

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1397
Wednesday, March 3, 1982, 1:30 p.m.
Langenheim Auditorium, City Hall, Tulsa Civic Center

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF PRESENT | OTHERS PRESENT |
|---|-----------------|---|---------------------|
| Freeman Gardner Higgins Hinkle Holliday, 2nd Vice- Chairman Kempe, 1st Vice- Chairman Parmele, Chairman Petty, Secretary Rice | Young Inhofe | Chisum Compton Gardner Lasker Wilmoth | Linker, Legal Dept. |

The notice and agenda of said meeting were posted in the Office of the City Auditor, Room 919, City Hall, on Tuesday, March 2, 1982, at 11:29 a.m., as well as in the Reception Area of the INCOG Offices.

Chairman Parmele called the meeting to order at 1:30 p.m. and declared a quorum present.

MINUTES:

On MOTION of KEMPE, the Planning Commission voted 7-0-0 (Freeman, Gardner, Hinkle, Holliday, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Young, Inhofe, "absent") to approve the minutes of February 17, 1982 (No. 1395).

PUBLIC HEARING:

CONTINUED PUBLIC HEARING TO CONSIDER AMENDING TITLE 42, SECTION 610 AND SECTION 1800, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AND THE TULSA COUNTY ZONING CODE.

Mr. Gardner explained this is a continuation of the Public Hearing held on January 13 and January 20, 1982, to amend the Zoning Code for the City of Tulsa and Tulsa County. Most of the items requested for amendment were approved by this Board on January 20, 1982, and transmitted to the City Commission who approved the amendments on March 2, 1982. Two sections were continued for further study and have to do with the use of hotels and motels, specifically by Board of Adjustment exception in the office categories. As originally listed, these categories were OM, OMH and OH. The Staff studied these three districts and identified that there is a large quantity of OM zoning in Tulsa and Tulsa County and there could be negative impacts caused by allowing hotels and motels. Without an additional survey addressing possible negative impacts the Staff can support the Code being amended to permit hotels and motels by special exception via the Board of Adjustment in only the OMH and OH Districts. There is very little OH and just a few OMH Districts, most of which are along the bypass, which would be appropriate for consideration by the Board of Adjustment. Therefore, the Staff is recommending the exception in the OMH and OH and deleting the provision for an exception in the OM District.

PUBLIC HEARING (continued)

Section 1800 deals with the definition of "Townhouse". The Zoning Committee of the Greater Tulsa Council was concerned that the definition might be construed to mean two units could be attached as a townhouse and placed on a single small City lot, even though a 70-foot frontage is required. They felt that an applicant might argue for RM-T zoning and a variance for the frontage if they met all the other bulk and area requirements. A compromise has been reached and the Staff is recommending the Zoning Codes be changed by adding: "...provided that in a development of 6 or more units, a row of 2 attached dwelling units may be constructed thereon." This change would mean that if a tract of land is zoned RM-T and is large enough, the developer would have the right to group 6 or more units in townhouse buildings of two units as opposed to three or more units. The Zoning Committee for the GTC submitted recommendations (Exhibit "A-1") for these two Sections. This recommendation was for eight units, the Staff had suggested four and a compromise was met with six units.

Earl Smith, Chairman of the Zoning Committee for the GTC, spoke on Section 610. He emphasized the Committee's recommendation for denial of the proposed change to Section 610 and that the determination of the location of hotels and motels be left in the hands of elected officials. The request for change was brought to the Commission by Charles Norman, Attorney for developers throughout the City. The Staff and Mr. Norman feel hotels and motels are compatible with office zoning. The Zoning Committee does not, because hotels are not similar to high-rise offices or apartments due to transient population and increased traffic. A large hotel with convention facilities aggravates the problem further. Outdoor advertising would be intense because of the commercial nature. Litter and trash problems would be increased, which is not normally associated with office or apartment buildings. It is more difficult to change zoning from office to commercial than it is to get special exception from the Board of Adjustment. The most important reason the Zoning Committee is against this amendment is the difference between the Board of Adjustment and this Commission. The general public does not have notice of the Board of Adjustment meetings. The entire membership of the Board of Adjustment is appointed by the Mayor and the only appeal from the Board's decision is an appeal to District Court. The TMAPC presents a broader and more fair representation of the community and are only a recommending body. He thanked the Staff for working with the Zoning Committee on the issues and coming up with an answer to the problem. Mr. Gardner had explained that developers were having problems placing units on a tract properly and this was the reason for the compromise amendment.

SECTION 1800 - DEFINITIONS:

On MOTION of FREEMAN, the Planning Commission voted 7-0-0 (Freeman, Gardner, Hinkle, Holliday, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Young, Inhofe, "absent") to amend the Tulsa Revised Ordinances (Tulsa Zoning Code), Section 1800; and

On MOTION of FREEMAN, the Planning Commission voted 7-0-0 (Freeman, Gardner, Hinkle, Holliday, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Young, Inhofe, "absent") to amend the Tulsa County Zoning Code, Section 1800, to read as follows:

Public Hearing (continued)

Townhouse Development:

A row of at least 3 attached dwelling units each separated by a party wall on individual lots and designed for separate ownership of the individual dwelling units with no separate dwelling unit constructed above another dwelling unit; provided that in a development of 6 or more units, a row of 2 attached dwelling units may be constructed thereon.

SECTION 610: PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

Mr. Gardner explained notices are sent to property owners within 300 feet on a Board of Adjustment case. The only difference in public notification is the fact the newspapers print the Planning Commission agenda before the hearings, but do not publish Board of Adjustment's agenda. This is merely a public service offered by the paper.

Mr. Gardner continued by stating the hotel-motel would be by exception. The signs in an office district are very restrictive, whereas commercial is virtually nonrestrictive. An applicant would have to request a variance for any sign larger than permitted in an office district. Unless property is located in an area of the City where convention facilities are convenient via the expressways, a hotel would not be appropriate. There are some districts approved OM, by compromise, by this Board and the City Commission where OL might have been the appropriate decision. These were considered buffer strips and the Staff had considered putting restrictions on OM zoning for hotels and motels concerning the size and depth of the tract. However, since this would have been a complicated process, the Staff eliminated the OM category. OMH is a new category and there are only four or five districts in the City. There are fewer OH Districts.

Commissioner Petty asked about lighting for signs and Mr. Gardner replied that flashing signs are prohibited in an office district. This is not true for commercial zoning. Also, the Board of Adjustment would look at each specific proposal if an exception is required and could place any reasonable restriction on an application, whereas zoning is a category that would permit many uses.

Mr. Gardner realizes there is a concern about the Board of Adjustment and their action because the only recourse is through District Court, but under the Tulsa Zoning Code, the Board of Adjustment plays a very important role. The Board is in a position to look at specific proposals, whereas the Planning Commission and the City Commission are not. They also can impose restrictions and the Planning Commission and City Commission cannot.

On MOTION of GARDNER, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to amend Title 42, Section 610 of the Tulsa Revised Ordinances; and

On MOTION of GARDNER, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to amend

Public Hearing (continued)

the Tulsa County Zoning Code, Section 610, to read as follows:

SECTION 610. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

Table 1
Use Units Permitted in Office Districts*

| Use Unit | Districts | | | |
|---|-----------|----|-----|----|
| | OL | OM | OMH | OH |
| 19. Hotel, Motel and Recreation Facilities*** | | | E | E |

***Limited to hotels and motels

Chairman Parmele introduced Marilyn Hinkle who has been appointed to the Tulsa Metropolitan Area Planning Commission by the County Commission for a two-year term.

SUBDIVISIONS:

For Preliminary Approval:

Atria One (3094) SE corner of 41st Street and South 109th East Avenue
(CO)

The Staff presented the plat with the applicant represented by Ted Sack.

This Plat has a sketch plat approval as ("41/Garnett"), subject to conditions. This is the first phase of the overall plan, and recommendations include a review of the Site Plan. Atria One is two lots out of the plat that had Sketch Plat approval. Lot 2 will be the Marriott Hotel and the Commission will see the Detailed Site Plan next week. Condition No. 1 reflects this requirement.

The Technical Advisory Committee and Staff recommended approval of the preliminary plat of Atria One, subject to conditions.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to approve the preliminary plat of Atria One, subject to the following conditions:

Atria One Addition (continued)

1. All conditions of CO Site Plan Review shall be met prior to release of final plat, including any applicable provisions in the covenants, or on the face of the plat. Include approval date and references to Sections 800-850 of the Zoning Code, in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to, or related to property and/or lot lines. (P.S.O. will want overhead on north, west and south.) (Check with KAMO regarding parallel utility easements.)
3. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include language in covenants relating to water and sewer.)
4. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
7. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission.
8. Access points shall be approved by City and/or Traffic Engineer, and shown on plat. On Lot 3, line up drives with drives on north side of 41st Street. On 129th East Avenue, line up 43rd Street. (Applicable to overall plan.)
9. The restrictive covenants and deed of dedication shall comply with the CO criteria.
10. Include dedication for streets in covenants.
11. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
12. All Subdivision Regulations shall be met prior to release of final plat.

Cedar Ridge Park (continued)

1. that there is sufficient capacity available to treat the additional sewage in accordance with effluent limitations established by the EPA.
2. Show all utility easements as 17½' next to unplatted land and 11' back-to-back for a total of 22' in accordance with the Subdivision Regulations policies. Utility easements shall meet the approval of the utility companies. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (Some easements may be needed across park areas.) (May need 3' for fencing.)
3. If park and/or open space is to be dedicated to the City, then approval of the Park Department will be required. If privately owned, include provisions of its maintenance. (It should also be in covenants on the plat.)
4. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. (Include required language in covenants for water and sewer services.)
5. Pavement repair within restricted water line easements as a result of water line repairs due to breaks and failures shall be borne by the owner of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
8. Paving and/or drainage plans shall be approved by the City Engineer, including storm drainage and detention design (and Earth Change Permit where applicable), subject to criteria approved by the City Commission. (In covenants include language for the drainage facilities.)
9. Show "LNA" on expressway right-of-way. Access points shall be approved by the City and/or Traffic Engineer. Include access relinquishment in covenants.
10. Provide an access point for Lot 37, Block 9.
11. Show Broken Arrow City Limits and/or Bixby City Limits as applicable.
12. The key or location map shall be complete. (Show city limits of adjacent towns.)
13. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before the plat is released. (A building line shall be shown on plat on any wells not officially plugged.)

Cedar Ridge Park (continued)

14. Include explanation of park and recreation uses in covenants. Also, if any improvements and/or facilities are planned in the park areas, Board of Adjustment approval will be required.
15. Covenants should include:
 - (a) Access relinquishment,
 - (b) indication that time-limit doesn't apply to paragraphs, B, L, & M,
 - (c) provisions for park area, and
 - (d) provisions for fence area if shown on plat.
16. A "letter of assurance" regarding installation of improvements shall be submitted prior to release of final plat. (Including documents required under Section 3.6 (5) of the Subdivision Regulations.)
17. All Subdivision Regulations shall be met prior to release of final plat.

For Final Approval and Release:

The Enclave (PUD #166) (2383) 91st Street and South 69th East Avenue
(RM-1, RS-3)

The Chair, without objection, tabled this item.

For Extension of Plat Approval:

Woodland Glen Fourth (2383) 91st Street and South 92nd East Avenue (RS-3)

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions") to extend plat approval for Woodland Glen Fourth for one year, per Staff recommendation.

For Change of Access on Plat:

Towne Centre II (3094) 10818 East 41st Street (CS)

The Staff advised this request is to add one 32' access point on the south side of 41st Street. It has been reviewed by the Traffic Engineering Department and they have approved the request. It is recommended the Planning Commission concur and approve as submitted.

On MOTION of HOLLIDAY, the Planning Commission voted 7-2-0 (Freeman, Higgins, Holliday, Kempe, Parmele, Petty, Rice "aye"; Gardner, Hinkle, "nay"; no "abstentions"; Young, Inhofe, "absent") to approve this change of access for Towne Centre II Addition.

For Waiver of Plat:

Z-5675 Alsuma (J.J. Bates) (3094) NE corner of 48th Street and South Mingo Road (RS-3 to IL)

The Chair, without objection, tabled this item.

Z-4625 Riverside Drive 3rd Addition Amended (B. McCracken) (1392) NW corner of 22nd Street and South Boston Avenue (RM-2)

This request is to waive plat on Lots 11 and 12, Block 2, of the above subdivision, since it is already platted. The applicant is only planning a single-family house even though the zoning permits multi-family use. (Plot plan was submitted with the request.) A lot-split will be processed to separate the existing house from the proposed new house. No zoning waiver will be necessary on the split, so the only issue is a waiver of plat.

Water and Sewer Department advised the applicant should locate the sewer in relation to the property line. An easement will be required for sewer, (if recommended).

The Technical Advisory Committee and Staff recommended approval of the waiver of plat on Z-4625, subject to the conditions outline above.

On MOTION of HOLLIDAY, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to approve the waiver of plat for Riverside Drive 3rd Addition Amended, subject to the conditions outlined by the Staff.

Z-5419 McMichael Concrete (1492) North and West of West 23rd Street and Arkansas River (IM)

The Staff requested this item be stricken because there will be a plat submitted.

Z-5653 L. S. Harding (3194) East side of South 107th East Avenue, North of 61st Street (IL)

This is a request to waive plat on the south 80' of the west 180' of Lot 9, Block 1, Golden Valley. The Staff notes that a lot-split was applied for in June, 1981, but it was eventually withdrawn by the applicant. (#15002) It was at first assumed that the applicant owned all of Lot 9 and the split was to separate the south 80' of the west 180' from the remainder of the lot. However, apparently the actual split was made prior to Planning Commission jurisdiction and the lot is actually in two ownerships. When the T.A.C. reviewed this application on January 14, 1982, it was noted that if the zoning application included the whole lot, then it would abut the sewer in the back and not require a lot-split and/or sewer main extension. Even if the whole lot were rezoned to IL, it cannot be used without Board of Adjustment approval, since the IL zoning requires a 75' setback from an R District. (Only about 10' in the middle of the lot could be built upon.) There was no way the Staff and T.A.C. could recommend approval of just the 180' x 80' without knowing the sewer can and will be extended. The recommendation of the Staff and T.A.C. was for DENIAL of the plat waiver. This information was provided to the

Z-5653 (continued)

Planning Commission when the zoning application was reviewed, but the IL zoning was approved. It subsequently was approved by the City Commission on February 9, 1982. The request for waiver was scheduled for January 20, 1982, but the City Commission had not given final approval of the zoning and the applicant was not present at the Planning Commission meeting so the request was tabled without further action on that date.

The Subdivision Staff and T.A.C. are still firm in their recommendation of denial as submitted. However, should the Planning Commission be inclined to waive the plat requirement, then the applicant should realize that he still cannot use the property without approval of the Health Department and/or Water and Sewer Department, and Board of Adjustment approval of the setbacks.

The applicant, Mr. Harding, was present and explained he did not own the property in June of 1981, when application was made for a lot-split. However, a lot-split was approved by TMAPC in 1959. He was aware of the requirement for setback and the problem with the sewer when he applied for the zoning. This property is the right size needed for his warehouse for antique cars. There will be no people working on the property. He will want the sewer when it is available. At the present time, the lot does not afford the opportunity to extend the sewer because of the easement. He cannot use this property as it stands, but has a long-range plan for industrial development. Mr. Gardner advised a principal use building cannot be built without restroom facilities, which is impossible without the sewer connection.

Mr. Gardner advised the Commission if this request is approved that it be subject to a sewer main extension or approval by the City-County Health Department or Board of Adjustment. He cannot recommend it, even though this is a unique situation because of the size of the tract and the zoning.

On MOTION of PETTY, the Planning Commission voted 8-0-1 (Freeman, Gardner, Higgins, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; Hinkle "abstaining"; Young, Inhofe, "absent") to approve the waiver of plat, subject to approval by the City Water and Sewer Department or the City-County Health Department and the Board of Adjustment.

LOT-SPLITS:

For Ratification of Prior Approval:

| | | | |
|----------------|-------------------|----------------|--------------------------|
| L-15408 (594) | Stacia D. Scaggs | L-15413 (2593) | Clarence M. "Bud" Harper |
| | Revocable Trust | 15416 (2093) | Claude Rogers |
| 15411 (1393) | James R. Moore | 15417 (3403) | J. T. Edmonson |
| 15412 (3403) | Johnnie L. and | 15418 (2782) | Floyd L. & Barbara Frye |
| | Beverly J. Cronin | 15419 (1392) | V. G. Burton |

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") that the approved lot-splits listed above be ratified.

For Waiver of Conditions:

L-15397 R. H. Hawks, Jr. (2293) South and East of 35th Street and South
Braden Street (RS-2)

This is a request to create two lots, with one having a 25' access handle, which will require a waiver of the frontage only. Since both tracts will meet the minimum area requirement, the Staff had no objection to the split, subject to approval by utilities and Board of Adjustment for frontage.

The Technical Advisory Committee and Staff recommended approval of L-15397, subject to the conditions.

On MOTION of RICE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to approve waiver of conditions for L-15397, subject to the following conditions:

- (a) Utility easement east-west through property on split-line and,
- (b) Board of Adjustment approval.

L-15400 Paul Hinch (483) North of the NW corner of 71st Street and Indian-
apolis Avenue (RS-3)

This is a request to split an existing duplex down the common party wall to create separate unit ownership. Waiver of the bulk and area requirements are requested, subject to review and approval of all utilities and minor variance of the Board of Adjustment. The applicant should provide for maintenance of any commonly owned utilities, as this has been the requirement on similar splits.

The Technical Advisory Committee and Staff recommended approval of L-15400, subject to the condition.

On MOTION of RICE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to approve waiver of conditions for L-15400, subject to the following condition:

- (a) Separation of utility services and/or satisfactory documentation to show maintenance of common service lines.

L-15401 & L-15402 Paul Hinch (983) North and West of 76th Street and
South Urbana Avenue (RS-3)

These applications cover two lots containing existing duplexes. The request is to split the duplexes along the common party walls to create separate ownership of each half. Because of the locations of the existing structures and the sizes of the original lots, a waiver of the bulk and area requirements is requested by the applicant. The Staff emphasizes the need for separate water and sewer hookups for each of the units, and/or a document which would insure adequate maintenance of the joint utility lines. (This procedure has been done on recent

L-15401 & L-15402 (continued)

lot-splits by the applicant's attorney), subject to the approval of the Water and Sewer Department and the Board of Adjustment, or if a PUD on amendment by the Planning Commission.

The Technical Advisory Committee and Staff recommended approval of L-15401 and L-15402, subject to the condition.

On MOTION of RICE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to approve the waiver of conditions for L-15401 and L-15402, per the Detailed Site Plan document submitted, and subject to the following condition:

- (a) Separation of utility services and/or satisfactory documentation to show maintenance of common service lines.

CONTINUED ZONING PUBLIC HEARING:

Z-5664 Bogan (Adair) 3922 West Edison Street

AG to RM-1

A request has been made by the applicant to continue this item to March 24, 1982, due to illness. Mr. Gardner advised this request was not filed timely; however, potential protestants were contacted and had no objection to a continuation.

On MOTION of HOLLIDAY, the Planning Commission voted 7-0-0 (Freeman, Gardner, Hinkle, Holliday, Kempe, Parmele, Petty, "aye"; no "nays"; no "abstentions"; Higgins, Rice, Young, Inhofe, "absent") to continue Z-5664 until March 24, 1982, per applicant's request.

OTHER BUSINESS:

PUD #216 - Minor Amendment:

Mr. Gardner advised the Legal Department needs another week to examine this request.

On MOTION of KEMPE, the Planning Commission voted 9-0-0 (Freeman, Gardner, Higgins, Hinkle, Holliday, Kempe, Parmele, Petty, Rice, "aye"; no "nays"; no "abstentions"; Young, Inhofe, "absent") to continue consideration of a Minor Amendment to PUD #216 until March 10, 1982.

There being no further business, the Chair adjourned the meeting at 2:15 p.m.

Date Approved _____

March 17, 1982

[Signature]

Chairman

ATTEST:

Cheryl Kempe
Secretary

