

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1656
Wednesday, July 8, 1987, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Rice	Gardner	Counsel
Draughon	VanFossen	Lasker	
Kempe		Matthews	
Paddock, 1st Vice- Chairman		Setters	
Parmeale, Chairman		Wilmoth	
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, July 7, 1987 at 9:45 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 1:39 p.m.

MINUTES:

Approval of Minutes of June 17, 1987 & June 24, Meeting #1654 & #1655:

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-2** (Carnes, Doherty, Draughon, Parmele, Wilson, Woodard, "aye"; no "nays"; Kempe, Paddock, "abstaining"; Crawford, Rice, VanFossen, "absent") to **APPROVE** the **Minutes of June 17, 1987, Meeting #1654**, and **June 24, 1987, Meeting #1655**.

REPORTS:

Committee Reports:

Mr. Paddock advised of the TMAPC Joint Committee meeting held this date regarding the amendments to the Development Guidelines and the District 18 Plan Map & Text, and stated the Committee had no final recommendation or determination.

Director's Report:

Mr. Jerry Lasker, INCOG Director, advised that the lawsuit involving the Creek Expressway, filed by Mr. John Reidel, was thrown out of court, and work on the Environmental Impact Statement (EIS) was being continued. Mr. Lasker commented that Mr. Linker and the City Legal Staff had done a good job in defending the City on this case. Ms. Wilson inquired as to the time required for completion of the draft of the EIS, and Mr. Lasker stated there was a 12 month projected time frame in order to complete the public reviews and hearings.

In regard to the relocation of the INCOG offices, Mr. Lasker announced the lease had been signed for space in the 201 Executive Center and the move was scheduled for September 1st.

PUBLIC HEARING:

(continued from June 24, 1987)

PUBLIC HEARING TO CONSIDER APPROVAL OF AMENDMENTS TO PARTS OF THE COMPREHENSIVE MASTER PLAN, BEING THE METROPOLITAN DEVELOPMENT GUIDELINES, ZONING MATRIX, DISTRICT 18 PLAN MAP AND TEXT, PERTAINING TO ESTABLISHMENT OF SPECIAL CONSIDERATION AREAS FOR LOW AND MEDIUM INTENSITY DEVELOPMENT, POLICIES FOR IMPLEMENTING CORRIDOR ZONING, REDEFINING SPECIAL DISTRICTS AND RELATED MATTERS.

Comments & Discussion:

Mr. Jim Poe (5808 East 63rd Street), attorney and a resident of the Hidden Valley Addition in District 18, voiced strong objection to the proposed Special Consideration Areas, specifically Area #11 (the west side of South Sheridan between East 62nd and 70th Streets). Mr. Poe stated he was representing the views of approximately 300 Tulsans in this area who have signed petitions opposing the proposed change to the Comprehensive Master Plan. Mr. Poe referenced his letter previously submitted to the Commission requesting this area be deleted from the proposed Special Consideration Areas, as the residents felt this would open up the area for strip zoning. He also voiced concerns as to the potential effect of these amendments on escalation of future litigation in the District Courts. In regard to this, the Commission agreed to request an opinion from the City's Legal Department. Mr. Poe submitted photos of the subject area looking down the hill at 61st and Sheridan.

PUBLIC HEARING - Cont'd

Mr. Doherty stated that he had been one of the main proponents for inclusion of this specific area as a Special Consideration Area, but he now felt that this deserved separate consideration and, perhaps, more discussion with the residents of the Hidden Valley Addition. Therefore, he moved that Special Consideration Area #11 be deleted from further consideration in amending the District 18 Plan Map and Text.

Mr. Paddock commented that he may or may not be in favor of eliminating Area #11 as he did not like to do this "piecemeal", and he felt the Commission should review all of the areas before taking a final vote. Therefore, he would be voting against the motion to delete Area #11 at this time. Chairman Parmele agreed with Mr. Doherty based on the comments at the previous hearing and Committee meeting in opposition to including Area #11; therefore, he would be voting in favor of the motion.

Mr. Terry Young (PO Box 3351, Tulsa) remarked he supported Mr. Doherty's motion and, while being surprised at the number of the Special Consideration Areas, he did not feel that all of these areas should be brought in by amendment automatically. Mr. Young pointed out that the only area in District 18 that was specifically requested was that area by Woodland Hills Mall, and he suggested that this area may, in fact, be the only amendment to District 18 that the Commission would want to consider at this time.

Mr. Gardner advised that Staff had previously stated that, if the Commission chose to eliminate Area #11 from the process, then Staff had no problem with this. However, if Mr. Young was suggesting that all the Special Consideration Areas be eliminated at this time except the area he had under application by Woodland Hills Mall (Z-6166/PUD 179-0), then this would be inappropriate and Staff would recommend denial and suggest leaving the Guidelines as is, because special treatment should not be given to just one location. Mr. Young clarified he was not intending his area be given special treatment, but was merely suggesting the Commission consider each area as they came up, in lieu of considering them all at one time.

Mr. Doherty stated the purpose of his motion to eliminate Area #11 was primarily to accommodate the wishes of a vast number of people voicing opposition. He commented that the Commission had not heard opposition, to any degree, from any of the other Special Consideration Areas. Mr. Doherty reiterated that his motion was only for Area #11, and the other areas should be considered in the manner proposed.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **7-0-1** (Carnes, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Crawford, Rice, VanFossen, "absent") to **DELETE** the Low Intensity Special Consideration Area #11 (the west side of South Sheridan between East 62nd and 70th Streets) from the proposed amendments under consideration for the District 18 Plan Map and Text.

PUBLIC HEARING - Cont'd

Mr. Paddock commented that he has never been in favor of planning or zoning on the basis of a plebiscite. He stated that just because there were people in attendance who opposed these amendments, particularly Area #11, it did not mean that there were not other areas deserving the same consideration, even though the citizens may not have been able to attend the hearing to protest. Therefore, he chose to abstain on the vote.

Additional Comments and Discussion:

Chairman Parmele called for discussion on the Development Guidelines and/or the remaining amendments to District 18 Plan Map and Text.

Ms. Virginia Poe (5808 East 63rd Street), Co-Chairman of District 18, stated that there was a strong consensus of opposition in the District to any further commercialization of residential Tulsa. Ms. Poe asked the Commission to consider the legal precedent that may be established by making these changes in the Comprehensive Master Plan, and she agreed the Special Consideration Areas should be considered individually.

In regard to the Development Guidelines, Mr. Young stated he felt the proposed amendments recognizing low and medium intensity development areas reflected changes in attitudes, physical facts and changes in the Tulsa economy since the 1974 adoption of the Guidelines. He urged the TMAPC to approve the amendments to the Development Guidelines as proposed.

Mr. Gardner reviewed the suggestions and comments of the Committee as to changes or modifications, and acknowledged the TMAPC Committees did not have a consensus for adoption of the Guidelines. He advised the primary modification was to the terminology "Linear Development Areas (LDA)" in lieu of Special Consideration Areas, which has been used previously in the Comprehensive Plan with a different connotation.

Mr. Doherty moved for adoption of the Development Guidelines as modified and amended this date. Ms. Wilson stated she was in agreement with the majority of the proposed changes, with the exception of the linear development areas, as she was not convinced this was good long-range planning. She commented she still had concerns that, even though the Commission feels they are not directing zoning in the Guidelines, this may unintentionally happen by allowing or encouraging certain intensities at some locations. Ms. Wilson stated she felt there was a need for a good working relationship between the Zoning Code, the Development Guidelines and the Major Street and Highway Plan, and that the proposed linear development areas were like "little cancers". Therefore, she did not feel it was in the best interest of the City to entertain such an idea. Ms. Wilson added she did not feel it was a good working document, as she did not like the concept and would, therefore, be voting against the motion.

Public Hearing - Cont'd

Mr. Draughon inquired if the same criteria was used to determine each of the proposed LDA's, and why the different areas should be considered separately. Mr. Gardner advised the same criteria was used for each area with the only difference being a determination of low or medium intensity. He reviewed the criteria used. Mr. Draughon stated he had the same feeling about these changes as Ms. Wilson, and he was not prepared to vote for these amendments at this time.

Mr. Paddock advised he was not comfortable at this point in voting for the motion made by Mr. Doherty. He advised that he had been away for some time and had some reservations that left him unprepared to vote at this time on a matter with such importance. Mr. Paddock commented he needed additional time to consider how he really felt about this, and whether or not some further changes should be proposed.

In response to Ms. Wilson, Mr. Doherty commented that the only way these areas could expand was through a vote of the TMAPC, and he would not, without very careful consideration, vote to expand any of the areas. Mr. Doherty continued by stating that these areas recognized physical facts, and the TMAPC could not be in a position of planning in a vacuum, and if the Commission tried to plan to theory, then it would be a great disservice to the City. Ms. Wilson stated that, should the motion be amended to exclude the LDA's at this time, then she could vote for the motion on the Development Guidelines.

Chairman Parmele, referring to the introduction to the Development Guidelines (page one), stated that several months ago the TMAPC instructed Staff to examine the Guidelines, specifically with reference to a rezoning and PUD application in the Woodland Hills Mall area. This was done as it was felt, at that time, there were areas within the City of Tulsa that, because of existing physical facts, because of zoning that was already in place and developed, and because of street (expressway) construction, that these areas might merit special consideration for low or medium intensity development. Chairman Parmele commended Staff on an excellent job, and he considered what was being done to the Development Guidelines a big step forward for Tulsa.

After a brief recess, Mr. Doherty withdrew his earlier motion and moved to continue the public hearing items to July 22, 1987. In reply to Mr. Draughon, Chairman Parmele explained that the public hearing item regarding District Plan Map and/or Text changes for Districts 2, 5, 6, 7, 8, 9, 10, 17, 18 and 26 would also have to be continued, as these related to the amendments to the Development Guidelines and could not be discussed until the amended Guidelines were adopted. However, Chairman Parmele stated that those in attendance on this item would be allowed to address the Commission.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to **CONTINUE** Consideration of the Public Hearings regarding amendments to the Development Guidelines, the District 18 Plan Map & Text and related items, and amendments to the District Plan Map and/or Text for Districts 2, 5, 6, 7, 8, 9, 10, 17, 18 and 26 pertaining to establishment of Special Consideration Areas (i.e. Linear Development Areas) for low and medium intensity development, housekeeping amendments and related items, until Wednesday, **July 22, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Continued Discussion:

Ms. Pat Fisher (9650 East 27th Street) voiced strong opposition to the proposed changes to the Comprehensive Master Plan. She stated that, as a flood victim, she feared these changes would adversely affect the Mingo Creek Flood Basin.

Mr. Paddock requested Staff respond at the next meeting to a mailed objection by Mr. Ray Cosby in regard to the proposed amendments. Mr. Paddock also requested Legal's opinion on the statements made by Mr. Poe regarding the potential affect of the amendments on future litigation.

Mr. Arthur H. Noe (9635 East 28th Street) expressed objections to any rezoning in the Mingo Creek area. Mr. Paddock pointed out that the TMAPC was not considering any zoning changes at this time, but only amendments to the Development Guidelines, which were a part of the Comprehensive Master Plan.

Ms. Dane Matthews advised of a request from District 8 for a two month continuance on consideration of the Linear Development Areas in this district. As the TMAPC liaison to this district, Chairman Parmele advised receipt of the continuance letter this continue. However, he felt that two months was too long of a delay, and this district has had the same opportunity as the other districts to attend these hearings and Committee meetings, as all the districts under consideration were notified. Mr. Paddock agreed with Chairman Parmele that a two month delay was inappropriate and he felt the Commission should proceed with this matter as soon as possible.

SUBDIVISIONS:

EXTENSION OF APPROVAL: (1 year recommended)

Woodland View Park South Amended (3693) East 59th & South 87th East Ave (RS-3)

Lansing Industrial Park II (3602) SW/c of Pine & North Lansing (CH, CS, IL)

Mr. Doherty inquired if these were the first requests for extension. Mr. Wilmoth advised that Woodland View Park South had been extended previously; however, Staff had no problem with this request.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-1-0** (Carnes, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to **APPROVE** the **One Year Extension of Approval for Woodland View Park South Amended** and **Lansing Industrial Park II**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

BOA 14523 (Unplatted) (1302) 4431 North Cincinnati Avenue (CS)

This is a request to waive plat on a small unplatted commercial tract at the above address. The Board of Adjustment is to permit a temporary tent revival meeting. Since the use is temporary, is zoned commercial, and nothing is being changed permanently, Staff recommends **APPROVAL** as requested. (Any limitations on use, etc. will be placed on the applicant by the BOA.)

TMAPC ACTION: 8 members present

On **MOTION** of **WOODARD**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to **APPROVE** the **Request for Waiver for BOA 14523**, as recommended by Staff.

LOT SPLIT FOR WAIVER:

L-16825 Veltman (1993) West of the SW/c of 37th & Yorktown Place (RS-2)
(continued from June 17, 1987)

This is a request to split a large irregularly shaped tract into four lots. The applicant has indicated that the existing residence is to be removed. This lot split will require a variance because the applicant proposes a mutual access and utility easement in order to allow access by a private road.

Staff recommended approval, subject to the following conditions:

- (1) Approval from the Board of Adjustment for case 14516 for the above mentioned variance (lot frontage).
- (2) Approval from the Water and Sewer Department for access to all lots. Sewer extension required. Water extension required, 6" and 4" with hydrant.
- (3) Any utility easements that may be necessary in order to service the newly created lots. (11' perimeter easement.)
- (4) Grading and drainage plan approval by Department of Stormwater Management through the permit process. On-site detention required. Class A Watershed permit required. Minimum floor elevations may be required. Do not block conveyance of surface run-off.
- (5) Include language in mutual access and utility easement for repair of paving and landscaping.

The TAC voted unanimously to recommend **APPROVAL** of L-16825, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Wilmoth reviewed the TAC recommendation and stated that the drawing showing three lots was a compromise suggested by Staff and was not submitted by the applicant, who still wants this split into four lots. Mr. Wilmoth pointed out that applicant's proposal for four lots would front on a private driveway which was a portion of the old Terwillegger Boulevard right-of-way. He stated this right-of-way was closed by ordinance several years ago.

Mr. Gardner commented this was a classic confrontation between an area developed to RS-1 or greater standards, but was zoned RS-2. He pointed out that the four lot proposal exceeds RS-2 standards, while the alternate plan for three lots would exceed RS-1 standards.

Applicant's Comments:

Mr. Pat Fox (2622 East 21st Street) an architect representing the applicant, compared the average lot size to those in the area, and pointed out that some existing lots were smaller in size than any of the proposed four lots, and the zoning would allow up to five lots. Mr. Fox addressed stormwater concerns, stating that detention would be provided according to

DSM requirements. He advised the applicant intended to preserve the country atmosphere of the neighborhood, and would be living in one of the four homes proposed. Chairman Parmele inquired if the applicant had considered the suggested three lot compromise. Mr. Fox stated that, based on his knowledge of the economics of the project, this would be out of the question (i.e. an "all or none" situation).

In regard to the street requirements, Chairman Parmele asked Staff to comment on the difference between going through the lot split process versus replatting. Mr. Wilmoth stated that all the requirements for this would be identical whether for platting or a lot split. He commented that, with a dedicated street, the applicant could meet a 9,000 square foot minimum. Mr. Wilmoth reiterated that the City vacated Terwillegger years ago, and they may not want this back. Ms. Wilson confirmed with Mr. Fox the proposed homes would be 3,000 - 4,000 square feet with the price range being \$127,000 - \$130,000 for each lot, making the homes between \$400,000 - \$500,000. Mr. Draughon reviewed the on-site detention with Mr. Fox.

Ms. Gayna Veltman (2128 East 26th), the applicant, commented that she could understand the resident's concerns, as she presently resides in a 5,000 square foot house on a two acre lot. She stressed that she had no intention to tear down an existing structure to just build several small houses. In regard to stormwater and flooding, Ms. Veltman advised that she would never consider building any houses at the bottom of this tract. In reply to Chairman Parmele, she confirmed she had a contract pending on the property, contingent on the lot split.

<u>Interested Parties:</u>	<u>Address:</u>	
Mr. John Reid	2235 East 38th Street	74105
Mr. Harry Humphreys	2201 East 38th Street	"
Mr. John Tucker	3618 Terwillegger	"
Mr. George Sartain, Jr.	2025 East 37th Street	"
Mr. Bill Athens	3717 South Xanthus	"
Ms. Lucy Trotter	3654 South Terwillegger	"
Mr. H.D. Hardy, Jr.	2103 East 37th Street	"
Mr. Jim Holder	3630 Terwillegger	"
Ms. Helen Santee	3627 Terwillegger	"
Mr. Colin Tucker	3618 Terwillegger	"
Ms. Francesanne Tucker	3618 Terwillegger	"
Mr. Mike Swenton	3727 South Xanthus	"
Ms. Linda Swenton	3727 South Xanthus	"
Mr. Clyde Barton	3623 South Terwillegger	"
Ms. Bonnie Barton	3623 South Terwillegger	"
Ms. Genevieve Clark	2238 East 38th Street	"
Ms. Vivian Godfrey	2227 East 38th Street	"
Ms. Virginia Mudd	2221 East 38th Street	"
Mr. Tom Bennett	2024 East 37th Street	"
Mr. Jack Santee	3627 South Terwillegger	"

All of the above listed parties spoke in protest to the lot split application. Flooding and water run-off prompted the greatest objection, while some felt the proposed lot sizes would be incompatible with the integrity and character of the neighborhood. The protestants commented on the uniqueness of this area of Tulsa and were united in a request for denial of the lot split in order to preserve this quality. Letters of protest and photos of the area were submitted and made exhibits for the record.

Additional Comments and Discussion:

Ms. Kempe commented that the residents could offer themselves some protection with RS-1 zoning. Mr. Linker advised that the TMAPC was limited as to what could be done on a lot split application, in that they could only do what was permitted under the Subdivision Regulations. In this particular case, the density has been set by zoning, and in a normal situation, the private covenants would require a more severe development standard than that permitted under the zoning, but covenants have not been mentioned. Chairman Parmele, acknowledging that the TMAPC cannot involve themselves with covenants, stated that the Commission can, and does, look at compatibility with the neighborhood. In this regard, Mr. Linker asked Chairman Parmele if he was referring to the shape of the lots, the density, etc. as the Commission needed to be cautious; from a legal point of view, there must be a basis in the ordinance and regulations for denial that the Legal Department could defend.

Mr. Draughon inquired if the condition for a BOA variance offered enough legal justification for denial. Mr. Linker commented that the objections have been directed to density, not street frontage, and this waiver request deals with the frontage issue. He added that all of the proposed lots met the density requirements under the zoning. Mr. Carnes commented that, as Commissioners, he felt they had the right to make a decision based on the use of the surrounding property. Mr. Paddock commented he felt the District 6 Comprehensive Plan was an important part of the defense for the actions of this Commission, should the Commission deny this lot split waiver. Mr. Gardner stated that he felt Legal Counsel was not instructing the TMAPC on what to do, but merely that whatever they did, it should be based on something that Legal could defend. Mr. Gardner pointed out the similarity of nearby tracts to the subject tract and, although the applicant stated he could not use the suggested three lots, the Commission was not obligated to give the applicant what he could use. Mr. Gardner suggested that, rather than a flat denial, there might be some other consideration that would offer a more solid legal foundation. In reply to Mr. Draughon regarding the BOA variance, Mr. Linker clarified the reason this application required a variance was due to the lack of frontage on the street. Mr. Linker continued by stating that, should the Commission determine for some reason (i.e. health, safety and welfare) the lots not having frontage was improper or would cause problems, then there might be a basis, under the Subdivision Regulations, for denial. He added that he felt there was not a basis for denial just on the protests of the residents or the density issue, as there was similar density in the area and the zoning permitted the requested density.

Applicant's Rebuttal:

Mr. Fox stated the applicant shared the concerns expressed regarding flooding, and should they not be able to meet the DSM requirements, then the applicant would not be able to develop the property as proposed. In response to Mr. Fox regarding the drainage issue, Mr. Linker commented that, other than assuring this would be submitted for DSM review, this technically should not concern the TMAPC in this matter. Further, it should not be a concern in the BOA matter, because DSM requirements must be complied with in order to allow development.

Mr. Fox reiterated the average lot size was 15,000 square feet, and the houses to be built should be not construed as townhouses, as was implied by some protestants. He stressed these were to be single-family houses. Mr. Fox confirmed with Mr. Linker that private access, in and of itself, was not grounds for denial of a lot split. In reply to Mr. Draughon, Mr. Fox confirmed that fees-in-lieu-of had never been brought up nor mentioned at the TAC's meeting, and he had a letter from DSM that the applicant would be required to detain stormwater.

Review Session:

Mr. Carnes moved for denial of the lot split application. Mr. Paddock admitted to having a real problem with this application, in that Legal Counsel was advising the Commission to really consider their action should they vote for denial, plus the fact that Staff had not recommended against this. While, on the other hand, the Commission had to determine the role of the Comprehensive Plan in zoning and lot split matters such as this. Mr. Paddock stated he personally felt that this application was not in accordance with the District 6 Plan, the proposed development would not be compatible, and the effect of this would impair the integrity of the residential neighborhood. To add to the quandary, Mr. Paddock stated that Legal was advising the Commission's "hands were tied" and they could not do anything but approve this and leave other matters to the BOA.

Mr. Linker commented that he was not advising the Commission's hands were tied, but he was trying to offer guidance to the proper consideration in this matter, and the issue before the Commission was the issue that required waiver of the Subdivision Regulations. Mr. Gardner agreed, in that he did not interpret Legal's statement to mean that the TMAPC had to approve this application. He stated that, should the Commission deny this, they do so on a basis that would offer Legal something of substance, i.e. four lots being too many to be compatible, two lots being acceptable, etc.

Ms. Wilson clarified that 36th Street was a residential collector street. Mr. Carnes stated that, in his opinion, there was not that much usable land due to the private street location, detention pond requirements, etc.; therefore, he suggested two lots as being more acceptable to the Commission and the protestants. Mr. Paddock echoed Mr. Carnes' suggestion in that two lots would be more appropriate, while four lots certainly were not appropriate. Mr. Doherty commented that it became a question as to

what was adequate under the zoning and current usage, and he felt that the size of the proposed lots was adequate for single-family houses. Therefore, he was against the motion for denial. Chairman Parmele stated he, too, was having a problem with this application as he felt four lots were too many, while two might be reasonable. Based on this reason and his observance of the area and the few small lots in this area, he did not feel the proposal would be compatible with the existing neighborhood.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-1-0** (Carnes, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; Doherty, "nay"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to **DENY** the **Lot Split Waiver for L-16825 Veltman**.

Discussion after the vote questioned the need to proceed with the BOA variance. It was determined that, as the variance dealt with the private street issue, the BOA hearing would be needed regardless of the number of lots to be split. Mr. Fox implied he might consider a continuance request for the BOA hearing in order to amend the application, and stated the protestants could call the INCOG offices to verify a possible 60 day continuance.

LOT SPLITS FOR DISCUSSION:

L-16741 Greenwell (1792) W of the SW/c of 27th Street & 49th West Avenue (RS)

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-1** (Carnes, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Crawford, Rice, VanFossen, "absent") to **APPROVE L-16741 Greenwell**, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: Z-6151
Applicant: Peoria Office Park
Location: NE/c of South Peoria & East 56th Street
Size of Tract: .78 acres, approximate
Date of Hearing: July 8, 1987
Continuance Requested for: August 12, 1987

Present Zoning: OL
Proposed Zoning: OM

TMAPC ACTION: 8 members present

On MOTION of KEMPE, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to CONTINUE Consideration of Z-6151 Peoria Office Park until Wednesday, August 12, 1987 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6166 & PUD 179-0
Applicant: Young (Wenrick)
Location: S/side of 71st, One-Half Mile East of Memorial
Size of Tract: 6.6 acres, approximate
Date of Hearing: July 8, 1987
Continuance Requested for: July 22, 1987

Present Zoning: OL
Proposed Zoning: CS

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to CONTINUE Consideration of Z-6166 & PUD 179-0 Young (Wenrick) until Wednesday, July 22, 1987 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6167
Applicant: Dean
Location: 1441 South St. Louis
Size of Tract: 50' x 140'

Present Zoning: OL
Proposed Zoning: CS

Date of Hearing: July 8, 1987
Presentation to the TMAPC by: Mr. Nelson Dean, 1728 South Erie (743-0469)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Consideration Area-A (Business Subarea).

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

Staff Recommendation:

Site Analysis: The subject tract is 50' X 140' in size and is located north of the northeast corner of East 15th Street South and South St. Louis Avenue. It is partially wooded, gently sloping, contains a single-family dwelling and is zoned OL.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling zoned RS-3; on the east by a single-family dwelling zoned CS and RS-3. South of the subject tract is a parking lot for a commercial building zoned OL. The building itself, with frontage on East 15th Street, is zoned CH. West, across St. Louis Avenue, is a single-family dwelling zoned CS.

Zoning and BOA Historical Summary: CS zoning has been approved in the immediate area including across the street to the west along with an OL buffer to the north of the CS district by Study Map.

Conclusion: The District 6 Comprehensive Plan encourages offices and off-street parking both north and south of 15th Street as buffers (3.4.1.2). The subject property does not front 15th Street and its only access is to a minor residential street. Unless the property is to be developed with the 15th Street properties, the Staff cannot support the zoning change. Rezoning the subject tract to commercial would require extending the OL buffer north which is a further encroachment to the residences.

Therefore, Staff recommends **DENIAL** of Z-6167 due to the existing zoning and development patterns in the immediate area.

Applicant's Comments:

Mr. Nelson Dean advised that he intended to build a gift shop which also provide parking off-street. Mr. Dean submitted photos of the area to show the condition of the existing buildings which he plans to remove. Mr. Dean pointed out that across the street from the subject property was CS zoning, and the shape and size of his lot would not permit him to develop a shopping center, should CS be granted, and his only intent was for the gift shop. He pointed out that one of the major problems along this portion of 15th Street was parking, and he was offering part of the proposed parking on his lot to one of the local restaurants. Mr. Dean advised that his lot would provide 16 additional parking spaces, while he would only be needing two or three spaces for his gift shop. He pointed out that should he use the current OL zoning for an office development, there would most likely be a greater need for parking.

Mr. Paddock asked Staff clarify the contradiction between the Case Report which states this to be in accordance, and the Staff recommendation which states this as a may be found in accordance. Mr. Gardner stated that this, obviously, conflicts with the statement of the Plan, which was why Staff changed this to may be found. Mr. Gardner continued by commenting that 15th Street was in a state of redevelopment or refurbishment, with the intent to keep commercial along 15th Street, using the properties north and south for additional parking. However, he pointed out that a physical fact the Commission could consider was that the applicant was developing his property by himself, with the only access available being from a side street.

Interested Parties:

Mr. and Mrs. R.A. Brewer (5327 South 30th West Avenue), who own a business at 1512 East 15th, stated concerns about any commercial development that would not provide its own parking, or would increase the parking problem in this area. Mr. Brewer, after learning of the proposed use, stated he had no objection as long as additional parking was being provided. He added that he felt part of the problem was a lack of communication as they had not been able to contact Mr. Dean, and after learning the situation he had no real problem with the proposal.

Mr. Vincent Reed (1502 South Boulder), owner of Cherry's on Cherry Street, stated no objection if additional parking was to be provided, and the development was to be a small retail space.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Rice, VanFossen, "absent") to **APPROVE Z-6167 Dean for CS zoning.**

Legal Description:

Lots 35 and 36, Block 12, Forest Park Re-amended Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

OTHER BUSINESS:

PUD 405: South of the SW/c of East 91st Street and South Memorial Drive

Staff Recommendation: Detail Sign Plan

June 24, 1987: The subject tract is located south of the southwest corner of East 91st Street and South Memorial Drive and is included in Development Area 1-A of PUD 405. This Development Area has been approved for the sale of new and used automobiles and has been developed for several automobile dealerships for which ground and monument signs have been requested. One monument sign and six ground signs are proposed to be located along Memorial, East 91st and 92nd Streets.

The signs are designed with a coordinated style of materials and architecture, and display surface areas and sign heights are in accordance with the Development Standards of PUD 405. Therefore, Staff recommends **APPROVAL** of the proposed monument and ground signs as follows:

- (1) Subject to the submitted plans and locational drawings.
- (2) That no portion of a sign be located over a public right-of-way. Further, that no portion of a sign be constructed on a public or private utility easement without the prior concurrence of any effected agency.

July 8, 1987: The TMAPC heard this application June 24, 1987 and approved the main monument sign for Joe Marina Motors. Action was continued on the remaining signs to give Staff the opportunity to evaluate revised sign proposals submitted just prior to the meeting. Based upon Staff review, the proposed signs are in accordance with the Development Standards.

Therefore, Staff recommends **APPROVAL** of the proposed Detail Sign Plans subject to the following conditions:

- (1) Subject to the submitted plans and locational drawings.
- (2) That no portion of a sign be located over a public right-of-way. Further, that no portion of a sign be constructed on a public or private utility easement without the prior concurrence of any effected agency.

TMAPC ACTION: 8 members present

On **MOTION** of **DRAUGHON**, the Planning Commission voted **7-0-1** (Carnes, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, "abstaining"; Crawford, Rice, VanFossen, "absent") to **APPROVE** the **Detail Sign Plan for PUD 405**, as recommended by Staff.

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In regard to the Subdivision Regulations and lot splits, Mr. Linker briefly reviewed the Legal Department's position on this matter and the effect these cases could have on future zoning/subdivision matters before the TMAPC.

There being no further business, the Chairman declared the meeting adjourned at 5:14 p.m.

Date Approved 7-22-97
Rant J. [Signature]
Chairman

ATTEST: [Signature]
Secretary

