

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1791
Wednesday, **May 9, 1990**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------------|-----------------------|----------------------|-----------------------|
| Carnes, 2nd Vice Chairman | Paddock | Gardner | Linker, Legal |
| Coutant | Randle | Setters | Counsel |
| Doherty, Chairman | Rice | Stump | |
| Draughon, Secretary | | | |
| Horner | | | |
| Parmele | | | |
| Wilson, 1st Vice Chairman | | | |
| Woodard | | | |

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 8, 1990 at 10:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 2:36 p.m.

MINUTES:

Approval of the Minutes of April 25, 1990, Meeting #1789:

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-1** (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Randle, Paddock, Rice, "absent") to **APPROVE** the **Minutes of April 25, 1990, Meeting #1789**.

REPORTS:

Committee Reports:

Mr. Parmele announced the Budget & Work Program Committee had scheduled a follow up meeting for June 6th.

PUBLIC HEARING:

TO AMEND SECTION 110.2(c)
OF THE CITY OF TULSA ZONING CODE

Comments & Discussion:

Staff reviewed the proposed amendment to language in the Zoning Code, noting this was a housekeeping-type revision to clarify references to the City's legislative body.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE the Amendment to Section 110.2(c) of the City of Tulsa Zoning Code**, as follows:

SECTION 110.2 Interpretation

- (c) For the purpose of the Code certain terms and words are to be used and interpreted as define in Chapter 18 of this Code, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. Notwithstanding any of the provisions herein, all references in this title to the Auditor, City Auditor, Auditor of the City of Tulsa or other terms of similar import shall mean City Clerk of the City of Tulsa, and all references to the Board of Commissioners, Board of City Commissioners, Mayor and City Commissioners, City Commission and other terms of similar import shall mean the legislative body of the City of Tulsa.

ZONING PUBLIC HEARING:

Application No.: District Court Case No. 110915 Present Zoning: RS-3
Applicant: Norman (Homeland Groceries) Proposed Zoning: Unchanged
Location: NW/c of East 15th Street & South Yale Avenue
Date of Hearing: May 9, 1990
Presented to TMAPC by: Charles Norman, 2900 Mid-Continent Tower (583-7571)

Staff Recommendation:

The applicant is asking the TMAPC for a recommendation on altering the existing development standards to allow expansion and renovation of the Homeland grocery store at the northwest corner of South Yale Avenue and East 15th Street. The existing standards were imposed in 1965 by the District Court as settlement of a lawsuit between the developers of the store and the City of Tulsa (District Court of Tulsa, Oklahoma, Case No. 110915).

The existing building is proposed to be expanded 40' to the south and up to 21' to the east producing a total building floor area of 28,400 square feet. The proposed number of off-street parking spaces complies with the standard required by the Tulsa Zoning Code for the enlarged store.

After review of the proposal, Staff can support the proposed expansion subject to the following conditions:

1) That the property be developed substantially in accord with the plot plan dated 3/28/90.

2) Development Standards:

| | |
|------------------------------|--|
| Permitted Use: | Use Unit 13 except liquor stores. [Amended per TMAPC] |
| Maximum Building Floor Area: | 28,400 sf |
| Minimum Off-Street Parking: | 127 spaces * |
| Maximum Building Height: | As per submitted plans |
| Minimum Building Setback: | |
| from C/L of South Yale Ave. | 145' |
| from C/L of E. 15th Street | 175' |
| from C/L of S. Winston Ave. | 25' |
| from north property line | 10' |

3) Along the west property line a new decorative 6' high screening wall or fence shall be erected, except at the parking lot entrance and where the loading dock building forms a screening wall. The proposed 40' addition to the loading dock building shall have a brick facade which matches the existing building. The height of the screening fence shall be measured from the existing ground elevation immediately west of the screen wall or fence. The screening wall or fence shall comply with the design standards for such structures contained in the City of Tulsa Zoning Code. The existing decorative screening fence on the north property line shall be maintained in a good state of repair.

*75% shall be at least 9' x 20' in size and 25% may be 7.5' x 15' in size.

DC-110915 Norman (Homeland) - Cont

- 4) All parking lot lighting shall be directed downward and away from adjacent residential areas.
- 5) Points of ingress and egress shall be limited to the four shown on the plot plan dated 3/28/89.
- 6) No signs of any kind except directional signs shall be allowed within 100' of the west property line of the tract.
- 7) Landscaping of the street rights-of-way of Winston Avenue and East 15th Street shall be provided in accordance with the plot plan dated 3/28/90.

Comments & Discussion:

Mr. Charles Norman, attorney for the applicant, reviewed the history of the previous rezoning and District Court action, specifically as relates to the Staff recommendation.

Mr. Norman generally agreed with the Staff recommendation, and requested Permitted Uses be modified to read "Use Unit 13 except liquor stores"; Staff concurred with the request.

Mr. Carnes moved for approval of the Staff recommendation with the agreed upon revision to Permitted Uses. Mr. Norman answered general questions from the Commission regarding this case. He advised that the interested parties of record were notified and had received a copy of the file exhibits related to this request.

Considering this was a District Court case and not a regular zoning/PUD application, Mr. Norman suggested a more proper wording for the motion might be to "recommend to the District Court that the permanent injunction be modified as outlined", and then it would be forward to the City Council for their approval. Mr. Linker agreed and Mr. Carnes amended his motion accordingly.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **RECOMMEND to the District Court that the permanent injunction relating to Case No. 110915 be modified as outlined by the applicant at this hearing, and as recommended by Staff with the revision to Permitted Uses.**

Legal Description:

Lots 5 thru 14, Block 2, ADAMSON HEIGHTS ADDITION to the City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-6286 Present Zoning: RM-1
Applicant: Bassett Proposed Zoning: CG
Location: South of the SE/c East Ute Street & North Fulton Avenue
Date of Hearing: May 9, 1990
Presented to TMAPC by: Ms. Wilma Bassett, 1919 North Fulton (836-0621)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the Zoning Matrix the requested CG District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 50' x 140' in size and is located south of the southeast corner of East Ute Street and North Fulton Avenue (1917 North Fulton Avenue). It is partially wooded, flat, contains two single-family dwellings and is zoned RM-1.

Surrounding Area Analysis: The tract is abutted on the north and west by a single-family dwelling zoned RM-1; on the east by a building supply company zoned RM-1; on the south by storage for a building supply company zoned RM-1.

Zoning and BOA Historical Summary: The subject tract is part of an area that has been identified for potential downzoning in the Blanket Zoning Study presently being done by the INCOG Staff for the TMAPC work program.

Conclusion: Although there is a mixture of nonresidential uses in the area, Staff cannot support the request based on the Comprehensive Plan and the existing zoning pattern in the area. Staff would consider the request as spot zoning and an encroachment into a residential zoning district.

Therefore, Staff recommends **DENIAL** of CG zoning or any less intense designation in the alternative.

Applicant's Comments:

Ms. Wilma Bassett, applicant, advised the request for rezoning was to accommodate her intended use, a dog grooming shop with kennel facilities. Ms. Bassett stated she felt her request was in keeping with the surrounding commercial uses and zoning patterns. She commented that commercial uses abutting the backside of her property had storage buildings within three feet of her fence.

In reply to Mr. Doherty, Ms. Bassett verified no one has lived in the two houses south of the subject tract for approximately 4 - 5 years. She further advised that she has talked with the abutting residents as to her request and intended use, and had no opposition.

Mr. Parmele noted there appeared to be a number of illegal uses in this area, not necessarily nonconforming uses. Therefore, he questioned the Comprehensive Plan designation for low intensity - residential due to the surrounding commercial zoning patterns.

Mr. Carnes commented that he felt this was a classic case of a neighborhood in transition. He admitted he was having a problem with the request for CG; however, considering the CH zoning and uses on the backside of the property, he might lean toward support of the CG zoning.

Mr. Parmele remarked that, although not advertised as such, he felt IL zoning might be more appropriate. Mr. Doherty mentioned the possibility of a continuance in order to contact surrounding property owner to see if the "entire block might be rezoned in an effort to clean up the Comprehensive Plan," especially in light of the illegal uses in this area. Ms. Wilson commented there might even be a mistake on the Comprehensive Plan Map. Mr. Parmele suggested consideration of CS zoning with review by the Board of Adjustment for a special exception for the intended use as the BOA could impose conditions for hours of operation, etc. Various alternatives and suggestions were discussed.

Mr. Carnes moved for approval of CS zoning, which would require BOA review for the intended use. He also requested Staff advise the BOA members of the TMAPC's concerns. Discussion followed on the motion.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-2-0** (Carnes, Coutant, Draughon, Horner, Parmele, Woodard, "aye"; Doherty, Wilson, "nay"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE Z-6286 Bassett for CS Zoning**.

Mr. Doherty asked that Staff contact Protective Inspections regarding the commercial uses south and east of the subject tract and, in due time, review the Comprehensive Plan in this particular area.

Legal Description:

Lots 3 and 4, Block 26, DAWSON AMENDED ORIGINAL TOWNSITE, an addition to the City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-6287 Present Zoning: RS-3
Applicant: Johnston (Christ United Methodist Church) Proposed Zoning: PK
Location: North of the NE/c of East 36th Street & South Indianapolis Avenue
Date of Hearing: May 9, 1990
Presented to TMAPC by: Mr. Larry Johnston, 610 South Main (582-7129)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the Zoning Matrix, the requested PK District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 59' x 125' in size and is located north of the northeast corner of East 36th Street South and South Indianapolis Avenue. It is nonwooded, flat and contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family residences zoned RS-3; on the south by Single-family dwellings and a parking lot zoned PK; and on the west by a church zoned CS and church parking lot zoned PK.

Zoning and BOA Historical Summary: A previous rezoning application permitted PK zoning in the area and recommended that no PK zoning should be granted on the northern five lots on the east side of South Indianapolis until all five lots have been acquired by the church. The subject tract is the lot immediately south of these five lots.

Conclusion: Based on the earlier rezoning case, Z-6269, Staff is supportive of the requested rezoning and would again recommend that no lots north of this subject tract be rezoned until all five lots are owned by the church.

Therefore, Staff recommends **APPROVAL** of PK zoning for Z-6287 as requested.

TMAPC ACTION: 8 members present

On **MOTION** of **COUTANT**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE Z-6287 Johnston (Christ United Methodist Church) for PK Zoning**, as recommended by Staff.

Legal Description:

Lot 15, Block 3, EISENHOWER ADDITION, to the City and County of Tulsa, Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Wexford Estate (PUD 454)(2783) East 104th Street & South Erie Avenue (RS-1)

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE** the Final Plat of **Wexford Estate** and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 320-A-2: Minor Amendment to Reduce Required Secondary Front Yard
South of the SE/c of East 81st Place & South Delaware Avenue

Staff Recommendation:

The applicant is requesting that the homes on corner lots in the Litchfield development be allowed to set back 10' rather than the required 20' from the 30' wide street right-of-way on one side of a corner lot. Staff cannot support such a reduction for the following reasons:

1. A 10' setback would mean homes would be 25' from the centerline of the street or on the right-of-way line of the street if a standard 50' right-of-way had been provided.
2. No special design, landscaping or common open space has been provided to mitigate the lack of setback from streets. Therefore, the impact is no different than there would be for a standard subdivision.
3. Since this development has streets with only 30' rights-of-way, a secondary front yard of 25' would need to be provided to produce the same amount of separation from a residential street as is provided in the RS-3 district. The Planning Commission has reduced this to 20' with few special safeguards to protect future residents of the development. An additional reduction to 10', without special safeguards usually associated with a PUD, challenges the need for setback requirements contained in the standard zoning classifications.

Therefore, Staff recommends DENIAL of Minor Amendment PUD 320-A-2.

Comments & Discussion:

Mr. Roy Johnsen, representing the applicant, reviewed the history of the subject tract which was previously approved for a higher intensity condominium development. Mr. Johnsen also confirmed that some of the

street system was currently in place. He reviewed the approved standards of the previous condo project as to private streets, setbacks, etc.

Mr. Johnsen advised that the architect had interpreted the PUD development standards for this project as requiring a 10' setback (instead of 20'). Mr. Johnsen pointed out that, compared to the setbacks of various other developments (Charter Oak, Fox Pointe, Wynnwood) he did not feel the 10' setback would be uncommon. Further, to his knowledge, the 10' or 15' setbacks allowed in these other subdivisions were not troublesome to the residents. He also pointed out that on the concept drawings the houses sketched were very preliminary and not in final form, and if 20' side yards were required, uniformity of setbacks could not be maintained as some of the lots would have a small building envelope for placement of the structure.

In summary, Mr. Johnsen stated that this project was under the controls of a PUD, the lots in question were interior sites, the development was much less dense than permitted by the underlying zoning, and appropriate provisions have been made for adequacy of setbacks from surrounding properties outside the subdivision. Mr. Johnsen also pointed out that, under a typical subdivision, the Zoning Code recognizes corner lots as unique and allows 25' on one side and 15' on the other side; a 10' difference. If this 10' differential standard was applied to this project, he felt an argument could be made if they had 20' front yard setback, then take out 10' differential for the corner location, and this would leave a side yard abutting a street of 10'.

Mr. Johnsen answered questions from the Commission as to setbacks, right-of-way widths and paving widths. In-depth discussion followed on front yard versus side yard setbacks.

Mr. Jack Cox, engineer for the applicant, reiterated the misunderstanding when the plat was approved as to the 10' setback on the drawings. Mr. Cox also answered questions regarding measurements for the front/side yard setbacks.

Ms. Wilson inquired if the TMAPC was legally bound to honor the dimensions approved on the preliminary plat, or could it be considered an error of omission. Mr. Linker stated the final plat had not been approved; therefore, the TMAPC had not as yet made final determination. Further, he felt that, legally, an argument could be made supporting the applicant. However, he could understand Staff's position. Therefore, he felt this to be a judgement call on the part of the Commission after hearing both side. Discussion continued with Mr. Parmele moving for approval with a 10' side yard setback on corner lots, and an amendment to the PUD to show minimum street right-of-way of 34'. Mr. Parmele stated he felt there had been a gain through this process from the original duplex/condo development. Staff requested an 18' setback requirement from the street right-of-way line for garages; Mr. Parmele amended his motion accordingly. The applicant also indicated acceptance of the suggested amendments.

Mr. Doherty stated support of the motion, noting the setback deviation would not be that substantial with the 34' right-of-way and the garage setback requirement. Ms. Wilson also stated support of the motion but with some hesitation. She noted the Commission's difficulty in handling cases such as this where the standards were originally approved for RD requirements, and then having amendments submitted for different developments standards.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-1-0** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE the Minor Amendment to PUD 320-A-2 Cox & Associates**, as follows: Amend the required yard for yards abutting a street, other than front yards, to 10' except garages must be set back a minimum of 18' from the street right-of-way line, and increase the minimum width of the private street right-of-way from 30' to 34'.

* * * * *

PUD 410-A-1: Minor Amendment to Building Height & Detail Site Plan (Area A)
South of the SE/c of East 36th Street & South Yale Avenue

Staff Recommendation:

The applicant, the Junior League of Tulsa, is requesting modification of the maximum roof height in Development Area A of PUD 410-A. As originally conceived, Area A would contain an office building with a flat roof and the height restriction was as follows: "No roof line shall exceed 752.0' above mean sea level." The applicant is now proposing a two story office building with a residential style roof which would exceed the height limitation and, therefore, wishes to amend the restriction to read: "No building top plate shall exceed an elevation of 752.0' above mean sea level."

Since this would facilitate a residential style design of the office building, which would be more compatible with the surrounding residential development, Staff is in favor of the amendment. Therefore, Staff recommends APPROVAL of Minor Amendment PUD 410-A-1.

Staff has also reviewed the Detail Site Plan for Area A containing the proposed office building for the Junior League and finds it to be in compliance with the PUD's development standards if the aforementioned minor amendment is approved. Therefore, Staff recommends APPROVAL of the Detail Site Plan for Area A of PUD 410-A.

PUD 410-A-1 Norman (Tulsa Jr. League) - Cont

Comments & Discussion:

Mr. Charles Norman, attorney for the applicant, clarified the requested amendment to the building height was to accommodate a 9' roof peak only as this space would not be utilized for office. Therefore, only a slight modification was needed to indicate "building top plate" and not "roof line" as the measurement guideline for the elevation of 752.0' above mean sea level.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE the Minor Amendment & Detail Site Plan for PUD 410-A-1 Norman (Tulsa Jr. League)**, as recommended by Staff.

* * * * *

PUD 201-2: Minor Amendment to Height Limitation
South & West of East 111th Street & South Sandusky
(Lot 7, Block 1 of Witt Acres)

Staff Recommendation:

The subject tract is approximately 2.5 acres in size and is part of a maximum ten lot PUD approved by the TMAPC and City Commission in 1977. The applicant is requesting a minor amendment from the maximum height limitation from 35 feet to 50 feet to permit the construction of a large single-family dwelling. As can be seen on the applicant's plot plan, the lot has over 30 feet difference in elevation, typically sloping downward from the southeast to the northwest. Staff is supportive of the request based on the existing topography and size of the lot. Staff also notes the other dwellings in the subdivision are large and similar in design. These existing physical conditions will buffer the structure from other dwellings.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 201-2 to the applicant's submitted plans.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Randle, Paddock, Rice, "absent") to **APPROVE the Minor Amendment to PUD 201-2 Boswell**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:21 p.m.

Date Approved 5/23/90
Jane R. [Signature]
Chairman

ATTEST:

Art Braughon
Secretary