

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1628  
Wednesday, **November 26, 1986**, 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 Paddock, Secretary Parmele, Chairman Selph VanFossen Wilson, 1st Vice- Chairman Woodard	Crawford Kempe	Frank Gardner Setters	Linker, Legal Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 25, 1986 at 10:57 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 1:31 p.m.

**REPORTS:**

**Committee Reports:** (Rules & Regulations Committee) - Discussion of the TMAPC General Policies.

Mr. Paddock advised the Rules and Regulations Committee, at their November 19th meeting, voted unanimously to recommend adoption of the General Policies to the TMAPC. Therefore, he moved for approval. Ms. Wilson clarified that it was the intent to keep the General Policies apart and separate from the TMAPC Rules of Procedure/Code of Ethics.

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, Kempe, "absent") to **APPROVE** the **TMAPC General Policies**, as recommended by the Rules & Regulations Committee.

Director's Report:

(a) Discussion of the Proposed TMAPC Calendar of meetings for 1987.

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, Kempe, "absent") to **APPROVE** the **1987 TMAPC Calendar of Meetings**, as recommended by Staff.

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(b) Tulsa Development Authority request for a Neighborhood Development Plan Amendment, Westbank II Project Plan.

Ms. Dane Matthews reviewed the amendment request by Tulsa Development Authority for the Neighborhood Development Plan (NDP), which involves acquisition of property within the Garden City area that suffered extensive flood damage. Ms. Matthews stated the request was in accordance with the Comprehensive Plan, and requested approval of this amendment to the Urban Renewal Plan for the Westbank Area II.

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, Kempe, "absent") to **APPROVE** the **Neighborhood Development Plan Amendment**, as recommended by Staff and the Tulsa Development Authority.

**NOTE:** See discussion under "Other Business" (page 11) on this matter.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 179-L (Major Amendment)** Present Zoning: CS  
Applicant: **Ikenberry (KRS Realty)** Proposed Zoning: Unchanged  
Location: South of the SE/c of East 71st Street South and South Memorial,  
being 7121 South Memorial Drive

Date of Hearing: November 26, 1986 (continued from October 22, 1986)  
Presentation to TMAPC by: Mr. Kevin Ikenberry, 111 East 1st, #100 (583-1111)

Staff Recommendation: **Major Amendment**

The subject tract is located south of the southeast corner of East 71st Street and South Memorial Drive at 7121 South Memorial Drive and is the site of a Ken's Pizza Restaurant. The purpose of the major amendment is to request an increase in the floor area to add a glassed-in eating area of 541.6 square feet to the west end of the building. The present restaurant has an area of 2,367 square feet. This site was allocated 2,400 square feet of floor area under the original PUD; therefore, the floor area variance would be 508.6 square feet.

The existing parking would meet the Zoning Code requirements for the present and proposed floor area. Parking area requirements would be based on one space per each 225 square feet of existing floor area, and one space for each 100 square feet of additional floor area (a total of 40 parking spaces now exists on the site). The proposed addition will not encroach into the required setback from the centerline of South Memorial which is a designated primary arterial street.

The major issue around which this case revolves is how to increase floor area within the PUD when all of the permitted floor area has already been allocated to each lot. In addition, several of the lots are interior in location and therefore, do not have any frontage on a major street. At the time PUD 179 was approved, land area was calculated as the area of the lot plus one-half or 30', whichever is less, of the right-of-way of any abutting street to which the lot has access. The present Code allows intensity calculations for gross land area to be based upon the lot area plus one-half of the right-of-way of any abutting street to which the lot has access. If the current Code was used to calculate commercial intensity, the gross commercial area of the PUD could be increased by 30 square feet per lineal foot of the frontage zoned CS. The problem arises as to which lots would receive increases and which lots would not receive any increase in commercial floor area. All of the property owners within the PUD would have to agree to amend the PUD and assign to each lot the additional floor area permitted before today's Zoning Code requirements could apply. This approach does not appear to be attainable since a similar request failed previously.

Another alternative would be a variance by the Board of Adjustment. Each request could be evaluated on its merits and a hardship would have to be demonstrated. The concern of establishing a precedent would also be minimized.

The Staff cannot support the subject request because of the precedent it would establish and the problems inherent in such a procedure; however, the minimal building addition proposed would seem to have some merit as a variance through the Board of Adjustment.

**November 26, 1986:** The TMAPC, on the advice of the Legal Staff readvertised this case giving notice to all property owners within PUD 179 of commercial and office property. If the TMAPC grants this request for 508.6 square feet of commercial floor area, the "unallocated" commercial floor area would be reduced by that amount and an additional total amount of unallocated office floor area would remain.

Comments & Discussion:

Ms. Wilson inquired as to the amount of unallocated floor space left in the PUD. Mr. Gardner stated there was 31,425 square feet in the commercial area and 13,260 square feet unallocated office space. Ms. Wilson then asked what Staff might suggest for future allocation when other application requests were presented. Mr. Gardner commented that, ideally, it would be best if the property owners could sit down and agree

upon how much of the square footage might go to commercial and office and file an application; but this was not likely to happen. Mr. Gardner suggested looking at each application presented as to its own merits, and after review by the TMAPC, process it through the BOA much like a variance application. If this route should not be chosen, then the rationale of the Commission could be used to look at what might be unique or unusual about the situation. In this case, the applicant has a very big tract with a very small building and he has frontage on a major street. Mr. Doherty commented that, in light of this suggestion to look at each case on its individual merits, he could see no reason to hold the applicant "hostage" to some final agreement through the entire PUD. Therefore, he moved approval of the request.

Applicant's Comments:

Mr. Ikenberry, attorney for the applicant, requested early transmittal of this case to the City Commission due to the time already involved with the continuance. Mr. Doherty confirmed with Staff this would be appropriate and amended his motion to include early transmittal to the City.

Additional Comments and Discussion:

Mr. Paddock questioned the advantage of going through the BOA versus this Commission, at this time, making a recommendation to the City Commission. Mr. Gardner stated that Staff's rationale was that if they went to the BOA rather than applying the new Ordinance, then the TMAPC would not have had to open this up (i.e. reviewing the 30' on a first come, first serve basis). However, had it gone to the BOA, it could have been handled more like a variance; the hardship being the change in the Ordinance. Mr. Paddock inquired as to what was meant in the Staff recommendation by "it would seem to have some merit". Mr. Gardner responded that, although the BOA would have to make the hardship finding, Staff could see a hardship.

Chairman Parmele verified that the TMAPC could handle this application today, and stated a preference to do so. Mr. Paddock requested some clarification as to actions by the TMAPC this date opening up the new Ordinance. Mr. Gardner advised the new Ordinance allows going to the centerline of a major street, whereas the old Ordinance allowed going within 30' for calculation of gross area. Therefore, there was an additional 30' on Memorial and on 71st that was potential floor area, even though it had never before been requested. Mr. Paddock confirmed with Staff that this request was increasing the unallocated square footage that could be available for commercial. Mr. Gardner advised this was correct and would, therefore, be establishing a precedent.

Ms. Wilson inquired if there was any kind of a meeting among the property owners as to the handling of the allocation. Mr. Gardner advised that to his knowledge there was no meeting. However, he did receive some calls on this and he assured the property owners that they were not losing anything that was already assigned. Ms. Wilson asked Mr. Gardner if he was aware of any PUD that, in fact, increased the amount of building allowed. Mr. Gardner cited the PUD 131-D, a nursing home that had requested permission, after the fact, to increase square footage.

**PUD 179-L Ikenberry (KRS Realty) - Cont'd**

Mr. VanFossen stated he did not have a problem with the precedent because it permits the PUD's in existence to be reanalyzed, and the precedent in this case was certainly less than the percentage that might be allocated. Mr. Paddock inquired if this application was approved by both the TMAPC and the City Commission, would Staff set up a method to keep tabs on the increased allocations. Mr. Gardner stated, if approved, it would force Staff to do this very thing.

**TMAPC ACTION: 8 members present**

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, Kempe, "absent") to **APPROVE** the **Major Amendment for PUD 179-L Ikenberry (KRS Realty)**, and **APPROVE** early transmittal of same to the City Commission.

**Legal Description:**

Lot 1, Block 1, EL PASEO, a resubdivision of Lots 2 and 3, Block 1, Skyview Acres, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-16778 (1993) Design Properties                      L-16780/81 (3603) K-Mart  
L-16679 (1583) Arch Investments

**TMAPC ACTION: 8 members present**

On **MOTION** of **CARNES**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Draughon, Kempe, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

OTHER BUSINESS:

**PUD 298-7:** Lot 1, Block 3, Shadow Ridge Addition

Staff Recommendation: Minor Amendment for Building Setback

The subject tract is Lot 1, Block 3 of the Shadow Ridge Addition. It is bounded on the east by South 89th East Avenue, on the west by South 88th East Avenue, and on the south by East 87th Street. A 25' building setback is required on the west and south, which creates a hardship when locating a house on this lot. The applicant has requested that the 25' building setback from the property line on the south (South 87th Street) be amended to 22'. All other building setbacks will be met.

Staff finds this request to be minor and recommends APPROVAL, subject to the submitted plot plan.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment for Building Setback for PUD 298-7**, as recommended by Staff.

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**PUD 183-3:** Lot 18, Block 1, Sans Souci Addition

Staff Recommendation: Minor Amendment to Side Yard Setback

The subject tract is Lot 18, Block 1 of the Sans Souci Addition and has been developed for a detached single-family residence. The underlying zoning of this part of PUD 183 is RM-1. The PUD requires that interior side yards be a minimum of 5'. The approved plat includes a 5' utility easement along the south boundary and the surveyor's inspection plat indicates the existing building encroaches 1' into the building line and utility easement. Staff notes that there is no utility easement on the abutting lot. The purpose of this request is to clear title.

Staff finds the request to be minor in nature and recommends APPROVAL of the 4' side yard setback, as follows:

- 1) That the applicant's submitted plot plan be a condition of approval.
- 2) That the portion of the utility easement encroached upon be vacated or that the applicant secure a license from the City of Tulsa for the continued encroachment.
- 3) That a minimum of 6' separation exists between the roof eaves of the structure on the subject tract and the abutting lot to the south.

Comments & Discussion:

Chairman Parmele inquired if the 6' separation of the roof eaves currently existed. Mr. Frank commented he was not sure on this particular case, but that generally it does exist. He added that most of the eaves in additions such as this are 16" - 18". If it did not exist, then Staff would catch it at that point. Mr. VanFossen noted that there was only 8' between the two houses and 6' would be very difficult to get, and maybe 5' might be more achievable. Mr. Frank commented that if the TMAPC went to 6' then they would be giving a variance to the requirement for the separation between roof eaves, which was 6' in the Zoning Code, which would, technically, require the applicant going before the BOA. Chairman Parmele clarified that the Commission was not giving a variance to the 6', and stated he agreed with Mr. VanFossen that with the 8' between the houses the 6' might be tough.

Mr. VanFossen inquired, for further clarification, if it was the vertical projection of the eaves or the measured distance between them. Mr. Frank stated he would leave this interpretation to the Zoning Officer doing the inspection. Mr. Gardner commented that where the 6' came in was where there were 5' side yard minimums with a 2' maximum overhang. Potentially, the roof overhangs could be within 6' of each other. Staff's concern was that if they got closer than this, then there were also fire rated walls, and Building Code requirements to think about. Mr. Gardner pointed out that this dealt only the extreme corner of the building due to the construction on the lot.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **APPROVE** the **Minor Amendment for Side Yard Setback for PUD 183-3**, subject to the conditions as recommended by Staff.

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**PUD 300:** East of the NE/c of East 81st Street and South Sheridan Road

Staff Recommendation: Detail Sign Plan for Tract B

The subject tract has a frontage on both East 81st Street and South Sheridan and has been developed for a retail shopping center. The applicant is requesting approval for one additional sign to be placed on the existing sign structure which is located on East 81st Street. The proposed sign is 18" wide by 6'6" long with a display surface area of 9.75 square feet, which is within the permitted signage area, as approved by the TMAPC for PUD 300-3. Total sign area will be increased from 251.6 square feet to 261.35 square feet (the TMAPC authorized a maximum of 287 square feet).

**PUD 300 (Detail Sign Plan) - Cont'd**

Therefore, Staff recommends APPROVAL of the Detail Sign Plan as submitted, and subject to the sign being of a uniform character and design with the two existing signs.

**TMAPC ACTION: 9 members present**

On MOTION of CARNES, the Planning Commission voted **8-0-1** (Carnes, Doherty, Draughon, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; (Crawford, Kempe, "absent") to **APPROVE** the **Detail Sign Plan for Tract B of PUD 300**, as recommended by Staff.

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**PUD 215-E: Lot 24, Block 40 Chimney Hills South**

**Staff Recommendation: Detail Site Plan for Church Expansion**

PUD 215 is located north of East 91st Street South, between South 73rd East Avenue and South 77th East Avenue. It was approved by the TMAPC on 09/26/78. Development Area "E" is required to meet the following conditions:

- a) Net Area 16.63 acres
- b) That the permitted uses include church and related activities, and single-family. Floor area was not allocated in the original PUD to the various functional areas of the church facility.

The first stage of the church development received Detail Site Plan approval by the TMAPC and has been constructed. The applicant is now proposing to construct a multi-purpose church building with a total area of 16,850 square feet.

Staff review of the submitted Plan finds it to be consistent with the PUD conditions; therefore, Staff recommends **APPROVAL** subject to the following conditions:

- (1) That the applicant's Detail Site Plan be made a condition of approval unless revised herein.
- (2) That a maximum of 12,500 square feet of sanctuary area can be constructed. It is noted that 4,562 square feet has been built leaving 7,938 square feet.
- (3) That a maximum area of 12,000 square feet of classroom area can be constructed and 5,500 square feet has been built. A total of 4,400 square feet of classroom space is proposed in this application; therefore, 2,100 square feet of classroom area is not built. Staff notes that the 2,100 square feet figure is to be reduced to 1,250 square feet of classroom area with the approval as recommended for the now proposed 16,850 square feet multi-purpose building.

**PUD 215-E (Detail Site Plan) - Cont'd**

- (4) That a minimum of 313 parking spaces for the total development shall be provided.
- (5) That a minimum of 114 parking spaces is now provided for the existing sanctuary and no additional parking is required for the proposed multi-purpose building.
- (6) That additional parking per the Tulsa Zoning Code, be constructed prior to completion of any future sanctuary expansion.
- (7) That the fellowship building cannot be used for additional sanctuary space unless required parking is provided at one space per 40 square feet of sanctuary floor area.
- (8) That a solid screening fence not less than 6 feet in height be constructed along the back property lines of Block 40, Lots 1 - 12 and the east side property line of Lot 8, when, or if, residential structures are constructed on said lots.

Comments & Discussion:

Mr. Paddock inquired if the Parkway designation had remained on 91st Street, how this might have affected the church project with the acquisition of additional right-of-way required to make 91st Street a Parkway. Mr. Frank stated it did not appear that it would have affected this particular case.

Chairman Parmele stated the applicant, who was in attendance, did agree with the conditions of the Staff recommendation.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Crawford, Kempe, "absent") to **APPROVE** the **Detail Site Plan for PUD 215-E**, subject to the conditions as recommended by Staff.

OTHER BUSINESS: Comments & Discussion

Mr. Doherty asked Legal to comment in regard to Comprehensive Plan amendments, specifically the TU Special District Study, and referral to the County Commission since this applies strictly to an area within the City, and the effects, if any, of the County's actions (approved, not approved, etc.). Mr. Linker advised he did not believe there were any areas outside the City limits within Tulsa County included in the TU Special Study Plan. Therefore, under the Statutes, which specifically state that areas within the jurisdiction of the City shall be determined by the City Commission; and the areas within the

OTHER BUSINESS: Comments & Discussion

jurisdiction of the County should be determined by the County. Mr. Linker continued by stating the reason this was probably submitted to both was that due to the proximity of the fairgrounds within this district. Mr. Doherty remarked that, since this did not include the area of the fairgrounds, it appeared Legal's opinion was that the resolution was already in effect. Mr. Linker stated this was correct, unless there was an area he did not know about which was outside the City limits encompassed in this Study that would be within the jurisdiction of Tulsa County.

Ms. Wilson stated that, as a matter of procedure or practice, it had become customary to always go to the Planning Commission, then the City and County Commission when, in effect, some things are probably on different agendas that may not need to be. Mr. Linker stated this was possible, but he was not aware of any areas outside the City limits that have gone to the City of Tulsa where there was not also areas inside the City limits involved. He thought this practice might have been picked up due to the fact that there were so many areas of the City surrounded by City limits that were not actually taken into the City limits.

Mr. Gardner added that there was more at stake than legal matters, as this Commission was a joint City-County Planning Commission and all of the documents (resolutions) are joint City-County signature documents. Therefore, from an administrative standpoint of processing planning items, documents are sent to both the City and County.

Mr. Paddock inquired of Mr. Linker, in regard to the passing of the resolution on the Creek Expressway, if his understanding was correct in that in order for funding of the Creek Expressway to be made available, that the functional plans had to include the entire route (corridor) of the expressway, insofar that it was within the limits of the County of Tulsa, not just the City limits. Mr. Linker stated he thought this was more than just a legal question, as it was getting more into what the Federal agencies might indicate what they would or would not approve. Mr. Paddock then inquired if it would have something to do with the County's ratification of that resolution (on the Creek Expressway) in order to fully implement it. Mr. Gardner commented that while this resolution was submitted to and approved by the County, in that particular instance, part of the expressway was in the unincorporated areas where the Board of County Commissioners did have jurisdiction and they had to approve it just as the City Commissioners had to approve what was in the City, and the TMAPC had to approve both.

Mr. Paddock stated that the resolution just voted on earlier in this meeting (Tulsa Development Authority on behalf of the Neighborhood Development Plan) while different from the normal procedure, raised the question as to whether the TMAPC procedures with respect to formal approval of a formal resolution was needed. In other words, when the TMAPC votes on a matter it might be advisable, for the future, to have a procedure whereby when the Planning Commission votes on an amendments to the Comprehensive Plan or changes to the Major Street and Highway Plan, that the Commission could take that vote and state at that time that their action was to be incorporated into a resolution to be drafted and presented to the Commission. Therefore, when the resolution was presented, a separate vote would be needed.

OTHER BUSINESS: Comments & Discussion

Mr. Linker stated that a good reason to vote on a formal resolution when presented back to the Commission, was to allow the Commission to state at that time the resolution, in fact, did do what was previously voted on at the time of adoption. Further, the second vote would not require the same number of votes like on an amendment to the Comprehensive Plan. It would merely take a majority vote of the TMAPC that it was a resolution carrying out the vote that had been taken before. Mr. Linker pointed out the City Commission also follows this procedure.

Ms. Wilson recalled a vote several years ago where the Commission felt that a resolution did not, in fact, reflect what was approved. Mr. Linker stated the vote does protect the Commission in this situation as the TMAPC had to vote on the formal approval. Further, the Commission should not be approving a formal resolution that did not carry out what was adopted/approved the first time at the public hearing.

In regard to the **Neighborhood Development Plan Amendment** (see page 2 of these minutes), Chairman Parmele pointed out that he did not think the information submitted to the Commissioners in the Staff's memo was the same thing stated in the formal resolution. Mr. Gardner stated that this was a Tulsa Development Authority (TDA) resolution, which was different from the usual resolutions submitted by the INCOG Land Development Staff. Chairman Parmele commented that there were points in the formal resolution submitted by TDA that was not even in the information given to the Commissioners. Mr. Paddock stated that, in the past, when the Commission was asked to sign a resolution, the text of that resolution was put in their weekly packets to allow them time to review the information so that when they voted they were, in effect, voting for that resolution. However, in this case, when reading the TDA resolution for signature (as Secretary of the TMAPC), he noticed the differences. Mr. Gardner suggested not signing the formal resolution so as to allow time to disburse copies of the formal resolution to the Commission. Chairman Parmele read from the wording of the TDA resolution and it was agreed that copies of this should be given to the TMAPC members before signing by the officers of the Commission.

As suggested by Ms. Wilson, the Commission requested Staff to provide an update of the Capital Improvements Program (CIP) in the near future.

Chairman Parmele and several other members of the Commission discussed the fact that there has been no response from the Department of Stormwater Management (DSM) as to requests made by the TMAPC and/or the INCOG Staff for provision of DSM information as it relates to the weekly zoning cases. The Commission requested Staff to check into this matter and give an update, and suggested that possibly a letter to Commissioner Metcalfe, on behalf of the TMAPC, might be needed.

There being no further business, the Chairman declared the meeting adjourned at 2:15 p.m.

Date Approved 12-10-86  
[Signature]  
Chairman

ATTEST:

[Signature]  
Secretary