

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1832
Wednesday, April 10, 1991, 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 Harris	Gardner Russell	Linker, Legal Counsel
Doherty, Secretary	Neely	Stump	
Draughon, 2nd Vice Chairman		Matthews	
Horner			
Midget, Mayor's Designee			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, April 9, 1991 at 10:07 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 1:35 p.m.

Minutes:

Approval of the minutes of March 27, 1991, Meeting No. 1830:

On MOTION of WOODARD, the TMAPC voted 7-0-1 (Carnes,, Doherty, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon "abstaining"; Coutant, Harris, Neely, "absent") to APPROVE the minutes of the meeting of March 27, 1991 Meeting No. 1830.

REPORTS:

Committee Reports:

The Rules and Regulations Committee will meet following the TMAPC meeting, according to Mr. Doherty, to discuss amendments to the zoning code regarding screening of junk yards.

Ms. Wilson advised that the Budget & Work Program Committee would be meeting April 24, 1991 at 11:30 a.m. to continue reviewing the budget and work program for the upcoming fiscal year.

Director's Report:

Mr. Gardner advised that the City Council on April 4, 1991 directed TMAPC to hold a public hearing on rezoning the West Tulsa Neighborhood from RM-1 to RS-3. They have also asked TMAPC to look into revising the zoning code to regulate various types of vehicles and recreational vehicles (campers, boats, etc.), especially when they are located in the front yard.

Chairman Parmele instructed staff to set a public hearing on May 15, 1991 to consider rezoning the West Tulsa Neighborhood from RM-1 to RS-3 as directed by the City Council. He encouraged staff to be very active in obtaining neighborhood support. Mr. Gardner stated that the Commission did not need to direct staff to waive the fees because it was an application by the government.

CONTINUED PUBLIC HEARING

TO CONSIDER AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA, PARTICULARLY PLANNING DISTRICTS 3 AND 4, BY ADDING THERETO TO THE KENDALL-WHITTIER NEIGHBORHOOD MASTER PLAN

Chairman Parmele stated that the Comprehensive Plan Committee met to consider the input received at the Public Hearing on March 20, 1991. He read new language which is attached as Exhibit A.

The Committee voted to approve the language and to recommend that the zoning map be removed from the plan. The Committee voted unanimously to recommend to the full Commission that the Kendall-Whittier Neighborhood Master Plan be adopted as amended.

Mr. Doherty commented that numerous letters have been received. The overwhelming majority of the letters urged TMAPC to support and approve the Kendall-Whittier Master Plan and recommend it to the City Council. He stated he would move approval of the Master Plan.

Chairman Parmele also read language to be added that stated the development of a new school that would merge three aging schools (Kendall, Whittier and Lincoln) should be given top priority as it will aid the regeneration of the neighborhood more than all other projects combined.

Chairman Parmele stated that TMAPC had requested a representative from the Tulsa Board of Education be present and inquired whether a representative was present. No representative was present.

Interested Parties:

Sherry Hoort

123 North Atlanta Place

Ms. Hoort is Vice-President of the Kendall-Whittier Neighborhood Association. It is their belief that the Master Plan is in the best interest of the entire Kendall-Whittier community. One of the purposes of the Neighborhood Association is to help the neighborhood plan and implement their plans. Therefore, the Kendall-Whittier Neighborhood Association is in full support of the approval and adoption of the Master Plan.

Mimi Alexander

419 Ross Paul Way, Placentia, CA

Ms. Alexander was present on behalf of her parents, Mr. and Mrs. Joe Huffman, who reside at 2009 East 1st Street. She stated she has been visiting her parents for the past few months. She commented that she was surprised and shocked at the condition of

the Kendall-Whittier area. Mr. and Mrs. Huffman own approximately 40 rental properties in the area. She stated the influx of crime and unsafe elements are very discouraging. During her stay in Tulsa, she has taken over the management of her father's properties. The people in this area are wonderful, decent people who are very deserving of a safe community. She was highly supportive of implementing the Kendall-Whittier Master Plan.

Wes Johnson

2831 East 1st

Mr. Johnson was concerned about the proposed detention pond. He lives in the "bottom of the proposed detention pond". He commented that he has heard nothing about what will take place. He is not in a position to move and was concerned about who he should speak with to find out information.

Chairman Parmele stated that an element of the Plan addresses the stormwater issues in the area. He suggested that Mr. Johnson contact the Department of Public Works to determine the specifics.

Leonor Campbell

Ms. Campbell advised the Commission that she owns two apartment buildings along 5th Place. She stated that she spoke at the first public hearing and requested that her apartments not be included as ones to be removed. She advised that her feelings were still the same.

There being no other interested parties, Chairman Parmele declared the Public Hearing closed.

TMAPC Review Session:

Mr. Doherty advised that these changes to the Comprehensive Plan were a compromise; probably no one is totally happy with every aspect. However, it does represent hope for stabilizing this area. He moved approval of the Comprehensive Plan with changes as recommended by the Comprehensive Plan Committee.

Ms. Wilson stated that she was present at the meeting of the Comprehensive Plan Committee and commented that they did consider all the issues raised at the March 20, 1991 Public Hearing. It was adequately reviewed and the proposed changes brought forth by the Comprehensive Plan Committee were very good. In regard to the proposed new school, she hoped that Tulsa Public Schools would become involved in that program. She commented that schools need to be in safe areas, such as a neighborhood (not along major highways or thoroughfares). Tulsa Public Schools need to consider whether money should be invested in schools in need of much repair or whether the school should be relocated.

Mr. Draughon commented he did not understand why Bruce Howell, Superintendent of Schools, (who is now proposing another bond issue to repair school buildings) did not come to the Public Hearing or send a representative. It would be foolish to repair buildings if a new school is going to be built. He suggested that direct contact be made with Mr. Howell regarding the issue. Chairman

Parmeale stated that a request was made to Tulsa Public Schools that a representative be present at the TMAPC Public Hearing, but no representative was present.

TMAPC ACTION, 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Neely "absent") to ADOPT the Kendall-Whittier Neighborhood Master Plan as a part of the Comprehensive Plan for the Tulsa Metropolitan Area and the ADOPT the amendments to the District 3 and 4 Plan Maps and Texts and to direct staff to prepare the resolutions accordingly.

PUBLIC HEARING

TO CONSIDER AMENDING THE CITY OF TULSA AND TULSA COUNTY ZONING CODES TO PERMIT CERTAIN HOME OCCUPATIONS AS A MATTER OF RIGHT, PROHIBIT CERTAIN HOME OCCUPATIONS AND REQUIRE THAT OTHER TYPES OF HOME OCCUPATIONS CONTINUE TO SEEK BOARD OF ADJUSTMENT APPROVAL

Mr. Bob Gardner, INCOG, presented a brief overview of the home occupation amendments. He stated that some home occupations are currently allowed which are not appropriate in residential areas and therefore should not come before the Board of Adjustment. Certain types of home occupations also exist that do not come before the Board of Adjustment because they are traditionally accepted by the neighborhood. Therefore, these types of home occupations should be permitted as a matter of right. Technically, under the zoning code regulations, all home occupations require Board of Adjustment approval. Home occupations, such as piano instruction, never come before the Board for approval because they are easily accepted. This is one of the uses that the amendments would approve as a matter of right.

There are three categories that staff is proposing under which home occupations would be considered, allowed by right, allowed by special exception and prohibited. Twenty-five cities were studied. Each city is different regarding what is allowed by right and what is prohibited, therefore each community must determine their own conditions.

The proposed amendments contain restrictions that allow no outside employment, regulate of signs, etc. Rummage and garage sales would be also regulated.

Comments & Discussion:

Ms. Wilson commented that some people refer to their garage sale as an "estate sale", when in actuality it is a garage sale. Mr. Gardner assured her that the language would be such as to include all types of rummage/garage sales.

Mr. Doherty advised that the **Rules and Regulations Committee** unanimously recommended to the Planning Commission the language as presented and would recommend adoption of the proposed amendments.

Interested Parties:

Ken Adams

7227 East 65th Place

Mr. Adams was present representing the Southeast Tulsa Homeowners Association and the Shadow Mountain Homeowners Association. He stated they were in agreement with the proposed amendments with these exceptions:

1. Delete catering and food service as a use by right. It is their feeling that this would encourage more traffic in the neighborhood. Large families could possibly have a lot of catering going on.
2. They appreciated the language that stated vehicles used in conjunction with the home occupation need to be parked off the street. They were objective to the language "of a type customarily found in a residential area." A lot of different types of cars are parked in the area now. They would like this better defined.
3. He echoed Ms. Wilson in asking that the language used regarding garage sales cover all types of sales. They would suggest a permit system to regulate garage sales. This would enable code enforcement to better regulate.

Mr. Doherty commented in response to Mr. Adams' statement that home occupations could violate their covenants. He advised Mr. Adams that their restrictive covenants would supersede these changes in zoning.

Mr. Doherty further commented that the Planning Commission does not have any authority to require permits for sales. That would be a matter for the City Council to consider.

In regard to the catering business, it was the intention to permit only those businesses that were delivering off-premises; local pick-up of food would not be allowed.

Regarding vehicles "customarily found" in a neighborhood, Mr. Gardner stated that the only types of vehicles that can be regulated are those not permitted on a residential lot.

Ms. Wilson stated that the idea of a permit for garage sales was discussed in committee. It was determined that the cost to administer would outweigh the benefit.

Terry Wilson

7728 East 30th Street

Mr. Wilson is the District Planning Team Chair for District 5 and the Vice-President of the Whitney Homeowner's Association. He was against a permitting process for garage sales. The new rules and regulations will only be as good as they can be enforced. Code Enforcement has a 5-day response time during good times and a 20-day response time during peak periods. He stated he did not feel that garage sale compliance could be enforced adequately. Who is going to keep track of the number of sales a person conducts each year? It is not necessarily the position of the citizen to track and investigate sales. Catering and food service should be regulated regarding hours of operations.

Sharry White

1518 South Gillette

Chair, City of Tulsa Board of Adjustment

She stated that the Board supported the amendments. She was concerned about the food and catering business being allowed as a home occupation by right. She felt it would be hard to determine if people were coming to the residence to purchase something or if deliveries were being made.

Mr. Draughon said that the language should state that the catering service must be delivered. Mr. Doherty agreed that no product should be picked up on the premises. A general statement saying that products must be delivered off-premises would cover all home occupations.

Chairman Parmele declared the public hearing closed.

TMAPC Review Session:

Mr. Doherty advised that the Rules and Regulations Committee voted unanimously to recommend to the Planning Commission the language as presented. However, testimony received today indicated a need for modification to provide that the product or merchandise not be picked up. He moved that the Rules and Regulations Committee's recommendation as modified by staff be approved.

Mr. Carnes inquired whether catering and food service was being deleted as a use by right. Mr. Doherty clarified that catering and food service would be allowed by right, but language would be added stating that the sale of or pick-up of merchandise on the premises is prohibited. Services would be allowed on the premises.

Mr. Midget inquired whether this would include occasional dinners that a homeowners association may sponsor. Mr. Doherty commented that it would not. Hobbies are specifically exempted.

Mr. Carnes advised that he would recognize Mr. Bruce Bolzle. Mr. Bruce Bolzle, 5550 South Lewis, stated that he was present neither to protest nor to support the application. He represents the owners of adjacent property and could help the Planning Commission understand the status of the property. The property immediately north of the subject tract and the fourth property to west are owned under common ownership. A portion of the property east of the subject has been utilized for parking and the owner has allowed those using the parking to access it by his tract. That tract is being held as parking for the expansion of the medical center to the east of the subject tract. The applicant's property is not critical to their access to the parking.

Mr. Doherty asked if the structure was removed, given the setbacks for OL, what structure would be allowed to be built on the property. Mr. Gardner advised that the setback would be 75' from the centerline. Therefore, any future building would be severely restricted.

Chairman Parmele stated he was not opposed to the lot being zoned OL. There is already one house facing OL. This would make two. Mr. Carnes agreed with Mr. Lewis in that there is no residential appeal for this lot. Therefore, he moved approval of the OL zoning.

TMAPC ACTION, 6 members present:

On MOTION of CARNES, the TMAPC voted 4-1-1 (Carnes, Doherty, Horner, Parmele, "aye"; Wilson "nay"; Draughon "abstaining"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE OL zoning for Z-6312 as requested.

Legal Description

OL Zoning: A portion of Lots 12 and 13, Block 1, Terrace Park Addition to the City of Tulsa, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Commencing at a point on the east line of Lot 12, a distance of 139' south of the northeast corner of said Lot 12; thence south 45'; thence west 122.47'; thence north 45'; thence east 122.47' to the POB.

* * * * *

Application No.: PUD-388-A

Present Zoning: CS, OL, & OM

Applicant: Johnsen

Proposed Zoning: Unchanged

Location: NW/c of 71st Street South and South Trenton

Date of Hearing: April 10, 1991

Presentation to TMAPC: Mr. Roy Johnsen, 324 Main Mall

Staff Recommendation

PUD 388 (previously named Chartwell Place), as originally submitted, depicted a retail/office building paralleling the northern boundary of the property and two retail buildings located in the southern portion of the property, with a shared orientation to both Trenton and 71st Street. The amended concept of PUD 388-A, proposes, as an initial phase of development, two food establishments in the southern portion with a principal orientation to 71st. The northern portion of the property will remain available for retail/office use, but the final configuration of the building or buildings will depend upon the particular uses secured and subsequent detail site plan review.

Modifications of the original development standards are proposed as follows:

1. Deletion of the limitation that no ingress or egress be allowed from adjacent areas to the south and west. The option is sought to permit the inter-connection of the property with the Wal-Mart complex to the west.
2. Deletion of the requirement that 386 parking spaces be provided, and substitution of a requirement that Code parking ratios be met for each development area.
3. Substitution of an amended concept illustration depicting four development areas, without depiction of building configurations within the northernmost two development areas.
4. Deletion of the incorporation of the March 5, 1985 Restrictive Covenant Agreement. The Restrictive Covenant Agreement was an agreement between the developer and nearby property owners, and the Planning Commission/City was not a party. Necessary amendments are to be submitted to the affected property owners for their review.

If some of the restrictions and safeguards in the Restrictive Covenant Agreement are incorporated into the PUD conditions, staff can support the concept of the development proposed.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 388-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent

with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 388-A subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

Land Area

Development Area A	36,399 SF
Development Area B	43,216 SF
Development Area C	84,968 SF
Development Area D	108,569 SF

Permitted Uses

Allowed by right in Use Units
11, 12, 13 and 14, excluding
all Entertainment and/or
Drinking Establishments

Maximum Floor Area

Development Area A	3,000 SF - Commercial
Development Area B	4,500 SF - Commercial
Development Area C*	34,500 SF - Commercial/Office 8,000 SF - Office
Development Area D*	10,000 SF - Commercial/Office

Minimum Building Setback

From north boundary of PUD	75'
From centerline of Trenton	75'
From centerline of E. 71st St. S.	100'

Maximum Building Height

Within 200' of north boundary of PUD	1 story
Remainder of PUD	2 stories**

Minimum Off-Street Parking

As required for the
applicable Use Unit
by the Zoning Code

Minimum Landscaped Open Space (net)

Entire PUD	15%***
Individual Development Area	10%***

Signs

Development Area A and B - Signs shall comply with the restrictions of the PUD Chapter and in addition no wall signs are allowed on the north sides of the buildings.

Development Area C - One building identification ground sign not to exceed 60 SF or 15' in height setback a minimum of 250' from the north boundary is allowed.

Instead of the ground sign, a wall sign not exceeding 60 SF may be erected on the south face of the building.

Development Area D - No signs are allowed other than those allowed by Section 1103.B.2.b(6)

Exterior Trash Container Minimum Setback	
From the north boundary of PUD	200'****
From centerline of Trenton Avenue	125'

*Development Areas C and D may be combined into a single development area with maximum floor area being the sum of the allowed floor area in C and D.

**No windows are allowed on the north side of the second story of any building in Development Areas C and D.

***Landscaped Open Space includes landscaped buffer areas, landscaped yards and plazas, and pedestrian and park areas, but does not include landscaped areas within street rights-of-way.

****May be reduced by minor amendment if circumstances warrant.

3. That along the north boundary of the PUD a minimum of a 20' wide heavily landscaped buffer area will be provided with a minimum of a 6' high screening fence with masonry columns on the north property line which is architecturally compatible with the adjacent dwellings. The screening fence shall be erected prior to commencement of any construction of any kind within Areas C and D.*
4. A minimum of 32 trees of appropriate species shall be planted within the 20' landscaped buffer area on the north side of the PUD.
5. That the material for all sides of the buildings in Development Areas C and D shall be the same and that concrete block or metal sheeting shall not be considered as a satisfactory exterior finish.
6. That there shall be no ingress or egress to Trenton Avenue closer than 120' from the north boundary of the PUD and Development Area C shall be allowed no more than 2 access points onto Trenton Avenue.
7. That only one ingress and egress point to 71st Street shall be permitted which shall jointly serve Development Areas A and B.
8. No public entrances or exits shall be permitted on the north side of buildings within 100' of the northern boundary of the PUD.

9. All mechanical and air conditioning equipment located within Areas C and D shall be located on the roofs of buildings and shall be screened from view by persons standing at ground level.*
10. No loading areas shall be located within 100' of the north boundary of the PUD and no trucks greater than 3/4 ton nor trailers of any kind shall be parked or stored within Development Areas C and D.
11. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
12. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
13. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
14. All trash, mechanical and equipment areas shall be screened from view by persons standing at ground level.*
15. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 10' in Development Areas C and D.
16. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
17. No Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved

by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

*As amended during the public hearing.

Applicant's Comments:

Mr. Roy Johnsen was present representing the applicant. The condition states that a new screening fence with masonry pillars must be built along the north boundary prior to commencement of any construction of any kind in the PUD. Mr. Johnsen advised that a screening fence already exists and it is their proposal that the new fence not be required until such time as Areas C and D develop. Staff did not object to the change.

There was some discussion regarding spacing of the masonry columns. No agreement could be reached regarding the spacing. It was decided that the matter would be considered and decided when the Detail Landscape Plan is reviewed.

He clarified that metal sheeting could be used for the roofing.

Mr. Johnsen stated that conditions 9 and 14 regarding screening of mechanical equipment were basically the same, just worded differently. Item 9 requires that air conditioning equipment shall be located on the roof. This requirement is most likely for Areas C and D. Staff agreed that it was and language will be added to reflect same. Mr. Johnsen further stated that there was inconsistency in the screening from view. Item 9 states "from view by persons standing at ground level", item 14 states "from public view". Staff commented that both should read "from view by persons standing at ground level".

Finally, Mr. Johnsen commented that item 2 stated that exterior trash containers must be setback 200' from the north boundary of the PUD. He advised that they were committed to a 20' landscape area. Then there would be a drive of 30' and then the trash receptacles. It would probably be adjacent to the building. Ms. Wilson inquired whether noise was the reasoning for the greater distance. Staff agreed that it was. It was the intent of the condition to allow the building to act as a noise buffer for the residences. After some discussion among the Planning Commission it was determined that the condition should remain at 200' setback. It was further agreed upon that the 200' setback could be reduced as a **minor amendment** should the circumstances change.

TMAPC ACTION, 6 members present:

On MOTION of CARNES, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE the Major Amendment to PUD 388-A according to the staff recommendations as amended.

Legal Description

A TRACT OF LAND, CONTAINING 6.2707 ACRES, THAT IS PART OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION-6, T-18-N, R-13-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS. TO-WIT: STARTING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION-6; THENCE S 89°-51'-35" W ALONG THE SOUTHERLY LINE OF SECTION-6 FOR 25.00'; THENCE N 0°-00'-42" E AND PARALLEL WITH THE EASTERLY LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 80.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING N 0°-00'-42" E FOR 581.77' TO A POINT ON THE NORTHERLY LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4, SAID POINT BEING 25.00' WESTERLY OF THE NORTHEAST CORNER THEREOF; THENCE S 89°-52'-03" W ALONG SAID NORTHERLY LINE FOR 635.14' TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4; THENCE S 0°-00'-50" W ALONG THE WESTERLY LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 300.35' TO A POINT THAT IS 361.50' NORTHERLY OF THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4; THENCE N 89°-51'-35" E AND PARALLEL WITH THE SOUTHERLY LINE OF SECTION-6 FOR 361.50'; THENCE S 0°-00'-50" W AND PARALLEL WITH THE WESTERLY LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 301.50'; THENCE N 89°-51'-35" E, PARALLEL WITH AND 60.00' NORTHERLY OF THE SOUTHERLY LINE OF SECTION-6 FOR 263.67'; THENCE N 26°-32'-46" E FOR 22.38' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

* * * * *

Application No.: Z-6313

Present Zoning: RS-2

Applicant: Schuller

Proposed Zoning: RS-4

Location: North of Riverside Drive on the east and west sides of Quincy

Date of Hearing: April 10, 1991

Presentation to TMAPC: Mr. J. Donald Walker, 9168 S. Florence Place

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 5.25 acres in size and is located on a dead end street Ont he north side of Riverside on both the east and west sides of South Quincy Ave. It is partially wooded, flat, contains both vacant property and single-family dwellings on large tracts and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north and south by similar single-family dwellings on large tracts zoned RS-2; on the east by a developed single-family and duplex subdivision zoned RM-1 & PUD 128; and on the wet across Riverside by vacant property zoned RM-2 and PUD 128-D.

Zoning and BOA Historical Summary:

Conclusion: Staff is supportive of the requested RS-4 zoning and would view the residential area south of 71st Street and north of Riverside, along South Quincy Avenue as a transition area from large lot, septic system type residential to a higher intensity conventional residential development. The requested RS-4 zoning would support approximately 33 dwelling units which is not inconsistent with existing development to the east.

Therefore, Staff recommends **APPROVAL** of RS-4 zoning as requested.

Comments & Discussion:

Mr. Stump advised that Planning Commission that this was a noteworthy application in that it was the first RS-4 proposal. It is basically the redevelopment of large lot residential.

TMAPC ACTION, 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to **APPROVE** the RS-4 zoning for Z-6313 as recommended by staff.

Legal Description

RS-4 Zoning: Lots 4 and 5, Block 1; Lots 6 and 7, Block 2 (less deeds and dedications for Riverside Parkway), River Grove Subdivision to the City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-6314

Present Zoning: RM-1

Applicant: Robison

Proposed Zoning: IL

Location: North of the NW/c of N. St. Louis and E. Haskell

Date of Hearing: April 10, 1991

Presentation to TMAPC: William Robison, 4808 S. Elwood, #678

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use.

According to the Zoning Matrix the requested IL 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 75' north of the northwest corner of North St. Louis Avenue and East Haskell Street. It is nonwooded, flat, contains a single-family dwelling and is zoned RM-1.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings zoned RM-1; on the east by single-family dwellings zoned RM-1; on the south by industrial uses zoned IL; and on the west by single-family dwellings zoned IL.

Zoning and BOA Historical Summary:

Conclusion: Although the subject tract is abutted on two sides by industrial zoning, Staff is not supportive of the rezoning. Based on the Comprehensive Plan and residential uses to the north and east, staff views the request as an encroachment into the residential neighborhood with potential detrimental affect. The required screening and setback from residential properties are not enough to safeguard the residential uses.

Therefore, Staff recommends **DENIAL** of IL zoning for Z-6314 as requested.

Comments & Discussion:

Mr. Gardner advised that the area is very mixed. Staff recommended denial based on the Comprehensive Plan. There are industrial uses encroaching north of Haskell Street. Farther west is a church in good repair and residences surrounding it. The deteriorating residential areas are those directly across from IM industry.

Ms. Wilson stated that sometimes IL can be a stabilizer for an area. She moved approval of IL zoning.

TMAPC ACTION, 6 members present:

On MOTION of WILSON, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE IL zoning for Z-6314.

Legal Description:

IL Zoning: Lot 7, Block 9, Ingram Lewis Addition to the City and County of Tulsa, Oklahoma.

* * * * *

Application No.: Z-4789-SP-3 Present Zoning: CO
Applicant: Naylor & Williams Proposed Zoning: Unchanged
Location: SE/c of the Mingo Valley Expressway and E. 71st St. S.
Date of Hearing: April 10, 1991
Presentation to TMAPC: Mr. Williams, 1701 South Boston Avenue

The applicant represents the owner of an undeveloped tract of land zoned CO at the southeast corner of Mingo Valley Expressway and East 71st Street South. Stokely Outdoor Advertising, Inc. is proposing to construct a 672 SF outdoor advertising sign at this intersection.

Staff finds the request to be appropriate prior to permanent development of the site, but potentially inappropriate after development of the tract. Therefore, Staff recommends APPROVAL of the Corridor Site Plan Z-4789-SP-3 for a period of 5 years at which time the Planning Commission could determine if the sign is still appropriate for the area. Also, approval should be conditioned upon complying with all the requirements of Section 1221.G of the Zoning Code.

Comments & Discussion:

Mr. Doherty inquired whether if it was decided in five years that the billboard was not appropriate it would come down without going to court. Mr. Gardner responded that it was determined from past experience five years has been long enough to amortize the cost and it would be worth it. Mr. Stokely has agreed in the past that five years was a reasonable time period. Mr. Linker suggested that a written removal agreement should be required as a condition of approval.

TMAPC ACTION, 6 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE the Corridor Site Plan for Z-4789-SP-3 for a period of five years and subject to execution of a written removal agreement between the owner and the City.

Legal Description

A tract of land in the N/2 of the NE/4 of Section 7, T-18-N, R-14-E, of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows, to-wit: Commencing at the NW/c of said N/2 NE/4; thence east along the north line thereof a distance of 1551.11'; thence south 01°06'21" east a distance of 25.00'; thence south 82°46'43" west a distance of 704.01'; thence south 88°53'39" west a distance of 280.39' to the POB; thence continuing south 88°53'39" west a distance of 50.0'; thence south 01°27'48" east a distance of 50.0'; thence north 88°53'39" east a distance of 50.0'; thence north 01°27'48" west a distance of 50.00' to the POB and being approximately located west of the southwest corner of East 71st Street South and South Garnett Road.

* * * * *

CONTINUED OTHER BUSINESS:

PUD 168-5: Minor Amendment to allow a business sign for Furr's Cafeteria, Detail Sign Plan East of the southeast corner of 81st Street South and South Harvard Avenue

Staff Recommendation:

Staff advised that the applicant has requested a two week continuance of this application.

TMAPC ACTION, 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Neely, "absent") to CONTINUE PUD 168-5 Minor Amendment for Signage and Detail Sign Plan until April 24, 1991 at 1:30 p.m., Francis F. Campbell City Council Room.

PUD 357-A-3: Minor Amendment to create an additional lot within the PUD. Located east of the southeast corner of East 71st Street South and South Quincy Avenue.

PUD 357 is located east of the southeast corner of East 71st Street South and South Quincy Avenue. It is irregularly shaped, and has a gross area of 8.48 acres, of which, 5.5 acres is dedicated to commercial use and 2.93 acres dedicated to office use. The applicant is now requesting a minor amendment to create an additional lot via the lot split procedure for Building "B", containing Alfredo's Restaurant and other commercial uses.

The applicant has filed a Board of Adjustment application for a variance of the required 150' lot frontage on East 71st Street South to 130.3' for the balance of Lot 1. (Lot 1-A) The submitted plot plan of the proposed lot (Lot 1-B) shows 152' of frontage on 71st Street.

Based upon the existing tenant mix on the new lot (5,840 sq. ft. restaurant, and 2,760 sq. ft. retail), 72 parking spaces are required. The lot contains 56 parking spaces. To meet the off-street parking requirements, the applicant is proposing a cross-parking agreement for additional spaces with the balance of the shopping center.

The new PUD Development Standards for Lots 1-A and 1-B would be as follows:

1. DEVELOPMENT STANDARDS

Lot 1-A (Balance of original Lot 1)

Gross Area 4.44 acres
Net Area 4.13 acres

Permitted Uses: As permitted within a CS District

Maximum Floor Area: 43,135 SF, but Use Unit 12 uses shall not exceed 10,245 SF

Maximum Building Height: 1 Story

Minimum Building Setbacks:

From 71st Street Centerline 125 feet
From Quincy Centerline 60 feet
From Other Boundaries 10 feet

Parking Ratio: 1 Space per 225 square feet of floor area of retail and, 1 space per 100 square feet for restaurant.

Signs:

Only one ground sign is permitted, that being a monument sign identifying the project at the Quincy Avenue entrance not exceeding 6' in height nor 64 SF of display surface area.*

Wall or canopy signs shall be limited to 1-1/2 SF of display surface area per lineal foot of building wall to which affixed.

Other Bulk and Area Requirements: As required within the CS District

Lot 1-B (new lot)

Gross Area 48,337 square feet
Net Area 39,217 square feet

Permitted Uses: As permitted by right within a CS District

Maximum Floor Area 8,600 SF, but Use Unit 12 uses shall not exceed 5,840 SF

Maximum Building Height 1 Story

Minimum Building Setbacks
From 71st Street Centerline 125 feet
From Other Boundaries 10 feet

Parking Ratio* 1 space per 225 square feet of floor area of retail and, 1 space per 100 square feet for restaurant

Signs:

Only one ground sign is permitted that being a project identification sign on 71st Street not exceeding 25' in height nor 205 SF of display surface area. This ground sign shall also comply with the following conditions:

- 1) That the sign be setback at least 70' from the centerline of 71st Street.
- 2) That the sign location be approved by the appropriate City departments so as not to be in conflict with any utilities in the area.
- 3) That the style of the sign be architecturally compatible with the shopping center buildings.*

Wall or canopy signs shall be limited to 1-1/2 SF of display surface area per lineal foot of building wall to which affixed.

Other Bulk and Area Requirements As required with the CS District

A cross-parking agreement between Lot 1-A and Lot 1-B shall be incorporated into an amendment to the PUD Restrictive Covenants.*

2. The restrictive covenants of PUD 357-A shall be amended to incorporate the changes in the PUD Development standards and the cross-parking agreement.

*As amended at the public hearing.

Subject to these conditions and standards, staff recommends **APPROVAL** of Minor Amendment PUD 357-A-3.

Applicant's Comments:

Mr. Tom Messick, American Bank & Trust, was present representing the applicant. He pointed out that under Maximum Floor Area it stated "Use Unit 12 uses shall exceed 10,245 SF". This should read "shall not". Mr. Stump confirmed it was a typographical error and the language would be added.

Mr. Messick stated that only one sign was allowed for Lot 1. It was his understanding that one sign is allowed on Quincy and one on 71st Street. He commented that the sign on 71st Street was located in Lot 1-B. Mr. Stump advised the PUD could be amended to reflect that the ground sign was located in Lot 1-B. Language would also be added that only one ground would be permitted on 71st Street, regardless of the lot.

The final question dealt with parking. The applicant has a mutual parking agreement allowing them the right to all the parking spaces in Lot 1-A. Therefore, the cross-parking agreement reserving 16 spaces in Lot 1-A for uses in Lot 1-B should be amended to state that a reciprocal parking agreement has been executed.

TMAPC ACTION, 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to **APPROVE** the Minor Amendment to PUD 357-A-3 subject to the amended staff recommendations.

There being no further business, the Chairman declared the meeting adjourned at 3:46 p.m.

Date Approved: April 24, 1991

Chairman

ATTEST:

Secretary

EXHIBIT A

The neighborhood planning team and their consultants found that some subareas within the study area boundaries were generally zoned to allow more commercial or higher density housing than needed or supported by the market. The matter of rezoning of some areas to be in conformance with the adopted plan is important and should be aggressively pursued by both the City and the landowners. The TMAPC should be in the proactive role of facilitator in implementing the Comprehensive Plan and encouraging landowners' participation. Generally, rezoning should be owner-initiated, with the INCOG staff encouraging and assisting the owners in the process and waiving the filing and processing fees where appropriate, or such rezoning could be initiated at the direction of the City Council. In addition, publicly acquired properties should be rezoned to be in accord with the plan.

This rezoning process will aid in neighborhood stabilization as it will ensure that redevelopment is generally in single-family residential and, where designated, commercial, community service, and industrial uses.