

TULSA METROPOLITAN AREA PLANNING COMMISSION
Excerpt from the Minutes of Meeting No. 1576
Wednesday, October 9, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Higgins	Frank	Linker, Legal
Connery	Harris	Gardner	Counsel
Draughon	Young	Matthews	
Kempe, Chairman		Setters	
Paddock, Secretary			
VanFossen			
Wilson, 1st Vice- Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, October 8, 1985 at 10:00 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:40 p.m.

MINUTES:

Approval of Minutes of September 25, 1985, Meeting No. 1574:

On **MOTION** of **WOODARD**, the Planning Commission voted **8-0-0** (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Higgins, Harris, Young, "absent") to **APPROVE** the **Minutes of September 25, 1985, Meeting No. 1574.**

T U R A - Neighborhood Development Plan Amendments

Ms. Dane Matthews of the INCOG Staff, spoke briefly regarding the Tulsa Urban Renewal Authority (TURA) proposed amendments to the Neighborhood Development Plan and their conformance with the Comprehensive Plan. She stated the two properties in question are:

- 1) A parcel of land north and east of the North Regional Library in the Extension/Moton Sectors for development of a facility for the Domestic Violence Intervention Service (DVIS).
- 2) Certain parcels of land in the Lansing Sector, adjacent to the Hutchenson Branch YMCA as quasi-public to used by said YMCA.

T U R A - Neighborhood Development Plan Amendments (cont'd)

Ms. Matthews continued by stating that Staff has reviewed these and found them to be in accordance with the Comprehensive Plan and recommended APPROVAL.

Mr. Paddock asked how deeply the District 2 Text and Map go into the specific land uses involved in the urban renewal plan. Ms. Matthews stated that, basically, what is reflected on a map are the existing facilities there at the time the plan was done, as well as those that have been added since it was updated. However, the text of the plan designates TURA as the body responsible for the detailed planning, subject to review by TMAPC. In reply to Mr. Draughon, Ms. Matthews commented the acquisition of these parcels is handled by TURA, but is also subject to review by TMAPC. Mr. Connery asked if the DVIS facility was the new center for which a drive was recently conducted. Ms. Matthews confirmed that it was and added that they served on the Task Force for the Special Housing Needs Study and there is close coordination between the groups.

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, Harris, Young, "absent") to **APPROVE** the Neighborhood Development Plan Amendments, submitted by TURA, as being in conformance with the Comprehensive Plan, and to adopt the accompanying Resolution.

PUBLIC HEARING:

Public Hearing on an Amendment to the Major Street and Highway Plan (a part of the official Comprehensive Plan) and to the Subdivision Regulations for the addition of trafficway right-of-way standard at the intersection of arterial streets enlarging right-hand turnbays and extending the length.

After a brief review by Staff, City Commissioner J.D. Metcalf stated his staff at Streets & Public Property had taken this through the Traffic & Engineering Division. Commissioner Metcalf agreed with the need for this amendment and asked for favorable consideration by the TMAPC. Mr. Paddock advised the Rules & Regulations Committee had previously met to review this case and voted to recommend approval.

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Higgins, Harris, Young, "absent") to **APPROVE** the Amendment to the Major Street and Highway Plan and the Subdivision Regulations for the addition of trafficway right-of-way standard at the intersection of arterial streets enlarging right-hand turnbays and extending the length.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **Z-6063** Present Zoning: Various
Applicant: **City of Tulsa (Vensel Creek)** Proposed Zoning: FD

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-2** (Carnes, Connery, Kempe, VanFossen, Wilson, Woodard, "aye"; no "nays"; Draughon, Paddock, "abstaining"; (Higgins, Harris, Young, "absent")) to **CONTINUE Consideration of Z-6063** until Wednesday, October 23, 1985 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Comments & Discussion:

Ms. Wilson asked Staff, in reference to these continued FD cases, if it is the City's intention not to hold a public hearing, are they going to ask for a withdrawal of their applications, or how might this be handled. Mr. Frank stated he has received no information other than to continue these cases until October 23rd, and the City is continuing them until October 25th. Mr. Gardner commented he thought the intent was to withdraw these, but only after they have another ordinance to take its place. Mr. Draughon advised he attended the City Commission meeting where it was announced the Ordinance draft by Stormwater Management had been referred to the Legal Department and the City was to have the ordinance back from Legal on October 22nd. This being the case, Mr. Draughon voiced concern over the time element and wondered if TMAPC should even be reviewing these on October 23rd.

Mr. Linker advised he had worked with Stormwater Management and they are preparing a final draft of the ordinance to submit to Legal. Upon receipt, Legal will put it in final form for submission to the City. Mr. Linker continued by stating the final result will probably be the formality of withdrawing these cases by the Planning Commission.

Application No.: **Z-6080** Present Zoning: RS-1
Applicant: **Spears (Whetstine)** Proposed Zoning: OM
Location: West of the SW/c of 31st and Harvard
Size of Tract: 175' x 130'

Date of Hearing: October 9, 1985 (cont'd from 9/25/85)
Presentation to TMAPC by: Marvin Spears, 5310 East 31st, #612 (665-6020)

Relationship to the Comprehensive Plan:

The District 6 Plan Map, 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.

Z-6080 (cont'd)

Staff Recommendation:

Site Analysis: The subject tract is approximately .5 acres in size and located at the southeast corner of 31st Street and Gary Court. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-1.

Surrounding Area Analysis: The tract is abutted on the north by both OM office use and RS-2 single-family zoning, and on the east, south and west by single family dwellings on large lots zoned RS-1.

Zoning and BOA Historical Summary: OM zoning was denied on the two abutting lots to the east, as noted under zoning background.

Conclusion: The subject request clearly represents spot zoning and nonresidential encroachment into a quality single-family neighborhood. If the request were approved, single-family dwellings would be isolated between office zoning classifications. The Staff can see no difference between this case and a similar case at the southwest corner of Gary and 31st that was denied in 1970. Further, an OL buffer to the CS zoning along Harvard is in place one lot removed to the east of the subject tract.

Therefore, based on the Comprehensive Plan, as well as existing land use and zoning patterns, the Staff recommends DENIAL of OM or OL zoning.

Applicant's Comments:

Mr. Kenneth Brune, 3519 South Florence, addressed the Commission on behalf of his wife, Judy, who is an attorney and will be a partner with Mr. Spears on the subject property. Mr. Brune stated disagreement with protests of some neighbors that a law office would devalue property in the area. As a resident in the area, Mr. Brune stated he felt it would, in fact, increase property values and requested approval of the OM zoning.

In reply to Ms. Wilson, Mr. Brune advised that the Whetstines are the owners of the property and his wife and Mr. Spears are potential buyers, as well as future occupants of the house. Mr. Brune confirmed for Ms. Wilson that it was the intent to establish a law office at the site and there was no intention of reselling the property.

When asked by Chairman Kempe why the request was made for OM as it appears to be a rather small office, Mr. Brune asked Mr. Spears to reply. Mr. Spears approached at that time to make his presentation to the Commission.

Mr. Spears stated he and Ms. Brune do have a contract for purchase, subject to obtaining the proper zoning. Mr. Spears stressed the desire to keep the outside of the home exactly as it is, and if any future

expansion is made to Lot One (which fronts 31st Street), the exterior will be made to look like the original house. Mr. Spears also stated they would be agreeable to an OL designation. Other points mentioned by Mr. Spears were: (1) they are a small law office and spend most of their time on the phone with their clients, so there should not be a parking problem; (2) he was not aware of any objections from the abutting property owners; (3) they plan to put a wall up for purposes of separation on the west side and the property owner is agreeable; (4) the house faces a short street (Gary Court) which is not heavily travelled; (5) the house has been for sale for three years and is virtually unuseable as a residence due to the location on 31st Street. Mr. Spears also pointed out other locations in Tulsa that he contended had similar circumstances and the similar zoning was granted.

Chairman Kempe asked Mr. Spears to comment on the fact that the Staff recommendation had to do with the Comprehensive Plan which designates this area Low Intensity - Residential. Mr. Spears referred to the pictures he submitted as an exhibit and stressed his desire to keep the exterior of the house as it is and blend with the neighborhood. Mr. Paddock asked Mr. Spears to elaborate on the business to the east that appears to be operating without proper authorization. Mr. Spears advised, according to the white business listings and the yellow pages, the business listed at that address is Reliance Wine & Spirits. Mr. Paddock, after reviewing the surrounding area, stated he felt if the TMAPC were to recommend to the City that this request be granted, there could possibly be a domino effect. Mr. Spears stated he did not think a domino effect would occur, as it would be irrational to continue with OM/OL past the subject property as Gary Court would be a good cut-off, and a pattern might be established if continued past Gary Court. Mr. Connery commented that a pattern would already be started if the OM/OL request was granted today. In reply to Ms. Wilson, Mr. Spears advised that the house is currently used as a residence by the Whetstines. Mr. VanFossen asked if the house, which has been for sale for three years, has been up for sale at a price for residential use or business use, and Mr. Spears responded he was not sure but thought it was for residential use.

Interested Parties:

M/M Harry Whetstine (owners)	Address: 3111 South Gary Court
Mr. Larry Pinkerton	2400 First National Tower
Mr. Coy Montgomery	3164 East 33rd
Mr. Dobie Langenkamp	2902 East 31st
Mr. Allen Ratcliff	3427 South Columbia Place
Mr. H.W. Pilkington	3125 South Gary Avenue

Mr. & Mrs. Harry Whetstine (Gladys speaking), owners of the subject property, stated they had resided at this location for eight years. After living there 1-1/2 years, they found it was not feasible for residential use. Mrs. Whetstine elaborated on the problems they experienced having their drive used quite frequently by others for

Z-6080 (cont'd)

parking, and the problems with being on 31st Street. Mrs. Whetstine continued by asking the Commission to consider this as a hardship case as they have tried for three years to sell the property and it is not suitable for residential use. Mr. Whetstine commented on the property back of their home, stating that a chiropractor had, at one time, practiced there and he does think a business is operating there now although they have never had any trouble from it. Ms. Wilson inquired how the Whetstines met with Spears/Brune and was told that it had been arranged through a realtor.

Mr. Larry Pinkerton, representing the homeowners opposed to this request, stated support of the Staff recommendation for denial.

Mr. Coy Montgomery also spoke on behalf of the homeowners opposing an OM/OL zoning designation and presented petitions asking the Commission to vote for denial. Mr. Montgomery also submitted a map showing the location of the residents who have signed the petitions.

Mr. Dobie Langenkamp, who resides 200' from the subject tract, voiced opposition to a zoning change.

Mr. Allen Ratliff stated that, although not a resident in the immediate area, he was concerned about this situation and similar situations occurring all over Tulsa. Mr. Ratliff favored denial of this request.

Mr. Harry Pilkington, spoke against the requested zoning and informed the Commission of the neighboring property owners who were also against the zoning request.

Applicant's Rebuttal:

Mr. Spears stated objection to any comments/signatures of residents outside the 300' area. Mr. Spears again mentioned the similar cases where TMAPC voted against Staff's recommendation and allowed the zoning. Mr. Spears added a comment stressing his desire to keep the appearance of the house as is. In reply to Ms. Wilson, Mr. Spears stated he and Ms. Brune had tried to speak at a homeowner's meeting to inform the homeowners of their intentions, but they were asked to leave as they were not invited.

Comments & Discussion:

Mr. Connery stated to Mr. Spears that the issue before the Commission was the zoning request, not what the applicant intended to do with the house. Ms. Wilson advised that, of the three cases mentioned by Mr. Spears to be similar, one was a BOA case where the zoning was not changed, another was where an RS-3 (high residential) was changed to OL (light office), and the last case was changing medium intensity from RM-2 to OM. Ms. Wilson stated support of the Staff recommendation and moved for denial. Mr. Paddock, while sympathizing with the applicant's position, stated that

Z-6080 (cont'd)

good planning was evident in the area by the buffers already in place. Therefore, he stated his support of the Staff recommendation, as did Chairman Kempe. Mr. Paddock advised that he had been in contact with Code Enforcement regarding the possible violation by the business operating in the RS-1 District. Mr. Draughon stated his agreement with Mr. Paddock's comments and asked Staff to follow up with Code Enforcement on the possible violation by Reliance Wine & Spirits. Mr. Connery added his support of Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the Planning Commission voted **8-0-0** (Carnes, Connery, Draughon, Kempe, Paddock, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Higgins, Harris, Young, "absent") to **DENY Z-6080 Spears**, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **PUD #353-A** Present Zoning: IL
Applicant: **Jiles (Goodwin)** Proposed Zoning: IL
Location: South of the SE corner of 51st & Mingo
Size of Tract: 4.8 acres

Date of Hearing: October 9, 1985
Presentation to TMAPC by: Julius Pegues, c/o 8403 South College (481-0540)

Staff Recommendation - Major Amendment to Abandon the South 299'

The applicant for the major amendment has indicated that he did not wish to be included under the original PUD #353, and now requests that his property (being the south 299' of PUD #353) be removed from the PUD conditions, while retaining the underlying IL zoning. A Detail Site Plan and Minor Amendment has been approved for the north portion of PUD #353 and a substitute Detail Site Plan was also placed in the file on July 8, 1985. The original Detail Site Plan and PUD #353-1 was approved by the TMAPC on April 17, 1985. IL zoning is the present underlying zoning of PUD #353, and also is existing south, east and west across Mingo Road of the area being considered for PUD #353-A. All requirements for floor area, parking and setbacks have been met under the previously approved site plans.

Staff review of PUD #353-A indicates that it is 1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site and, (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

PUD #353-A (cont'd)

Therefore, the Staff recommends APPROVAL of PUD #353-A and retention of IL zoning on the south 299' of the subject tract as requested, subject to the following conditions:

1) That the approved Detail Site Plan, Substitute Plot Plan dated July 8, 1985, and PUD #353-1 be made conditions of approval.

2) **Development Standards:**

Land Area (Gross): 10.20 acres (Net): 9.01 acres

Permitted Uses: Uses permitted by right in an IL District, plus Use Unit 2 (Post Office only, 12, 13 and 14)

Maximum Building Height: 35' or 2 stories

Maximum Building Coverage: 26.08%

Maximum Building Floor Area: 115,951 sf

Minimum Off-Street Parking: 434 Spaces *

Minimum Building Setbacks:

from Centerline of South Mingo 100.0'

from Centerline of East 51st 100.0'

from South Boundary 28.6'

from East Boundary 28.0'

* See Detail Site Plan approval conditions of July 8, 1985.

3) That all signs shall be in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code and the following additional provisions:

a) **Ground Signs:** Shall be limited to a total display area of 605'. One sign shall have not greater height than 40' and 300 square feet of display surface, and seven signs shall have no greater than one foot of height and a total of 305 square feet of display area.

b) A sign plan shall be submitted to the TMAPC for review and approval prior to installation.

4) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to occupancy. The Staff recommends that approximately 10% of the site be devoted to landscape purposes and areas.

5) That the proposed "Boulevard Entry" shall be approved by the TMAPC subject to review and approval by the City of Tulsa Traffic Engineer.

6) That the conditions of approval for PUD #353-1 shall apply.

PUD #353-A (cont'd)

- 7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

NOTE: There is a discrepancy in the area of this PUD. The gross area of the original PUD was 14.9 acres and the area of Phase I was 10.2 acres. This should indicate that the area of land being taken from the PUD (the south 299' x 705.06', which equals 4.84 acres) would be 4.7 acres. A letter questioning this matter has been addressed to the applicant. Staff clarified that the questions related to areas have been resolved.

Comments & Discussion:

Staff clarified for various Commission members the request is to define and separate the south portion from the north by abandoning PUD controls on this south portion, but retaining the IL zoning. Mr. VanFossen stated, while not opposed to the request, he will be abstaining as he owns property nearly abutting the subject area. Mr. Connery asked if there was sufficient right-of-way included in the original PUD for the widening of Mingo Road. Staff confirmed that additional right-of-way had been obtained, and it would be a requirement of any future plats.

Applicant's Comments:

Mr. Pegues, representing the owner, confirmed the intent of this request and supported the Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-1** (Carnes, Connery, Draughon, Kempe, Paddock, Wilson, Woodard, "aye"; no "nays"; VanFossen, "abstaining"; (Higgins, Harris, Young, "absent") to **APPROVE** the **Major Amendment to PUD #353-A**, as recommended by Staff.

Legal Description:

Commencing at the Northwest corner of Section 31, T-19N, R14E, Tulsa County, State of Oklahoma, thence South $0^{\circ} 08' 45''$ East along the West line of said Section 31, a distance of 709.50 feet to the POINT OF BEGINNING; thence N $89^{\circ} 58' 27''$ East a distance of 705.41' to a point on the West line of Block 1, Tulsa Southeast Industrial District, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; thence South $0^{\circ} 04' 46''$ East along said West line a distance of 299.00 feet; thence South $89^{\circ} 58' 27''$ West along the North line of said Block 1, a distance of 705.06 feet to the West line of Section 31, thence North $0^{\circ} 08' 45''$ West along said West line a distance of 299.00 feet to the POINT OF BEGINNING, and containing 210,869.60 square feet, or 4.841 acres, more or less, less dedicated street right-of-way.

There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date Approved 10/23/85

Maureen A. DeLeon
1st vice Chairman

ATTEST:

AT Padlock
Secretary