

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1678
Wednesday, **December 23, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, December 22, 1987 at 10:25 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of December 9, 1987, Meeting #1676:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Draughon, Doherty, Paddock, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Parmele, VanFossen, Wilson, "absent") to **APPROVE** the **Minutes of December 9, 1987, Meeting #1676**.

Approval of Correction to the Minutes of November 25, 1987, Meeting #1674:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Draughon, Doherty, Paddock, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Parmele, VanFossen, Wilson, "absent") to **APPROVE** a **Correction to the Minutes of November 25, 1987, Meeting #1674**, page 13, regarding PUD 410-A.

REPORTS:

Report of Receipts & Deposits for the Month Ended November 30, 1987:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Draughon, Doherty, Paddock, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Kempe, Parmele, VanFossen, Wilson, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended November 30, 1987**, as confirmed by Staff to be in order.

Committee Reports:

Mr. Paddock advised the Rules & Regulations Committee would be meeting on December 30, 1987 for the purpose of a working session on the Historic Preservation Ordinance.

Director's Report:

Mr. Jerry Lasker presented and reviewed a copy of the alternate routes being considered for the South Tulsa Turnpike, which had been narrowed from nine alternatives to three routes, one route being the 96th Street alternative, as recommended by the TMAPC and City Commission. Mr. Lasker advised the Oklahoma Turnpike Authority would be meeting with the consultants on January 21, 1988 to consider their recommendation. In reply to Mr. Draughon, Mr. Lasker clarified that the Oklahoma Department of Transportation (ODOT) Environmental Impact Studies had been put on hold, pending the outcome of the turnpike study. Should the turnpike study indicate it not feasible to build a turnpike, then the ODOT studies will begin again, using State, Federal or local funds. Mr. Lasker continued by stating, should a turnpike prove to be feasible, then it could be built with Turnpike funds.

ZONING PUBLIC HEARING:

Application No.: Z-6182 Present Zoning: RS-3
Applicant: Tracy Proposed Zoning: IL
Location: NW/c of East 51st & the Mingo Valley Expressway
Size of Tract: .45 acres, approximate
Date of Hearing: December 23, 1987
Continuance Requested to: February 3, 1988

TMAPC ACTION: 6 members present

On MOTION of RICE, the TMAPC voted 6-0-0 (Carnes, Doherty, Paddock, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Draughon, Kempe, Parmele, VanFossen, "absent") to CONTINUE Consideration of Z-6182 Tracy until Wednesday, February 3, 1988 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6183** Present Zoning: RS-2
Applicant: **Boswell** Proposed Zoning: OL
Location: NE/c of East 22nd Street and South Main Street
Size of Tract: .78 acres, approximate
Date of Hearing: December 23, 1987
Presentation to TMAPC by: Mr. Robert Boswell, 401 So. Boston, #730 (582-7834)

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use.

According to the "Zoning Matrix" the requested OL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is .78 acres in size and is located at the northeast corner of East 22nd Street South and South Main Street. It is partially wooded, flat, contains a large single-family dwelling, and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by the parking lot for the Akdar Shrine Temple, zoned OM; on the east by a single-family dwelling on a large lot, zoned RM-2; on the south across East 22nd Street by a condominium complex, zoned RM-2; and on the west across South Main Street by an office building, zoned OH.

Zoning and BOA Historical Summary: Both medium intensity and high intensity office zoning has been approved in the immediate area of the subject tract.

Conclusion: Based on the Comprehensive Plan, and existing office zoning to the north and west, Staff can support the requested OL rezoning. The OL zoning will serve as a buffer from the higher intensity OM zoning to the north and for residential area to the southeast.

Therefore, Staff recommends **APPROVAL** of Z-6183 and the OL zoning as requested.

Applicant's Comments:

Mr. Boswell advised the property was under contract for sale to a doctor who intended to use the facility as a headquarters office for a business dealing with the writing of health-related articles. Mr. Boswell pointed out other office uses in this neighborhood, and added that the doctor would have a small staff of six employees.

Interested Parties:

Address:

Mr. Norman Jones	2215 South Boston	74114
Ms. L.V. Jones	6 East 22nd	"
Mr. Doug Jacobs	7 Woodward Blvd.	"
Mr. Grant Hall	1202 East 18th	

Mr. Norman Jones spoke in protest to the requested zoning change as he saw no need to convert an older, established home into office use. He stated that, in view of the fact that there were several homes for sale in Tulsa, he could not understand the need to sell this home in this particular part of Tulsa.

Ms. L.V. Jones (unrelated to Mr. Norman Jones) pointed out that the house adjacent to the subject property and owned by the Jaycees, was currently being used as a home. Further, she owned her residence across the street, which was a condominium. Ms. Jones expressed concern that, should the house be sold for office use, it might necessitate changes from the residential character of the property. Ms. Jones also spoke on the problems with parking in this area, and the traffic into the neighborhoods.

Mr. Doug Jacobs, representing the Board of Directors of Woodward Terrace Homeowners Association, submitted a petition of protest to the requested zoning. He stated the homeowners were concerned about what might happen to the property should the doctor sell or relocate in a few years. Mr. Jacobs commented the Boswells had maintained the structure and property at a high standard and they feared it might not remain so if used as an office.

Mr. Grant Hall, representing the Mapleridge Association, stated their Board of Directors had voted not to oppose to the rezoning as they feel the OL use would be the best they could get, considering the unique circumstances that apply to land use in this area. He mentioned that even with residential zoning there were no guarantees that the property would be retained in its present character.

Applicant's Rebuttal:

Mr. Boswell pointed out that he had been a long time resident in this area and he shared the concerns that the structure could be torn down or used in some manner that would disturb the neighborhood. He advised that, during a visit with the Staff, he was informed the site was designated for OM, which was a higher intensity than the requested OL. Mr. Boswell commented that the lesser designation was requested as a restriction so the property could most likely be used in its present state. He reiterated his understanding that the doctor would have a small staff, which should not impede traffic into the neighborhood.

The Commission recognized **Mr. Peter Walter** (1319 East 35th Street), the realtor handling the sale of the property, who verified the doctor's intended use and a staff of six employees. Mr. Walter stated the doctor

had no plans for exterior remodeling except for landscaping, as all remodeling would be confined to the interior. Therefore, the structure would remain residential in appearance.

Review Session:

Mr. Doherty commented as to his sympathy with the neighborhood who wished to see the house preserved, and his hesitation in zoning OL as there were no guarantees. However, based on the Comprehensive Plan, he could see no basis for denial and, therefore, moved for approval of the requested OL.

Ms. Kempe seconded the motion and agreed with Mr. Doherty's comments. She added she would prefer to see a PUD on these types of development.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Rice, Woodard, "aye"; no "nays"; no "abstentions"; Crawford, Parmele, VanFossen, Wilson, "absent") to **APPROVE Z-6183 Boswell for OL**, as recommended by Staff.

Legal Description:

Lots 8, 9 and 10, Block 2, RIVERSIDE DRIVE ADDITION, to the City of Tulsa, Tulsa County, Oklahoma.

* * * * *

Application No.: Z-6184

Present Zoning: AG

Applicant: Lemons

Proposed Zoning: RS-2

Location: South of the SE/c of South Yale Avenue & East 105th Street

Size of Tract: 40 acres, approximate

Date of Hearing: December 23, 1987

Presentation to TMAPC by: Mr. E.O. Sumner, 8173 East 31st Place (627-4442)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2, Low Intensity-Residential (RS-1), "Sump Area".

According to the "Zoning Matrix", the requested RS-2 District may be found in accordance with the Plan Map for the Special District description, but is not in accordance with the "Sump Area" designation.

Staff Recommendation:

Site Analysis: The subject tract is approximately 40 acres in size and is located south of the southeast corner of South Yale Avenue and East 105th Street South. It is partially wooded, gently sloping, vacant, and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by both vacant property and single-family dwellings on large lots zoned RS-1; on the east by vacant property zoned AG; on the south by single-family dwellings on an acreage zoned AG; and on the west across South Yale by a developing single-family subdivision zoned RS-2.

Zoning and BOA Historical Summary: Low intensity residential uses have been approved in the immediate area; however, RS-2 zoning has been granted in the "Sump Area" only with the filing of a PUD as for PUD 420-A.

Conclusion: According to the Comprehensive Plan, the uses allowed in the Special District, "Sump Area", shall be limited to RS-1 if conventional zoning is requested. Approval of RS-2 requires the filing of a companion Planned Unit Development in which the design of the development gives special consideration in providing for the on-site drainage and detention of stormwater run-off such that the historic run-off rates are not exceeded. Staff can not support the requested RS-2 zoning without the filing of a companion PUD as it would not be in accordance with the Comprehensive Plan for District 26.

Therefore, Staff recommends **DENIAL** of the requested RS-2 zoning and **APPROVAL** of RS-1 zoning in the alternative.

NOTE: Staff would be supportive of a continuance in order to give the applicant time to file a companion PUD.

Applicant's Comments:

Mr. E.O. Sumner, representing Mr. Lemons (the applicant), requested approval of RS-2 zoning, pointing out that Mr. Lemons had developed the RS-2 property across the street from the subject tract. Mr. Sumner advised that they have met and will be meeting several times with the Department of Stormwater Management to come up with a workable plan for the development of septic tanks. He added that they have obtained approval from the Health Department for septics on the 55 lots, subject to installation of sanitary sewer laterals, which may or may not be used at a future time. Mr. Sumner stated that he and Mr. Lemons questioned this logic and, as yet, they have not obtained a final decision from the Water and Sewer Department on their proposal for pumping sewage from the development. He preferred the setbacks offered by RS-2 rather than RS-1, and stated they needed RS-2 to accommodate development as proposed for septics/sewage.

Mr. Doherty inquired as to when Mr. Sumner anticipated a reply from Water and Sewer. Mr. Sumner advised that they had indicated a response should be issued some time this year or shortly after the new year.

In regard to RS-1 density (2.7 units/acre), Mr. Frank clarified that the applicant could build 108 units with RS-1 zoning. Further, based on the applicant's comments, RS-1 zoning could accommodate their needs, except for the treatment on setbacks. Mr. Frank commented this type of application should be addressed by a PUD as per the Comprehensive Plan.

Mr. Paddock asked Mr. Sumner if he had any objection to submitting a companion PUD concurrent with the RS-2 zoning request. Mr. Sumner pointed out other RS-2 zoning abutting the subject tract that was approved without a PUD. Discussion followed as to a companion PUD, with Mr. Doherty suggesting a continuance might be in order, pending a reply from Water and Sewer. Mr. Paddock stated that Staff had indicated that, if RS-2 zoning was granted without a PUD, it would not be in conformance with with Comprehensive Plan.

Further discussion followed among Staff, the applicant and his engineer, and the Commission as to a continuance to allow time for consideration of a PUD, as recommended by Staff, with the applicant indicating he would set an appointment with Staff to confer on this matter.

TMAPC ACTION: 6 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Kempe, Paddock, Rice, "aye"; no "nays"; no "abstentions"; Crawford, Parmele, VanFossen, Wilson, Woodard, "absent") to **CONTINUE Consideration of Z-6184 Lemons** until Wednesday, **January 6, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 206-8: 9138 South Lakewood, Lot 9, Block 4, Sheridan South Addition

Staff Recommendation: Minor Amendment for Home Occupation (Barber Shop)

The subject tract has underlying Corridor Zoning with PUD 206, and has been developed for single-family residential dwelling units on lots which are slightly wider than 50'. The applicant's property is located at 9138 South Lakewood Avenue; Lakewood Avenue is a 26' wide residential street which functions as the main north south access to the Sheridan South Addition. This addition is developed at 7.1 dwelling units per acre in this general area which is a relatively high density for detached single-family development.

The applicant has requested approval of a home occupation for a barber shop, which could be permitted subject to approval by the TMAPC of a Special Exception under PUD 206. Review of the PUD file indicates that no similar home occupations have been approved in Sheridan South. A barber shop is a use which typically requires customer(s) vehicles to be parked, either on the property or in the adjacent street and limited on-site parking would appear to be available based on the minimum 20' front building setback. The narrow width of the lot would also make it difficult to park even one customer's vehicle in the street in front of the applicant's home. The application did not include information about

proposed hours of operation, if appointments were required, restrictions limiting operation of the business to those persons living in the home, restrictions on signs, prohibition of alterations to the exterior which would detract from its residential character, and prohibition of the use of mechanical equipment which would create noise, dust, odor, or electrical disturbance. The applicant indicated photographs and a description of the proposed operation would be presented at the TMAPC hearing.

Staff is concerned about congestion which could result from customer's vehicles parked in conjunction with this use combined with relatively high density of the development. One purpose of the PUD is to permit innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties. It is Staff's concern that to approve the barbershop at this location would not be in accordance with the purposes stated above.

Therefore, Staff recommends **DENIAL** of PUD 206-8 for a home occupation barbershop. NOTE: A letter of protest had been mailed to the TMAPC and was included in the agenda packet.

Applicant's Comments:

Ms. Geraldine Lenhart submitted an information sheet, along with photos, detailing her qualifications and proposed method of operation of the barber shop. She indicated the hours of operation would be staggered, ranging from 8:00 a.m. to 8:00 p.m., and by appointment only. Ms. Lenhart stressed there would be no advertising, signs, barber poles, etc. in the neighborhood. She advised she had met with the Sheridan South Homeowners Association to advise of this application, and no protest was submitted at that meeting. She submitted a petition of consent from the residents in the neighborhood (21 consent signatures). Ms. Lenhart also requested a condition be placed that, should she vacate or sell the property, this home occupation exception would be terminated.

Mr. Doherty asked Legal if the TMAPC could grant a home occupation exception conditioned upon the current ownership only. Mr. Linker advised that this was not a normal practice, but when the applicant was requesting it be done, then it was a different situation, and he felt the TMAPC could proceed with the requested condition.

Ms. Kempe inquired as to the ages of Ms. Lenhart's children, since she indicated she wished to work in her home to be with her children. Ms. Lenhart stated her children were six and nine, and her objective was to be able to do this by appointment only to avoid having to be out of the home full time, i.e. a 40 work week.

Interested Parties:

Mr. Charles Cotton (9206 South Lakewood), a resident in this subdivision for four years, spoke in support of the request as he saw no problem with the intended use. He added that he did not foresee any traffic problems since it was to be by appointment only; one customer at a time.

Mr. William Chapman, Treasurer of the Sheridan South Homeowners Association, verified that information concerning this application had been distributed to the 183 members, and no protestants appeared. Mr. Chapman commented that the Association Board had elected to not take a stance on this with the understanding that the restrictions, as presented by Ms. Lenhart, would apply, i.e. no advertising, restricted hours, etc.

Ms. Judy Cote' (9203 South Lakewood), who resides across the street from the applicant, spoke in support of the request. She agreed with the other interested parties that traffic would not be a problem since Ms. Lenhart would only have one customer at a time.

Mr. Paddock asked Ms. Cote' if she was concerned, or had heard any concerns that, if granted, it might set a precedent for similar requests in the neighborhood. Ms. Cote stated that, in her conversations with the neighborhood, this was not a concern as the Lenhart's had made everyone keenly aware of the process for this type of request.

Review Session:

In reply to Mr. Draughon, Mr. Linker suggested imposing the requirements pertaining to home occupations as stated in the Zoning Code, if the TMAPC granted approval of this request. Mr. Carnes agreed with the position of the homeowners association that these should be reviewed on a case-by-case basis, and he noted that no protestants were in attendance. Therefore, he moved for approval of the request, subject to the conditions proposed by the applicant and the requirements of the Zoning Code for home occupations.

Ms. Kempe stated she was not necessarily opposed to this request, but she was concerned about the comment that there were numerous ones in this subdivision of which the TMAPC was totally unaware. Mr. Doherty commented that, in this particular case, Code Enforcement should not have a problem because the applicant had done everything "by the book", and had the support of the neighborhood. Therefore, he could not see denying the request. Mr. Paddock stated concerns as to the setting of a precedent which the Commission might find difficult to live with in the future.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **3-2-1** (Carnes, Doherty, Kempe, "aye"; Paddock, Rice, "nay"; Draughon, "abstaining"; Crawford, Parmele, VanFossen, Wilson, Woodard, "absent") to **APPROVE** the **Minor Amendment to PUD 206-8 for a home occupation**, subject to the requirements for a home occupation as outlined in the Zoning Code, and subject to the following conditions proposed by the applicant:

PUD 206-8 Minor Amendment - Cont'd

1. Staggered working hours from 8:00a to 8:00p, 5 days per week.
2. Customers one at a time, and by appointment only.
3. No advertising in the neighborhood, including signs, barber poles, and flyers.
4. No one but the applicant (Geraldine Lenhart) will cut hair under this exception.
5. This exception shall be terminated if the applicant (Randy and/or Geraldine Lenhart) sells or vacates the property.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

USPCI Research & Business Park (2992) 4322 South 49th West Ave. (IR, IL, AG)

On **MOTION** of **KEMPE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Paddock, Kempe, Rice, "aye"; no "nays"; no "abstentions"; Crawford, Parmele, VanFossen, Wilson, Woodard, "absent") to **APPROVE** the **Final Plat** of **USPCI Research & Business Park** and release same as having met all conditions of approval.

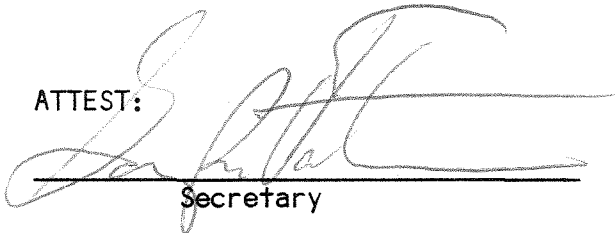
There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved 1/13/88



Acting Chairman

ATTEST:



Secretary