

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1816
Wednesday, November 28, 1990, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Coutant Rice	Gardner Russell Stump Wilmoth	Linker, Legal Counsel
Doherty, Secretary			
Draughon, 2nd Vice Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 27, 1990 at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:36 p.m.

Minutes:

Approval of the minutes of the meeting of November 14, 1990, Meeting No. 1814:

On **MOTION** of **WOODARD**, the TMAPC voted 6-0-2 (Doherty, Midget, Neely, Parmeale, Wilson, Woodard, "aye"; no "nays"; Draughon, Horner "abstaining"; Carnes, Coutant, Rice, "absent") to **APPROVE** the minutes of the meeting of November 14, 1990 Meeting No. 1814.

REPORTS:

Committee Report:

Ms. Wilson advised the **Budget and Work Program Committee** would meet December 5, 1990 following the TMAPC meeting.

CONTINUED PUBLIC HEARING

TO CONSIDER AMENDMENT TO THE TULSA COUNTY
ZONING CODE DEFINING AND REGULATING KENNEL LOCATIONS

Mr. Doherty advised that the Rules and Regulations Committee voted unanimously at their last meeting to table this item. They did not foresee any action on it and recommended that the hearing be closed and the item stricken.

There being no interested parties present, the Chairman declared the item stricken. Staff was directed to notify the County Commissioners office that the Rules and Regulations Committee had tabled the amendment to the county zoning code defining and regulating kennels and it was felt that no additional action was required at this time.

ZONING PUBLIC HEARING

Application No.: Z-6302 Present Zoning: RS-2
Applicant: Carol Nimmo Proposed Zoning: CG
Location: East of the NE/c of S. 123rd E. Ave. & E. 11th St. S.
Date of Hearing: November 28, 1990
Presentation to TMAPC: Carol Nimmo, 10501 E. 14th, Tulsa, OK 74128 438-0460

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property Corridor and Medium Intensity Linear Development.

According to the Zoning Matrix, the requested District CG is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 3.2 in size and is located on the north side of East 11th Street South at South 124th East Avenue. It is partially wooded, gently sloping, contains a single-family dwelling and a mobile home and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned RS-2 and RS-3; on the east by vacant property zoned CS; on the south by both commercial uses and East Central High School zoned CS and RS-3; and on the west by single-family dwelling zoned CS.

Zoning and BOA Historical Summary: Although Use Unit 17 uses exist in the area by special exception approval, the zoning has been limited to CS intensity.

Conclusion: Based on the Comprehensive Plan and the existing zoning pattern in the area, Staff cannot support the CG intensity, but can support CS zoning. Staff would recommend the applicant apply for approval of a PUD if higher intensity uses are desired.

Therefore, Staff recommends **DENIAL** of CG zoning as requested and **APPROVAL** of CS zoning in the alternative.

Comments and Discussion:

In response to the Chairman, Applicant stated agreement to the denial of CG zoning and approval of CS zoning.

TMAPC ACTION, 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Rice, "absent") to DENY CG zoning for Z-6302 and APPROVE CS zoning for Z-6302 as recommended by Staff.

OTHER BUSINESS:

PUD 420-A-3: Minor Amendment of the required 7.5' side yard to 7' to permit a single-family dwelling under construction. Located at 5510 East 101st Place South. Lot 2, Block 2 Camelot Park

Staff Recommendation:

PUD 420-A is a 40.19 acre development containing 120 lots and has an underlying zoning of RS-2. The subject tract contains a single-family dwelling under construction and is located west of the southwest corner of East 101st Street South and South Granite Avenue. The applicant is requesting a minor amendment of the required 7.5' side yards to 7' to permit an existing encroachment.

Review of the applicant's submitted survey shows the existing setback to the stemwall only and an additional .5' will be required for brick.

Staff finds the request to be minor in nature and in substantial compliance with the PUD standards. Therefore, Staff recommends APPROVAL of minor amendment PUD 420-A-3.

Comments & Discussion

Mr. Draughon questioned what the normal side yard setbacks were. In response, Mr. Gardner stated that in this instance it would be 7.5' setbacks. In a normal RS-3 subdivision the setback would be 5'.

Interested Parties:

Mr. Frank Hill, 10117 South Hudson Avenue, stated concerns regarding regulating what the covenants of the homeowner's association establish as guidelines. He was concerned about whether any other builder could come in and not abide by the covenants for setback if this variation to the setback was granted. Mr. Linker responded by stating that this action here does not change the covenants. It only changes the zoning requirements. Chairman Parmele reiterated that this does not apply to all the lots in the subdivision. If another builder wishes to not meet the minimum setback on another lot, this does not grant him relief. He would have to come before the TMAPC.

Ms. Linda Engstrom, 6820 E. 79th St., representing the builder, responded to speculations regarding why the builder did not abide by the minimum setback and how this occurred. According to Ms. Engstrom, Roger Reid, the builder, originally designed the house to have brick on the front and back and masonite siding on the sides. As the house was being

built, the developer and the homeowner decided that brick on the sides of the house would raise the value of the property by providing consistency with the other houses in the area. Without the brick the side yard restrictions would have been met.

Comments & Discussion:

Ms. Wilson confirmed with Ms. Engstrom that the brick was added after the house was built. She inquired whether the brick was added for a condition of sale or was the house already sold. Ms. Engstrom confirmed that the house was a custom home and has always had a buyer. She stated that they discovered the encroachment when the title search and the as built survey was conducted. She commented they were not aware of it when they added the brick.

Ms. Wilson advised she was in favor of this amendment but would like for it to be known that it was for this particular case and lot and it had nothing to do with any future applications. She stated it was her belief that the TMAPC would be negative toward someone who intentionally tried to circumvent the requirements.

TMAPC ACTION, 9 members present:

On **MOTION** of **DRAUGHON**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Horner, Neely, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Rice, "absent") to **APPROVE** the Minor Amendment for PUD 420-A-3 to amend the required 7.5' side yards to 7' side yards.

PUD 300-4 Minor Amendment to reduce the required number of parking spaces.
Located at 6709-K East 81st Street

Staff Recommendation:

PUD 300 is a 10 acre development located on the northeast corner of East 81st Street South and South Sheridan Road. The PUD, approved in November 1982, contained three development areas permitting various commercial uses. The applicant is requesting a minor amendment of the required 263 parking spaces to 207 to permit church use in an existing building in Development Area "C". The proposed church will consist of 5,200 square feet of floor area containing 2,100 square feet of sanctuary floor area. The church will be located on the north end of the eastern most building. The applicant has submitted the following tenant information: office use - 17,143 square feet, commercial use - 16,792 square feet, restaurant use - 7,610 square feet. Based on this tenant composition, Staff is supportive of the use noting that the church use and most other uses in the development have generally mutually exclusive hours of operation.

Staff recommends **APPROVAL** of Minor Amendment PUD 300-4 to reduce the required parking from 263 spaces to 207 subject to the following conditions:

1. Retail use for Development Area "C" not exceed 16,792 square feet.
2. Restaurant use for Development Area "C" not exceed 7,610 square feet.

3. Building C is only allowed general office uses excluding medical and dental offices, clinics and laboratories.
4. Church congregational functions shall be limited to the following times: 6:00 p.m. to 11:00 p.m. Monday thru Saturday and 7:00 a.m. to 11:00 p.m. Sunday.
5. Subject to the church sanctuary not exceeding 2112 square feet.
6. Subject to Board of Adjustment approval of the required number of parking spaces.

Comments & Discussion:

Mr. Midget inquired whether the applicant was in agreement with limiting the times the church can meet. The applicant indicated he was. In response to Mr. Doherty, Mr. Stump advised that actual parking spaces would not be eliminated, rather the number required would be reduced to accommodate the number already available. This is due to the fact that the parking requirements for churches being higher than those required for commercial.

Mr. Neely inquired whether there would be sufficient parking for the church and for Chimi's Restaurant since their hours would be basically the same. Mr. Stump advised that in calculating the number of parking spaces available, the only spaces counted were those of the occupants who would be closed during the hours specified for the church to be open. Therefore, Staff foresaw there would be sufficient parking available.

Concern was shown by Mr. Draughon regarding whether it was appropriate to limit the times the church could meet. He commented that many churches have special luncheons and other activities during the day. The time restraints would not allow these activities to take place. Mr. Stump clarified that this did not pertain to the minister being at the church conducting business or to groups, such as the ladies auxiliary meeting. The time limitations were only applicable when the full congregation was present.

Chairman Parmele stated concern that TMAPC would be determining the hours that are appropriate for worship at a church. Mr. Stump stated that the justification is that they are asking for something special and the alternative would be to make them build the spaces. Mr. Gardner advised that the hours specified are those hours traditionally used by churches. Staff advised that if the applicant complied with the hours of operation limitations there would not be a parking problem.

Chairman Parmele inquired whether the fact that Chimi's Restaurant sells alcoholic beverages would be a problem when a church would be operating nearby. Mr. Gardner commented that the only thing you can't have that close to a church is a packaged liquor store.

Mr. Draughon inquired of legal staff whether this could be construed to be a restraint on a religion by restricting hours that a congregation could meet as a whole in that church. Mr. Linker advised that the church is basically in agreement with the arrangement. Therefore it would be more of a question of enforcement.

TMAPC ACTION, 9 members present:

On MOTION of CARNES, the TMAPC voted 8-1-0 (Carnes, Doherty, Horner, Neely, Midget, Parmele, Wilson, Woodard, "aye"; Draughon "nay"; no "abstentions"; Coutant, Rice, "absent") to APPROVE the Minor Amendment for PUD 300-4 to reduce the required parking from 263 to 207 subject to the conditions as recommended by staff.

PUD 288-8: Minor Amendment of the required front and rear yards. Located north and west of East 27th Place South and South Birmingham Place

Staff Recommendation:

The subject tract has an underlying zoning of RS-1 with PUD 288 and is described as Lot 2, Block 1, Eight Acres Addition. The tract has double frontage with a private street on the north and a public street, East 27th Place, on the south which provides no access.

After field investigation and review of the applicant's submitted plot plan, Staff finds the request to be minor in nature and consistent with the original PUD. A six foot tall fence will screen and buffer the encroachment from properties to the south. Staff would also note the dwelling is situated as well as possible on the irregular shaped lot. Several similar minor amendments have been granted in the PUD.

Therefore Staff recommends APPROVAL of Minor Amendment 288-8 subject to the applicant's submitted plot plan.

Comments & Discussion:

Mr. Charles Norman, representing the applicant, stated that notice was given to all the property owners within 300' of the exterior boundaries of the property and that the plans had been approved by the homeowner's association for the subdivision. He commented that it was unusual for the front and rear setback to be curved. Therefore, there is not an acceptable solution to fitting the house on the lot.

TMAPC ACTION, 9 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-1 (Carnes, Doherty, Draughon, Horner, Neely, Midget, Parmele, Woodard, "aye"; no "nays"; Wilson "abstaining"; Coutant, Rice, "absent") to APPROVE the Minor Amendment for PUD 288-8 subject to the applicant's submitted plot plan.

SUBDIVISIONS:

Waiver Request: Section 213

Z-4310 Spartan Court Addition 6503 East Pine Place (CS)

This is a request to waive plat on Lot 1, Block 1 of Spartan Court Addition. This lot along with 7 surrounding lots were rezoned from RS-3 to CS zoning on 1/16/73. It was proposed to redevelop this area along Sheridan Road for commercial purposes. This redevelopment never took place and the lots have imposed a replatting requirement. The applicant is now attempting to obtain a building permit for an addition to his home. A Board of Adjustment application has been filed to allow the residential use, and variances for the addition. (#15588 11/15/90). (Staff advised that the Baord approved the application as per plot plan submitted.)

Since this lot is already platted and utilities are in place and it has retained its residential use and no plans for commercial uses are imminent, Staff recommends approval of waiver of platting requirements on this lot, Lot 1, Block 1 Spartan Court Addition provided:

- a. Should the use change from residential or redevelopment occur this lot would be subject to platting under the rezoning.

TMAPC ACTION, 9 members present:

On MOTION of WOODARD, the TMAPC voted 9-0-0 (Carnes, Doherty, Draughon, Horner, Neely, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Rice, "absent") to APPROVE the Waiver Request for Z-4310 Spartan Court subject to the conditions as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:23 p.m.

Date Approved: 12/12/90


Chairman

ATTEST:


Secretary

11.28.90:1816(7)

