

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2086

Wednesday, October 9, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Ballard	Almy	Linker, Legal
Carnes, Chairman	Gray	Gardner	Counsel
Dick		Jones	
Doherty, 1st Vice Chairman		Stump	
Horner			
Ledford			
Midget, Mayor's Designee			
Pace, Secretary			
Westervelt			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, October 7, 1996 at 8:33 a.m., in the office of the County Clerk at 8:29 a.m., as well as in the Reception Area of the INCOG offices at 8:23 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:31 p.m.

Minutes:

Approval of the minutes of September 25, 1996, Meeting No. 2084:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 25, 1996 Meeting No. 2084.

Corrections of the minutes of September 18, 1996, Meeting No. 2083:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget, Pace "absent") to **APPROVE** corrections to the minutes of the meeting of September 18, 1996 Meeting No. 2083.

REPORTS:

Chairman's Report:

Chairman Carnes recognized Bob Gardner, INCOG Deputy Director, for his 35 years of service with the Tulsa Metropolitan Area Planning Commission. Chairman Carnes presented Mr. Gardner with a plaque recognizing his outstanding and dedicated service to the Tulsa Metropolitan Area Planning Commission.

Mr. Gardner stated there must be some secret in lasting 35 years at any one particular job. He stated he has enjoyed his service and has had many opportunities to leave but never found one that he liked better. He also stated he enjoys living in Tulsa and being a part of the development of Tulsa.

Mr. Gardner stated sometimes the Commission loses battles, but he feels the Commission is not losing the war. He feels the Planning Commission and staff still make a difference in what the city looks like.

Committee Reports:

Rules and Regulations Committee

Mr. Doherty reported that the Rules and Regulations Committee met jointly with the Comprehensive Plan Committee prior to today's meeting to research further refinement to the Zoning Code relating to setbacks and interfaces between multifamily, commercial and residential land uses. He feels the committee is on the right track.

Director's Report:

Mr. Gardner reported there are four (4) zoning items on the City Council agenda for October 10, 1996. He stated he would be in attendance for staff. Gary Boyle agreed to be present for TMAPC.

SUBDIVISIONS:

Plat Waiver, Section 260:

Z-6564 (Morland Addition) (2893)
3707 East 51st Street South

(PD-18)(CD-7)

Staff Comments:

Mr. Jones stated that this plat waiver is in conjunction with Public Hearing items Z-6564 and Z-6564-SP-1. The applicant, Charles Norman, has requested a one-week continuance to submit additional information to staff.

Mr. Jones feels that it would be premature to hear the plat waiver prior to the zoning cases. Mr. Jones requested this item be continued also.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Plat Waiver Z-6564 to October 16, 1996 as recommended by staff.

Lot-Splits for Ratification of Prior Approval:

L-18360 **NORDAM** (3413) 6930 North Lakewood (PD-15)(County)
L-18364 **B P. Exchange LLC** (3104) East of NE/corner Marshall and 169th (PD-16)(CD-6)

Staff Comments:

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

TMAPC Comments:

Mr. Doherty questioned if lot-splits for ratification of prior approval are down in number. Mr. Jones replied that in the past, staff consolidated the lot-splits on the 1st and 3rd meetings of the month. However, staff is currently submitting each lot-split for ratification when it is received. Mr. Jones feels the numbers of lot-splits are steady, if not increasing.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the Lot-splits for Ratification of Prior Approval, finding them in accordance with Subdivision Regulations.

Final Approval:

Cross Roads Christian Church (414)

(PD-15)(County)

Northeast corner of East 116th Street North & Highway 169

Staff Comments:

Mr. Jones stated this is a ten-acre, one-lot, one-block subdivision plat with the proposed use as a church. The application has been approved by the BOA. The tract is located in the county at the northeast corner of US Highway 169 and 116th Street North.

Mr. Jones informed the Commission that all release letters have been received and everything is in order. Therefore, staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVAL** the Final Plat for Cross Roads Christian Church as recommended by staff.

Beth & J.R.'s Addition (2993)

(PD-6)(CD-9)

Southwest corner of East 45th Street South & South Harvard Avenue

Staff Comments:

Mr. Jones stated this is a .5 acre subdivision plat, one-lot, one-block. Mr. Jones reminded the Commission that this tract was recently rezoned. The tract is located at the southwest corner of East 45th Street and South Harvard Avenue. Everything is in order and all release letters have been received. Therefore, staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the Final Plat for Beth & J. R.'s Addition as recommended by staff.

Penix Place II (PUD 364-C) (1984)

(PD-18)(CD-8)

Northeast corner of East 97th Street South & South Mingo Road

Staff Comments:

Mr. Jones stated this final plat is in PUD-364. The PUD amendment has been approved by the City and staff is awaiting the final ordinance to be published. All release letters have been received and everything is in order. Staff recommends approval subject to Legal's approval of final wording of the deed of dedication of restrictive conveyance.

TMAPC Comments:

Mr. Boyle pointed out that there are no interested parties present as in previous hearings.

Mr. Doherty questioned if limits of no access on the south side, fronting on 97th Street, were obtained. Mr. Jones replied in the affirmative.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the Final Plat for Penix Place II as recommended by staff.

Approval of Covenants and Restrictions:

Z-6344-SP-5 (Fred C. Langencamp) (684)

(PD-18)(CD-

8) 6215 South 107th East Avenue

Staff Comments:

Mr. Jones stated that this document is a part of Corridor Site Plan Z-6344-SP-5, which was approved by the TMAPC and City in July and August respectively. This property is platted as part of Langencamp Addition and one of the conditions for approval of the Corridor Site Plan is that the applicant has to file a plat, which incorporates all the restrictive covenants, conditions and limitations of the Corridor Site Plan.

However, since the property is already platted, Mr. Jones stated staff processed a plat waiver, by separate document, which will be filed of record. This document has been reviewed and approved by staff. The document has also been reviewed and approved by Legal Department and has been forwarded to the City Council and the Mayor's office.

Therefore, staff recommends approval of the document.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Dick, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; Doherty "abstaining"; Ballard, Gray "absent ") to **APPROVE** the Covenants and Restrictions which embodies the conditions of Z-6344-SP-5 as recommended by staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6174-SP-2

(PD-18)(CD-8)

(Corridor Site Plan for a parking lot.)

Applicant: John F. Crowley

Location: Northwest corner U.S. 169 & East 81st Street South

The applicant has requested another continuance.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Corridor Site Plan for Z-6564 for a parking lot to October 16, 1996.

Application No.: PUD-543-1

(PD-26)(CD-8)

Applicant: John W. Moody

Location: West side of Sheridan Road at 105th Street South

Presented to TMAPC: John W. Moody

Staff Recommendation:

The applicant is requesting an amendment to the PUD to allow bathrooms and/or kitchens as part of accessory detached garages or servants quarters. The applicant is requesting that a maximum of one additional dwelling per lot be allowed. The structures shall be occupied by family members or by servants.

Staff has reviewed the request and finds it to be in keeping with the character of the PUD. Review has also determined that the maximum number of units generated would be 42, with the maximum number allowed by the underlying RS-2 district being 58.

Staff recommends **APPROVAL**.

Staff Comments:

Mr. Stump stated this item was continued to determine whether complete servants quarters, which would be another dwelling unit, would be allowed on each lot in the PUD. The Planning Commission continued the case allow Mr. Moody and the residents to meet and discuss the wording and conditions.

Mr. Stump stated staff has not been informed of any conditions.

Applicant's Comments:

Mr. Moody, 7146 South Canton, stated he met with the residents to work out a square-footage limitation on the living area that may be permitted in servants quarters as accessory to the principal single-family dwelling on this property.

Mr. Moody stated his client submitted information which he forwarded to the attorney for the interested parties.

Mr. Moody presented language that has been approved by the parties. The language is as follows:

The proposed uses and intensities of uses are consistent with the RS-2 Residential Single Family District surrounding the site and Zoning Application No. Z-6525 has been filed concurrently herewith to rezone the property from an AG Agricultural District to an RS-2 Residential Single Family District.

III. Development Standards

Gross Area 14.67 Acres

Net Area 14.06 Acres

Permitted Uses Detached Single Family Residences. Detached accessory buildings, such as a garage, including living or servants quarters may be permitted. Any accessory living or garage quarters may include a bath and kitchen, provided that such quarters may only be occupied by members of the family related by blood or adoption or servants. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters, exclusive of the accessory building of which it is a part, may not exceed 1,100 square feet.

Maximum Dwelling Units

44, of which no more than 22 may be the primary single family residence. The balance of the dwelling units shall be limited to the detached accessory quarters with a kitchen, which may not exceed one such accessory quarters per lot.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the Minor Amendment PUD-543-1 to allow servants quarter to be dwelling units as presented by the applicant and agreed upon by the interested parties.

ZONING PUBLIC HEARING:

Application No.: PUD-295-A

(PD-18)(CD-9)

Applicant: Nick Enterline

Location: Northeast corner and southeast corner East 52nd Street and South Columbia

Presented to TMAPC: Otis Courtright

Staff Recommendation:

The applicant is proposing to expand existing PUD-295 414' farther south to include an RS-2 zoned area. The new area would be used for development of single-family homes, stormwater detention and off-street parking for townhouses within the existing PUD. The new single-family homes would be accessed from a private street cul-de-sac. Staff can support the type of uses proposed, but the lot sizes proposed in the southern portion of the PUD are not compatible with surrounding development.

The surrounding lots are almost an acre in size (40,128 SF) and the new lots proposed in the southern part of the PUD are as small as 6,556 SF. Staff can support the expansion of the PUD, but only if the new single-family lots are approximately as large as the minimum required under the RS-2 district.

1. 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-295-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-295-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 (Gross)	218,534 SF
(Net)	201,835 SF

Development Area 1*
(the north 249' of PUD-295-A)

Permitted Uses	Single family dwellings and customary accessory uses.
Maximum Number of Dwelling Units:	7 existing 10 new
Minimum Lot Width:	29' existing 40' new
Minimum Lot Area:	2,400 SF existing 3,400 SF new
Maximum Building Height:	35'
Minimum Building Setbacks	
From centerline of Columbia Place	35'
From right-of-way of Columbia Court and Delaware Place	0'
From centerline of 51st Place	22"
From south north and south boundaries of the development area	5'
Minimum Building Separation	10'
Minimum Livability Space per lot:	
Existing developed lots	1,200 SF
Newly developed lots	2,000 SF

* Existing development is lots 1-7 of Columbia Place and newly developed lots is the area contained within lots 8-21 of Columbia Place Addition.

Development Area 2
(the south 414.34' of PUD-295-A)

Permitted Uses:	Single-family dwellings and customary accessory uses, parking for the dwellings in Dev. Area 1 and stormwater detention facilities.
Maximum Number of Dwelling Units:	9
Minimum Lot Width:	75'
Minimum Lot Area:	9,000 SF
Maximum Building Height:	35'
Minimum Required Yards	
From centerline of Columbia Place	55'*
From centerline of private streets	50'
Rear yard	25'
Side yards	10' and 5'
Minimum Livability Space per lot:	5,000 SF

* If the lot is a corner lot with its front yard on the other street, this dimension can be reduced to 40'.

3. No Zoning Clearance Permit shall be issued for a dwelling in Development Area 1, or the parking areas in Development Area 2 within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. 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.
5. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of eight (8) feet.
6. The Department 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.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas within the PUD.

8. All private roadways shall be a minimum of 24' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be 10 percent. The minimum right-of-way width for private streets shall be 30' for any new development.
9. No Building Permit shall be issued until the requirements of Section 1170F 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 and making the City beneficiary to said covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments:

Otis C. Courtright, 5561 South Lewis, presented the proposed development. He stated the upper portion is an existing PUD. Mr. Courtright stated his client has purchased an additional tract for the purpose of developing two additional lots, the installation of a detention facility and additional off-street parking.

Mr. Courtright stated that the ten-lot section with the cul-de-sac meets the RS-2 basic requirements. This section meets the 58-foot minimum lot width. He stated the overall width of the entire area meets the RS-3 requirements with a total living area of over 10,000 square foot per unit.

Interested Parties Comments:

Mary Nell Clark, 5124 South Columbia Court, stated she is one of the owners of the seven townhouses. She stated that her husband has seen for the first time this morning the plans for this proposed development.

Ms. Clark stated there is currently a flooding problem in the area. Due to openings cut in the curb at an adjacent office building to the north, it allows all the water runoff to flow through the townhouse residents yards. She presented pictures to that effect.

Ms. Clark stated there is not any assurance that this proposed development will not cause more flooding problems in the area. She requested continuance of this request to allow time to research the flooding problem in regard to the proposed project.

Eloise Thomas, 5223 South Columbia, stated she has not seen the plan for the proposed project and questioned how the flooding problem will be addressed. She stated the streets are narrow and storm sewers are not available in this area. This causes the water to run over the curb and into adjacent residential yards.

Ms. Thomas stated she would like to see more information on the project and meet with the developers before the request is considered.

Merrill Johnson, 5204 South Delaware Place, expressed concerns with water runoff and requested that the plans be available to the adjacent neighbors.

Marshall Stewart, 2505 East 54th Street, stated he is the past president of the Lewis Crest Neighborhood Association. He stated that the association discussed this project at their last meeting. The association did not vote for or against the project. However, there were concerns expressed in regards to the drainage and flooding problems.

Mr. Stewart stated that the association would prefer the larger lots, RS-2.

Applicant's Rebuttal:

Mr. Courtright stated he agrees with Ms. Clark in regard to the water runoff from the north. He presented pictures of the original curb cuts. He feels the original curb was sufficient in dealing with the flooding problems. However, he feels the sections cut out of the curb are causing the flooding problems and that these cut outs were done without a permit.

Mr. Courtright feels the proposed development will not increase stormwater runoff to the townhouses. The only additional water would be from the driveways on Columbia Court. He stated that a storm sewer in the cul-de-sac will catch the water runoff along Columbia Place and divert the water to the 24-inch storm drain.

Nick Enterline, 5145 South Columbia, the owner, stated what he has proposed will lower the density by four lots, add off-street parking and provide a detention facility. He feels the problem with water runoff is due to the illegal curb cuts that allow the water to flow to the townhouse residences.

TMAPC Comments:

Mr. Boyle questioned if Mr. Courtright disagrees with staff's suggestion that all the lots meet RS-2 requirements. Mr. Courtright stated he is trying to meet RS-2 and staff is proposing RS-3. Mr. Stump feels the applicant has the zones backwards because RS-3 is smaller than RS-2. Mr. Stump stated that RS-2 is a 75-foot minimum lot width with 9,000 square feet of living area. RS-3 is 60 feet in width with 6,500 square feet of living area.

Mr. Boyle clarified that the applicant is requesting RS-3 and staff is recommending RS-2. Mr. Courtright replied in the affirmative.

Mr. Doherty stated the Lewis Crest Homeowners Association seems to be very active and questioned whether Mr. Stewart, as a member of the association, would meet with the applicant to further discuss the proposed project. Mr. Stewart replied in the affirmative.

Mr. Boyle questioned if Mr. Courtright would be willing to meet with the homeowners and provided the plans of the proposed project. Mr. Courtright replied he would need to check with his client.

Chairman Carnes stated is customary to grant a first-time continuance.

Mr. Horner feels that the parties should meet and make sure the flooding issue is resolved. Mr. Enterline stated he had contacted the homeowners association. Mr. Enterline stated he submitted the plans to the association's attorney two weeks ago, and was informed this morning that the plans were never received by the attorney.

Mr. Boyle questioned if it would cause a hardship to continue the request for one week. Mr. Enterline replied in the negative. Mr. Boyle encouraged the parties to work together for a solution.

Mr. Doherty stated, according to the pictures, there appears to be some code violations and suggested Mr. Stewart contact someone at the City in that regard.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** the Zoning Public Hearing on PUD-295-A to October 16, 1996.

Application No.: Z-6563

RS-3 to IL

Applicant: D. D. Davie

Location: East of northeast corner of North Zion Street and Kingston Avenue

Presented to TMAPC: Darlene Crutchfield

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the request IL zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1.1 acres in size and is located east of the northeast corner of East Zion Street and North Kingston Avenue. It is flat, non-wooded, has a single-family dwelling and several accessory buildings with the storage of automobiles and vehicles, and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by the Gilcrease Expressway right-of-way, zoned RS-3; to the west by a vacant residential dwelling and nonconforming automobile storage, zoned RS-3; to the south by vacant land, zoned RS-3.

Zoning and BOA Historical Summary: In 1993 a request to rezone the subject tract from RS-3 to IL was denied by TMAPC and the City Council. In 1990 and 1988 approval was given for IL zoning on property that is located on the west side of Kingston Avenue extending south from East Apache to no farther than East Apache, which was established by TMAPC as being the zoning line separating the RS-3 from further industrial uses until a study was completed for the area.

Conclusion: The area has a significant amount of industrial zoning which is contrary to the Comprehensive Plan. However, history indicates that approval was granted for rezoning of property on the north side of Zion and west of Kingston Avenue which established a zoning line for industrial use in this area. Therefore, staff recommends **DENIAL** of IL zoning for Z-6563.

Applicant's Comments:

Darlene Crutchfield, attorney for the applicant, presented background history of the property prior to Ms. Davie purchasing the property.

TMAPC Comments:

Mr. Boyle questioned if the applicant and staff were discussing the same piece of property. Mr. Boyle stated the applicant is referring to three lots and the application in the agenda packets only shows one lot. Mr. Gardner stated that the previous application was for the entire triangle area, but the current application was only for a part of that.

Mr. Doherty stated that may be a notice problem and to consider the lot by itself instead of the entire triangle would be an entirely different application.

Mr. Stump read the legal description, the dimensions of the lot indicate just a portion of the triangle. Ms. Crutchfield stated she intended to include all three (3) lots.

Mr. Linker reminded the Commission on the previous application staff recommended approval of zoning, but due to protest, it was denied. Mr. Linker stated this case is currently in District Court.

Mr. Doherty feels this application should be continued to allow notification for the entire tract because to the application, as presented, is spot zoning. An application for the entire tract with frontage on the expressway and connecting to CS would be a different case altogether.

Interested Parties Comments:

Donald A. Edwards, attorney for Ms. Parsons, stated that his client is willing to continue the request to allow notification. However, Mr. Edwards asked and urged that the prior denial should be sustained as it is.

Applicant's Rebuttal:

Ms. Crutchfield stated she has no objections to the continuance.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** the Zoning Public Hearing on Z-6563 to November 6, 1996.

Application No.: Z-6564

OM to CO

Applicant: Charles Norman

Location: 3707 East 51st Street

(Applicant requests a one-week continuance.)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Zoning Public Hearing Z-6564 to October 16, 1996 as requested by applicant.

Application No.: Z-6564-SP-1

(PD-18)(CD-7)

(Corridor Site Plan for a office/commercial development.)

Applicant: Charles Norman

Location: 3707 East 51st Street

(Applicant requests a one-week continuance.)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Corridor Site Plan Z-6564-SP-1 to October 16, 1996 as requested by applicant.

Application No.: Z-6565

Applicant: Stephen Schuller

Location: East of southeast corner Harvard & East 30th Street South

Presented to TMAPC: Stephen Schuller

RS-3 to OL

(PD-6)(CD-7)

Staff Recommendation:

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix the requested OL zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is east of the southeast corner of East 30th Street South and South Harvard Avenue and is 100' x 135' in size. It is flat, non-wooded, the western lot is vacant and the east lot contains a single-family dwelling. Both lots are zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family dwellings, one dwelling unit of which is occupied, zoned RS-3; to the east are single-family dwellings, zoned RS-3; to the south are single-family homes, zoned OL; and to the west is a parking lot and automobile repair and storage, zoned CH.

Zoning and BOA Historical Summary: OL zoning was approved in 1993 on the tract adjoining the subject property to the south. Staff and TMAPC recommended denial of OL zoning on property located across East 30th Street from the subject tract in 1981.

Conclusion: Although the property to the south is zoned OL, the Comprehensive Plan does not support OL zoning on the subject property. Therefore, staff recommends **DENIAL** of OL zoning for Z-6565.

Applicant's Comments:

Stephen Schuller, 320 South Boston, stated he is the attorney for the applicants, who are the principals of Omstead Service Company which is located immediately to the west of the subject property.

Mr. Schuller clarified that Omstead is not engaged in automobile service and repair, but rather air conditioners, furnaces and appliances. In regard to the two lots under consideration, he stated the east lot is presently vacant and the west lot has a parking lot and storage building located at the rear of the property.

Mr. Schuller informed the Commission that it is the intention of his applicant to extend, in the near future, the parking area on the west lot and onto the east lot, subject to the zoning code, landscaping, setbacks and other requirements.

Mr. Schuller presented a petition in support of the project signed by almost all of the neighbors in that area. He provided a map with shading representing the lots or property owned by the people who signed the petition. He stated some of the properties not shaded are vacant lots and he did not obtain signatures for those lots.

Mr. Schuller reminded the Commission the property to the north of the westernmost lot is also a parking lot that was granted by the same variance that was granted for the western lot that presently exists as a parking lot. Therefore, the single-family residential use to the north is north of the easternmost lot of the two lots.

Mr. Schuller stated the zoning map shows both lots to the south zoned OL and he requested the same consideration for this property. He feels OL zoning would provide an appropriate buffer of a moderate-intensity zoning between the high intensity, CH zoning, on the west and the RS zoning on the east. The buffer would be similar to the OL\CS buffer zone to the property located two (2) blocks north.

Mr. Schuller stated the conditions in this area have changed since the Comprehensive Plans were adopted. He feels the east lot is not suitable for residential development in view of the OL zoning and use to the south and the existing parking lot and storage area immediately to the west which was permitted by the BOA.

Mr. Schuller feels that OL would be the most suitable for this property and would permit the use of the east lot for additional parking for Omstead Service Company and a possible small office development in the future. Therefore, Mr. Schuller requested OL zoning for both of these lots.

Interested Parties Comments:

Jerry Dixon, 4619 East 37th Place, stated his family owns Lot 4, which is adjacent to Lot 5 on the east side. He stated he is opposed to OL zoning due to the adverse impact on his property values. He feels commercial properties which encroach on residential properties have an adverse effect on value. He feels because his property is adjacent to the proposed zoning change, he would suffer the greatest loss in value.

Mr. Dixon stated he has been before the Commission before with regards to the same piece of property for proposed zoning changes. The Commission denied any change of zoning on Lot 5 as a result of the previous request.

Mr. Dixon presented pictures that indicate the property has already been excavated and is being used for commercial purposes. Gravel has been installed and being used as a parking lot. Mr. Dixon stated there have not been any permits issued on this property to allow this gravel parking lot.

Mr. Dixon expressed concern that the building constructed on Lot 6 encroaches onto Lot 5 and reminded the Commission that no permits have been issued for the construction of the building. He feels the encroachment would be a violation of the building setbacks.

Mr. Dixon requested the Commission to deny the proposed zoning.

Applicant's Rebuttal:

Mr. Schuller stated he believes the building does not encroach on to Lot 5. His client has complied in all respects with the zoning code and BOA's granted variance and is keeping the storage building at the rear of Lot 6 only.

Mr. Schuller reminded the Commission that type of buffer zoning is consistent with what the TMAPC has done in other areas of Tulsa in which there is high-intensity CH zoning along the arterial streets next to residential zoning. He feels this type of buffer zoning is appropriate.

In regards to the gravel on Lot 6, Mr. Schuller stated his client, not knowledgeable of all the requirements for construction, believed he could extending the parking lot into this property. His client was notified by the City Inspector's office that gravel was not permitted. At that time, Mr. Schuller stated he was retained to process the request. He feels the parking area on Lot 6 is not currently being used.

In closing, Mr. Schuller stated that PK zoning is also permitted under the TMAPC rules for consideration if OL is not deemed to be appropriate for this instance.

TMAPC Comments:

Mr. Boyle questioned if PK zoning is an option. Mr. Schuller stated that in the near term the plan is to use the lot for parking only. PK zoning is appropriate for parking, but he feels OL zoning is more appropriate considering the existing zoning configurations in the area and the fact that the land could not be used for any other purpose.

Mr. Doherty questioned if Mr. Schuller's client is aware of the screening requirement between CH and R. Mr. Schuller replied his client is aware of the screening, landscaping and setback requirements. Mr. Doherty stated that pictures do not indicate any type of screening used in the past. Mr. Schuller stated he is not aware of what type of screening was used previously, but his client has assured him that he will comply with the requirements.

Mr. Doherty addressed staff whether if the applicant had requested PK, the staff recommendation would have been different. Mr. Gardner replied in the negative. Mr. Gardner reminded the Commission that company vehicles cannot park in the same places as customer parking. Mr. Doherty stated the PK or OL limits the parking to customer use only.

Chairman Carnes feels with the large trees on the east side of the parking lot and the screening fence, this would be a good buffer.

Mr. Boyle expressed concerns in regards to the applicant complying with the requirements and a proposed use that may not comply with the zoning that is requested. However, he feels the concept of OL is sound zoning. Mr. Schuller stated there may of been some instances of noncompliance, but he feels it will not continue.

Ms. Pace stated that traditionally the TMAPC has used office or parking as a buffer between commercial and residential. However, it appears there has been a zoning line set on 28th Street. The commercial frontage along Harvard Avenue is approximately one-half block and then the OL, which allows parking, and finally a little CS. These zonings are all within the set line.

Ms. Pace questioned if there is a specific amount of frontage in the District 6 plan or is it where the lines are established. Mr. Gardner replied it is where the lines are established.

Ms. Pace feels the approval of this request would cause a chain reaction north to the expressway. She feels this is pushing the limits of the zoning patterns. Ms. Pace stated she cannot support this request.

Ms. Pace stated she does not believe Omstead needs customer parking, but parking for company vehicles. Mr. Schuller stated that Omstead needs additional parking for customers who bring their appliances in to be repaired. This need is the reason for the request. Mr. Schuller reminded the Commission of the changes in this particular area in regards to zoning and uses.

Mr. Doherty expressed mixed feelings about this request. He feels customer parking as a buffer is one that has been used successfully in the past. He feels parking for customers with adequate screening fences would make a good buffer from uses to the west and would not have a deleterious effect on property values to the east. Mr. Doherty stated he is not comfortable with office construction; therefore, he could not support anything other than PK.

Mr. Boyle reminded the Commission that the Committee had just discussed the use of OL zoning as a good buffer between CH and residential districts. He feels in this particular case where there is OL directly to the south, it is already working as a buffer. However, Mr. Boyle expressed concern that the applicant may take OL as a license to park company trucks on the lot.

Ms. Pace feels PK is appropriate because it requires 10 percent landscaping and will provide the applicant with what he needs in regard to parking.

Mr. Boyle feels OL is appropriate.

Mr. Stump reminded the applicant of the 25-foot setback for any paving from 30th Street on the east 50 feet of that lot because it is within 50 feet of a residential lot.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-2-0** (Boyle, Carnes, Dick, Horner, Ledford, Westervelt "aye"; Doherty, Pace "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to recommend **APPROVAL** of OL zoning for Z-6565.

Legal Description for Z-6565:

Lots 5 and 6, Block 6, Bellaire Heights Addition, Tulsa County, Oklahoma, and located east of the southeast corner of East 30th Street South and South Harvard Avenue, Tulsa, Oklahoma.

Application No.: PUD-485-A-1

(PD-26)(CD-8)

(Minor Amendment to increase permit size of wall signs.)

Applicant: John W. Moody

Location: 10800 South Memorial

Presented to TMAPC: John W. Moody

Staff Recommendation:

The applicant is requesting amendment to the PUD to allow an increase in the maximum allowable display area for wall signs on the site. The purpose of the request is to allow an increase of signage on the east wall of the structure from 182 sf to 340 sf.

Staff has reviewed the request and finds that the existing PUD standards allow one square foot of display area per linear foot of wall spaces. Review also indicates that the original Outline Development Plan requested two sf per one foot (the maximum allowed in the zoning code) but that the Commission upheld staff's recommendation for 1 to 1.

The current request would increase the allowed maximum from 1 to 1 to 1.86 to 1. The dimensioned drawing of the proposed sign indicates a display area which may be larger than this.

Staff opinion is that the Commission considered the character and intensity of the area when approving the original standards. An increase from 1 to 1 to 1.86 to 1 is a departure from the original intent and character of the PUD. However, staff would also note that the commercial area east of the project across Memorial Drive (in the City of Bixby) has developed since the approval of the PUD and allows a maximum area to length ratio of 3 to 1. This commercial area also buffers the residential area to the east from the Champions project.

After consideration staff recommends **APPROVAL** of an increase to 340 sf based on the changes in the area brought about by the Bixby development.

Staff Comments:

Mr. Stump pointed out that the sign plan the applicant submitted contains 520 square feet, which is above the two square feet per linear foot allowed in any PUD.

Mr. Stump informed Mr. Moody that the code requires the measurement of the smallest rectangle containing the sign. Therefore, it would be the 20 x 26 that is shown.

Applicant's Comments:

John Moody, 7146 South Canton, stated the dimensions furnished are not accurate based on the display given by the sign company, and it is actually 340 square feet. The sign plan measures the lineal distances from the stars. The actual square footage using the radius of the circle that the sign is and with the projecting points of the stars is below the 340 square feet.

Mr. Moody questioned if he would be required to go before the BOA for a variance. Mr. Stump replied he would have to go before the BOA for a variance because it would be more than the two-square foot requirement and the TMAPC cannot approve it for any more.

TMAPC Comments:

Mr. Doherty informed Mr. Moody that the Commission can only approve up to two square feet and beyond that it would have to go before the BOA for a variance.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the Minor Amendment PUD-485A-1 to increase the maximum allowable display area for wall signs on the site to two sf of display surface area per lined foot of building wall to which it is attached.

PUBLIC HEARING ON AMENDMENT TO THE COMPREHENSIVE PLAN:

Public Hearing to amend the Planning District 25 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Comments:

Mr. Doherty questioned who asked for the continuance. Mr. Stump replied Councilor Joe Williams.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Public Hearing on Amendment to the Comprehensive Plan to November 6, 1996 as requested.

OTHER BUSINESS:

PUD-221-E Kevin Coutant

(PD-17)(CD-6)

East of East 41st Street South & South 129th East Avenue
(Site and Landscape Plans for communication tower.)

(Request from interested party for a two-week continuance.)

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **CONTINUE** Site and Landscape Plans for PUD-221-E for a communication tower to October 23, 1996 as requested by an interested party.

Request by River Parks Authority to have TMAPC staff assist in updating the River Parks Plan as part of TMAPC's special projects work items. Work would include development of a scope of services as part of formulating a request for proposals from planning consultants and managing the study effort.

Staff Comments:

Mr. Lasker stated that River Parks Authority has had a study performed by Tescot that recommends the Comprehensive Plan for River Parks be updated. Mr. Bubenik has requested INCOG to develop a Scope of Services, assist them is developing a Mission Statement and finally manage the Plan Update. Mr. Lasker informed the Commission that River Parks Authority will provide the funds to hire consultants that may be necessary.

Mr. Lasker stated he is inquiring if the TMAPC would like to develop the Scope of Services and assist with the Mission Statement as part of the TMAPC Special Studies. He stated staff estimates the cost of the study to be \$2,000 and 100 hours. Currently there is approximately \$15,000 in the Special Studies account for TMAPC. He reminded the Commission the \$15,000 is for staff time available.

Mr. Lasker proposed this portion as a special study by TMAPC staff and in the future any additional work the River Parks Authority may need done would be charged to them on an actual-cost basis.

TMAPC Comments:

Mr. Doherty questioned who from staff will perform the study. Mr. Lasker stated that Scott Bruce would be the staff personnel assigned this study. He expressed that Mr. Bruce is very talented and has been involved in park planning.

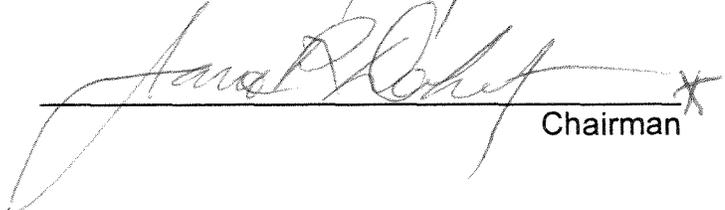
Mr. Doherty questioned if Mr. Bruce will have time to prepare the study. Mr. Lasker replied Mr. Bruce will be working on other items for TMAPC as well. Mr. Stump informed the Commission that INCOG has hired another planner who is shared with Collinsville three days a week, and when he is in Tulsa, he will perform many of the job functions Mr. Bruce was doing.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Gray, Midget "absent ") to **APPROVE** the assistance by TMAPC staff in updating the River Parks Plan as part of TMAPC's special projects work items, to include development of a Scope of Services as part of formulating a request for proposals from planning consultants and managing the study effort.

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 10/23/96

 *
Chairman

ATTEST: 
Secretary