; 6 Members present:

On MOTION of DOHERTY the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Midget, Neeley, "absent") to DENY Detail Site Plan approval for Development Area "C" in PUD 463.

* * * * *

PUD 278: Detail Site Plan for Lots 7 and 8 of Pecan Tree Park -- west of the southwest corner of East 55th Street South and South Lewis Avenue.

Staff Recommendation:

The applicant is proposing one 2-story 4,986 SF office building for lots 7 and 8. The Detail Site Plan is in conformance with the PUD conditions with the exception that a 6' screening fence is required on the entire west boundary and the west 125' of the north boundary of the PUD. With these additions staff recommends **APPROVAL** of the Detail Site Plan for Lots 7 and 8 of PUD 278.

TMAPC Action; 7 Members present:

On **MOTION** of **DOHERTY** the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neeley, "absent") to **APPROVE** the Detail Site Plan for Lot 7 and 8 of PUD 278 subject to the staff recommended conditions on screening fences.

* * * * *

PUD 375-A Detail Landscape Plan for Riverfield Country Day School -
- one-half mile west of the northwest corner of South Union Avenue and West 61st Street South

Staff Recommendation:

Staff has reviewed the proposed Detail Landscape Plan and find it to be in compliance with the PUD conditions.

Therefore, we recommend **APPROVAL**.

TMAPC Action; 7 Members present:

On **MOTION** of **CARNES** the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neeley, "absent") to **APPROVE** the Detail Landscape Plan for PUD 375A- Riverfield Country Day School.

* * * * *

PUD 357-A: Amendment to the Deed of Dedication incorporating
 minor amendment 357-A-3 changes

Staff Recommendation:

Staff has reviewed the proposed Amendments to the Deed of Dedication and find it to be in compliance and conformance with the PUD Amendments.

Therefore, we recommend **APPROVAL**.

TMAPC Action; 7 Members present:

On **MOTION** of **MIDGET** the TMAPC voted 7-0-0 (Carnes, Doherty, Draughon, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner, Neeley, "absent") to **APPROVE** the amendments to the Deed of Dedication for PUD 357-A as recommended by staff.

* * * * *

Request for Reconsideration of Sketch Plat Approval Conditions Approved August 21, 1991 for Southern Pointe Third (1583) E. 91st Street & South Hudson Avenue

Discussion & Comments:

Mr. Parmele stated he that he had requested the Planning Commission reconsider actions from the last meeting because of confusion on his part and perhaps confusion on the part of the other Commissioners. He then opened the floor for discussion among the Planning Commission as to what action might be appropriate.

There was much discussion on the procedure to reconsider the motion and vote due to the confusion on this item. Also discussed was whether or not to open debate and notification of interested parties.

Some of the Planning Commissioners believed that Mr. Doherty's motion at the last meeting clearly modified the staff recommendation that was illustrated on a map which was on the board at that time.

Applicant's Comments:

Roy Johnsen, Attorney

Mr. Johnsen, who requested that reconsideration of this item be placed on the agenda, was representing the applicant and reaffirmed that there was confusion regarding this issue. He felt that if there was any confusion, because of interest and commitment to public hearings, it should be reset and redebated.

In response to a question from Mr. Doherty, Mr. Johnsen informed the Planning Commission that he would have comments for the Commission on debate, if reconsideration is successful. He suggested the Planning Commission might want to limit discussion to what the issues are, not the history of platting the subdivision, but the adequacy of the right-of-way and paving width.

Mr. Doherty expressed his disagreement with Mr. Johnsen, and believes the mentioned issues were clearly discussed prior to the motion. He feels it would be inappropriate to reopen debate.

Mr. Johnsen asked that the minutes reflect that there was discussion, and there were two Commissioners confused at the time of the original vote for consideration of the sketch plat and after discussion on motion to reconsider, the applicant agrees to withdraw or ask for the opportunity to rescind.

Mr. Doherty made the motion to take no action and adjourn.

Mr. Parmele expressed his concern that in forwarding records to the City Council, on record is a 8-0-0 vote to approve the sketch plat. He feels this is an incorrect vote, due to the confusion. He is in favor of rescinding it and starting over.

Ms. Wilson pointed out that by general consent he, and other Commissioners that wish to, can be allowed to change their vote, or add an addendum to the minutes explaining the minority position.

Mr. Midget called the question.

TMAPC Action; 7 Members present:

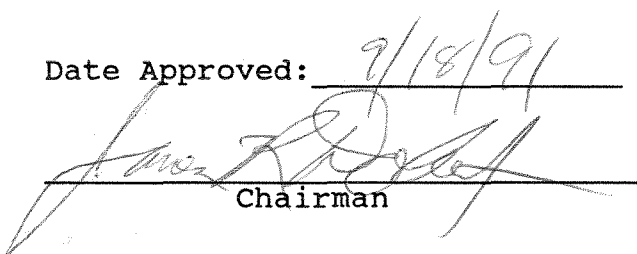
On MOTION of DOHERTY the TMAPC voted 3-3-1 (Doherty, Midget, Wilson, "aye"; Carnes, Parmele, Woodard "nay"; Draughon "abstaining"; Ballard, Harris, Horner, Neeley, "absent") to take no action on Southern Pointe Third (12583) and adjourn.

Motion failed.


After a lengthy discussion it was decided that on next week's agenda would be a request by Planning Commissioners to change their vote on approval of the Sketch Plat of Southern Pointe Third.

There being no further business, the meeting adjourned at 3:00 p.m.

Date Approved: 9/18/91


Chairman

ATTEST:


Secretary