

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1635
Wednesday, **January 28, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Kempe	Gardner	Counsel
Draughon		Jones	
Paddock, 1st Vice- Chairman		Setters	
Parmeale, Chairman			
Rice			
VanFossen, Secretary			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 27, 1987 at 10:24 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 1:30 p.m.

MINUTES

Approval of Minutes of January 14, 1987, Meeting #1633:

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Minutes of January 14, 1987, Meeting No. 1633**.

ELECTION OF TMAPC OFFICERS FOR 1987:

Chairman:

The Chair declared nominations open for Chairman. Mr. Doherty nominated Bob Parmele; Ms. Wilson nominated Bob Paddock.

The Planning Commission voted six (6) for **PARMELE** (Carnes, Doherty, Parmele, Rice, VanFossen, Woodard), and three (3) for **PADDOCK** (Draughon, Paddock, Wilson), no "abstentions"; Crawford, Kempe, "absent", for the position of TMAPC Chairman.

ELECTION OF TMAPC OFFICERS FOR 1987 - Cont'd

First Vice-Chairman:

The Chair declared nominations open for First Vice-Chairman. Mr. Carnes nominated Jim Doherty; Mr. Draughon nominated Bob Paddock.

The Planning Commission voted four (4) for DOHERTY (Carnes, Doherty, Parmele, VanFossen) and five (5) for PADDOCK (Draughon, Paddock, Rice, Wilson, Woodard); no "abstentions"; Crawford, Kempe, "absent", for the position of TMAPC First Vice-Chairman.

Second Vice-Chairman:

The Chair declared nominations open for Second Vice-Chairman. Mr. VanFossen nominated Jim Doherty; Mr. Paddock nominated Marilyn Wilson. Ms. Wilson withdrew her name from the nomination.

The Planning Commission voted 9-0-0 for DOHERTY (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard); no "abstentions"; Crawford, Kempe, "absent", for the position of TMAPC Second Vice-Chairman.

Secretary:

The Chair declared nominations open for Secretary. Mr. Woodard nominated Marilyn Wilson; Mr. Paddock nominated Gary VanFossen. Ms. Wilson withdrew her name from the nomination.

The Planning Commission voted 9-0-0 for VANFOSSEN (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard); no "abstentions"; Crawford, Kempe, "absent", for the position of TMAPC Secretary.

REPORTS:

Report of Receipts & Deposits for the Month Ended December 31, 1986:

On **MOTION** of **PADDOCK**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended December 31, 1986**.

Chairman's Report:

Chairman Parmele urged the Commission members to review their copy of the Neighborhood Conservation Commission Ordinance draft in order to be prepared for the Joint Committee scheduled for February 4th on this topic.

Committee Reports:

a) **Comprehensive Plan Committee:** Mr. VanFossen advised the Comprehensive Plan Committee met this date and the items discussed would be reviewed when presented to the full Commission. Chairman Parmele commented he had received a letter from the Tulsa Community Action Agency requesting an update of the District 9 Plan, and he referred this matter to Mr. VanFossen, Chairman of the Comprehensive Plan Committee.

b) **Rules & Regulations Committee:**

- 1) Consideration to call for a public hearing on an amendment to the Tulsa City and County Zoning Codes pertaining to promotional and portable business signs.

Mr. Paddock advised this Committee met last week and voted 4-1-0 to recommend to the TMAPC that a public hearing be called on this item, based on a draft submitted to the TMAPC by the City Legal Department for suggested wording of the amendment. Mr. Paddock commented that during the interim, the Commission was in receipt of a memo from Mr. Ray Greene, Protective Inspections (memo submitted as an exhibit to the TMAPC). A letter was also submitted from Mr. Andrew Bixler of the Southeast Tulsa Homeowners Association (SETHA). Mr. Bixler stated "the Board of Directors of SETHA strongly opposes and asks that the Commission reject the request for a public hearing concerning the sign ordinance, as we believe the ordinance, as it stands, is a good one and should be put into full operation for an extended period of time before considering any suggestions that it be modified."

Mr. Paddock commented that an overriding concern of the Rules & Regulations Committee (R & R) members was that the Committee not "bottle up" this proposal, with respect to using certain portable signs in the event of a business promotion. Further, it was felt by the Committee that, at the very least, this should be presented to the full Commission so the Commission could have input in the decision to carry this further for a public hearing.

Mr. Doherty, being the one "nay" vote at the Committee, stated he felt the enforcement would be difficult, should exceptions for promotional purposes be allowed, as echoed in Mr. Greene's memo. Further, he felt that the overriding needs of the public for safety and some coherent sign policy would be violated should the TMAPC proceed with this matter. Therefore, he would be voting against any motion to bring it to a public hearing.

REPORTS - Cont'd

Chairman Parmele stated that it was his understanding that the R & R Committee wanted to bring this to the full Commission and call a public hearing to receive comments on the suggested language. Further, the Committee's action certainly did not mean that the language was adopted by any body (R & R or TMAPC). Chairman Parmele commented that the Committee was merely trying to draft appropriate language to allow a special promotional vehicle. He felt that there should be a public hearing, not only to get comments from Mr. Greene (Protective Inspections), but also comments from the private sector and business community.

Mr. Paddock stated agreement with Chairman Parmele, as he felt the Commission should allow this matter to come before the public, so as to get input from the public, as well as City agencies.

Mr. VanFossen stated agreement with Mr. Doherty, in that there had already been a public hearing on portable signs and there would be no benefit to be gained by again adding portable signs, as he felt it would be weakening the present ordinance. Therefore, he would be voting against setting a public hearing. Mr. Paddock asked Mr. VanFossen if he was inferring that, should the TMAPC have a public hearing, that it would result in this Commission voting to amend the Zoning Code. Mr. Paddock stated he thought one of the purposes of a public hearing was to receive input from all interested parties and did not necessarily mean the TMAPC would be voting a certain way at the end of that hearing. Mr. VanFossen reiterated that there had already been a public hearing on portable signs. Chairman Parmele reminded the Commission that the reason this came up was because of one specific sign ("Stokely's bus"), and the Code did not provide for his "bus" as he wanted it classified, which was the purpose of the last two month's R & R meetings. Chairman Parmele stated he did not feel the Commission was allowing portable signs to come back, but merely trying to determine a definition (or amended definition) of portable/promotional signs.

Ms. Wilson commented that one of the reasons for the 4-1-0 vote by the R & R was to get this out of Committee for review by the full Commission to decide if this topic was of a significant priority to the community to warrant a public hearing.

Mr. Doherty pointed out that, in a matter of a few weeks, the ordinance as currently written would be taking effect. Therefore, should the TMAPC proceed with a public hearing and the matter go before the City Commission, he felt enforcement of the ordinance would be delayed, and he saw no need to do so.

REPORTS - Cont'd

Mr. Paddock moved that this Commission should set a public hearing to consider amendments to the Tulsa City and County Zoning Codes. Discussion followed as to suggested dates for a public hearing, and February 18th was recommended by Staff.

TMAPC ACTION: 9 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **4-5-0** (Carnes, Paddock, Parmele, Rice, "aye"; Doherty, Draughon, VanFossen, Wilson; Woodard, "nays"; no "abstentions"; (Kempe, Crawford, "absent")) to **APPROVE** a public hearing on an amendment to the Tulsa City and County Zoning Codes pertaining to promotional and portable business signs.

As the motion failed, Mr. Draughon inquired if the TMAPC had to take any further action. Chairman Parmele advised that, as the approval motion did not have enough affirmative votes, it was considered a denial and no further action was required of the TMAPC.

- 2) Consideration of a recommendation of the Committee to revise the TMAPC General Policies, as relates to the definition of a Major Amendment as it pertains to PUD's and Corridor Site Plans.

Mr. Paddock presented the proposed amendment to #4 of the section pertaining to Major Amendment, and reviewed the revised language. Mr. Carnes moved for approval, as recommended by the R & R Committee.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent")) to **APPROVE** the Amended TMAPC General Policies, as relates to the definition of Major Amendment pertaining to PUD's and Corridor Site Plans (Item #4), as follows:

- 4) The term "original PUD/CO" refers to the PUD/CO as originally approved or modified by subsequent amendments. Accumulative (or aggregate) minor amendments which exceed the above mentioned percentages shall be treated as a major amendment.

Director's Report:

Mr. Frank reminded the Commission that the selection of members for the TMAPC Comprehensive Plan Committee and Rules & Regulations Committee would be on the agenda for next week's meeting.

ZONING PUBLIC HEARING:

Application No.: Z-6139 Present Zoning: RS-3
Applicant: Frye Proposed Zoning: OL
Location: South & West of the SW/c of Mingo and 58th Street
Size of Tract: 1.5 acres, approximate
Date of Hearing: January 28, 1987 (continued from January 14th)
Presentation to TMAPC by: Mr. John Sublett, 320 South Boston (582-8815)

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 - Residential and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested OL District is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.5 acres in size and located west of the northwest corner of East 61st Street and South Mingo Road. It is nonwooded, flat, vacant and is zoned RS-3. A portion of the eastern part of this tract is located in a designated floodplain area.

Surrounding Area Analysis: The tract is abutted on the north by a large barn and horse corral and a single-family dwelling zoned RS-3, on the east by an unoccupied medical clinic zoned CS, on the south by vacant property zoned RM-1 and PUD, and on the west by a single-family subdivision zoned RS-3.

Zoning and BOA Historical Summary: Commercial zoning has been permitted to a depth of 660 feet from Mingo Road along East 61st Street, basically at the node.

Conclusion: The subject tract is a part of the Woodland View Park 6th Addition and is specified on the plat as, "Reserve 'A' (Drainage Way)." The covenants on the plat state:

"Restricted drainage easements are reserved for overland drainage flow and no fence, wall, planting, aboveground structure or any other obstruction may be placed on said easements, nor may any alteration of grade, filling, or other action be taken that would in any way restrict the flow of surface water across said easement; this covenant shall run to the benefit of and be enforceable by the City of Tulsa."

Staff considers it inappropriate to evaluate the merits of a rezoning application in the face of this covenant and recommends this item be **CONTINUED** a minimum of two weeks (until January 28, 1987) to allow questions of drainage and related matters to be resolved between the City of Tulsa and owner.

January 28, 1987: The TMAPC heard this item initially on January 14th and continued it two weeks as recommended by Staff. Discussions with the Legal Staff at the hearing indicated it would be appropriate to allow the applicant (who was not present January 14th) to indicate his plans to resolve the questions of drainage easement requirements and reserve areas at the next meeting. Based on the revised DSM information, the Staff recommendation "conclusion" is restated as follows:

Conclusion: Staff would note that the subject tract's frontage on an arterial street, the size and shape of the property, the surrounding zoning patterns, and other physical facts would make it inappropriate for single-family residential type development. RM-1 zoning, a "may be found" in accordance with the Plan, is present south of East 61st Street and serves as underlying zoning for PUD 281 and 397. Also, office uses could be granted as a Special Exception by the BOA in an RM-1 District; however, this zoning request is not properly advertised for RM-1 in the alternative. The east 300' of the subject tract could be considered in the wrap around nodal zoning pattern under the Development Guidelines as OL. However, Staff would not be supportive of OL on the entire tract as access to the stub street and residential area to the west should be prohibited. The physical facts indicate the east approximately 100' to 150' of the tract is in a designated floodplain area. In the alternative to granting OL on only the east 300' of the subject tract, Staff would be supportive of spreading low intensity office uses over the entire tract, if a PUD was submitted.

Therefore, Staff recommends DENIAL of OL office zoning on the entire tract and APPROVAL of OL on only the east 300', with the balance to remain RS-3.

NOTE: If the Commission approves OL zoning, the Comprehensive Plan should be amended to Low Intensity - No Specific Land Use for the subject tract.

Comments & Discussion:

Mr. Paddock, referring to the DSM comments of January 20th, stated that one of the concerns appeared to be that, unless the entire tract was rezoned, the applicant would not have to plat the entire tract. Mr. Frank stated the consideration should be land use and zoning first. Mr. Paddock then asked about the point that, if the entire tract were not rezoned, the applicant could submit an application for waiver of the plat. Mr. Frank confirmed the applicant could do this, but would have to come before the TMAPC for approval of a waiver. In reply to Mr. Paddock, Mr. Frank confirmed that, should the entire tract be rezoned, the applicant would have to replat or get a waiver.

Mr. Linker advised he was not sure the applicant would have to plat the whole tract, even with rezoning on the entire tract, as the applicant could opt to leave part of it out and not develop it. He added that he did not know what regulation could be enforced against the applicant to prevent this being done, unless there were drainage requirements offsite that affected onsite development. Mr. Linker stated he thought the TMAPC could take care of this situation without the platting process, i.e. zoning per Staff's recommendation.

Applicant's Comments:

Mr. John Sublett, representing the applicant, advised that DSM had reviewed this and signed off on it, as there was not that much in question on that portion of the tract. Mr. Sublett stated that it was his impression that Staff would like to see a PUD in order to prevent an access on the side street. He stated the applicant had no objection to this, but he suggested imposing Limits of No Access (LNA) by separate agreement. Mr. Sublett commented he could see no reason to have a portion of the tract subject to a PUD with the remaining portion zoned OL, as it would confuse the issue so far as useability. He added the applicant had no objections to replatting the entire tract, then the curb cuts could be permitted only on the section line arterial street with LNA on the side street. Mr. Sublett stated he could not understand going to the expense of filing a formal PUD on this small of a tract.

Mr. VanFossen pointed out for Mr. Sublett that the TMAPC could not impose the restrictions on the zoning, i.e. Limits of No Access. Mr. Sublett pointed out that the applicant could do that voluntarily. Mr. Linker stated that the TMAPC could not make LNA a condition; however, as Mr. Sublett commented, the applicant could come forward with a voluntary set of covenants. Discussion followed as to the legal rights and enforcement of a voluntary action by the applicant, i.e. covenants, and it was concluded the City could not require the enforcement of such a private covenant.

Mr. Linker pointed out that, on several previous occasions, Staff recommended a strip of zoning to cut off access, and that appears to be the case with this application, although it may be too much. Chairman Parmele confirmed that the TMAPC had the option of rezoning everything but the west 50'. Mr. Frank stated that even excluding 10' would prevent access from the west. Mr. Carnes then asked the applicant if he would object to zoning all but the west 10'.

Mr. Greg Frye, 9212 East 60th, as applicant stated that if all but the 10' were rezoned, and should he sell the property, he would have to reapply for zoning of the 10'. Mr. Frye stated his main objective was to establish some restriction as to access.

Mr. VanFossen commented that most people would agree that a 10' buffer would be appropriate for office, and suggested the applicant consider the 10' as a residential strip, and a possible landscape buffer. Mr. Sublett reiterated his desire to handle the situation with an LNA, rather than a formal PUD. Mr. VanFossen clarified that the suggestion for a 10' buffer would not require a PUD; the 10' of RS-3 would just be a landscape buffer. Ms. Wilson inquired if the subject tract had been presented to the TMAPC in the past accompanied by a PUD. Mr. Sublett stated he was not aware of the history of this, and Staff commented they were not aware of any previous submission on this tract. However, there was a similar application for OL with a PUD at the northeast corner of East 61st Street and South 89th East Avenue.

Review Session:

Mr. VanFossen moved approval of OL zoning on all but the westerly 10'. Mr. Paddock asked if the Staff recommendation was based on the fact that 300' would be within the Development Guidelines. Mr. Frank stated this was a compromise approach to the Development Guidelines, as the TMAPC had previously support OL as a wraparound to a Node. Mr. Doherty inquired as to the east/west width of the subject tract. Mr. Frank advised it was approximately 400'. In response to Mr. Draughon, Staff clarified the drainage way (Reserve Area A), as mentioned in the DSM comments. Commissioner Rice commented that he keeps hearing the word "channelize", and every time something was "channelized" his home gets flooded downstream. Mr. Frank clarified the drainage for this tract, and reviewed the DSM standards and requirements as to detention/retention.

TMAPC ACTION: 9 members present

On MOTION of VANFOSSEN, the Planning Commission voted 9-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to APPROVE Z-6139 Frye for OL zoning on all but the west 10'.

Legal Description:

OL: The south 179.99' of Reserve A, WOODLAND VIEW PARK VI, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT the west 10' thereof, which shall remain RS-3.

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Application No.: Z-6142 Present Zoning: RS-3
Applicant: Joe Pennington Proposed Zoning: IH
Location: SW/c of Mingo and East 42nd Street North
Size of Tract: .24 acres, approximate
Date of Hearing: January 28, 1987
Presentation to TMAPC by: Joe Pennington, 4116 North Mingo Road

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IH District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .24 acres in size and located at the southwest corner of Mingo Road and East 42nd Street North. It is nonwooded, flat, contains a commercial structure and mobile home and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling on a large lot zoned RS-3, on the east across Mingo Road by vacant property zoned RS-3, on the south by a single family dwelling zoned RS-3, and on the west by vacant property and a single-family lot and single-family dwelling zoned RS-3.

Zoning and BOA Historical Summary: The City has approved a number of rezoning applications in the immediate area allowing industrial zoning, but limited it to IL as a maximum intensity.

Conclusion: The subject tract is located in a transition area that is slowly redeveloping to industrial. Staff can support industrial zoning on the subject tract, but not an IH intensity due to the Comprehensive Plan and lack of similarly intense industrial zoning in the immediate area. IL zoning would be a "may be found" in accordance with the Comprehensive Plan. It is important in this transition area that the negative impact on the remaining residences be kept to a minimum and the transition be orderly. The Zoning Code would require a 75' setback for new industrial structures from the abutting RS-3 zoning. This setback would not be applicable to the existing structure since it would be existing at the time of rezoning. A 6' screening fence would be required between the industrial and abutting residential zoning.

Therefore, Staff recommends **DENIAL** of the requested IH zoning and **APPROVAL** of IL zoning in the alternative based on the existing zoning pattern and the Comprehensive Plan.

Comments & Discussion:

Chairman Parmele confirmed with the applicant that IL zoning, as suggested by the Staff, would be acceptable.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent")) to **APPROVE Z-6142 Pennington for IL Zoning**, as recommended by Staff.

Legal Description:

The north 80' of the east 130' of Lot 1, Block 2, MOHAWK VILLAGE ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Application No.: Z-6143

Present Zoning: IM

Applicant: Frank Wood

Proposed Zoning: CBD

Location: West side of Kenosha between 1st & 3rd Street

Size of Tract: 5.08 acres

Date of Hearing: January 28, 1987

Presentation to TMAPC by: Franklin Plaza Development, 812 East Admiral Blvd.

Relationship to the Comprehensive Plan:

The District 1 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Commercial and Industrial - Medium and High Intensity; Residential and Commercial Services - Medium and High Intensity.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CBD District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is 5.08 acres in size and located on the west side of Kenosha Avenue between First and Third Streets. It is flat, contains several industrial type buildings and is zoned IM.

Surrounding Area Analysis: The tract is abutted on the north by similar industrial uses and some vacant property zoned IM and CBD, on the east and south by industrial uses zoned IM, and on the west by mixed industrial and commercial uses zoned CBD.

Zoning and BOA Historical Summary: The City has approved similar CBD zoning inside the IDL (Inner Dispersal Loop) in previous applications.

Conclusion: The requested CBD zoning is consistent with the Development Guidelines and zoning policies. CBD zoning is the predominant zoning classification existing in the immediate area.

Therefore, Staff recommends **APPROVAL** of CBD zoning as requested.

Comments & Discussion:

Mr. Frank submitted a letter from Roger Scott, who was representing Mr. and Mrs. Gilbert Reeves, requesting their property be excluded from the area under consideration for the CBD zoning. Mr. Doherty inquired if Staff had any problem with possibly creating an "island" of different zoning. Mr. Frank stated Staff had no problem with this particular tract as most of the area around the subject tract was presently zoned IM. Mr. Frank pointed out the issue on this case was zoning someone's property without their permission, and the Reeves have clearly stated they do not want their property rezoned. Chairman Parmele confirmed that Staff would delete that portion of Block 112 owned by the Reeves would be deleted from the published ordinance.

Interested Parties:

Mr. Ray Ashmore confirmed that the property at 212 South Kenosha would be eliminated from the CBD zoning and remain IM.

TMAPC ACTION: 9 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE Z-6143 Frank Wood for CBD zoning**, as modified.

Legal Description:

CBD: All of Blocks 82, 111 and 112, ORIGINAL TOWNSHIP ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, LESS AND EXCEPT an irregular tract of land in Block 112, being more particularly described as follows, to-wit: BEGINNING at a point on the centerline of vacated alley in Block 112, City of Tulsa, said point being 90.4' east of the east line of Hartford Street; thence continuing eastward along centerline of vacated alley 111' to a point, said point being on west line of Kenosha Street; thence in a northerly direction along the west line of Kenosha Street, 105.3' to a point, said point being 9' at right angles from centerline of Midland Valley spur tract; thence in a southwesterly direction 9' from and parallel to Midland Valley spur tract, a distance of 153.03' to a point; thence in a southeasterly direction 87.3' to a point of beginning, AND beginning at the southeast corner of the afore described tract; thence southwesterly along the southerly line there of a distance of 109.1'; thence southeasterly perpendicular to the last described course a southerly line of the afore described tract a distance of 106.86' to a point on the westerly right-of-way line of South Kenosha Avenue; thence northerly along said right-of-way a distance of 5.44' to the POB, which shall remain IM.

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Application No.: **Z-6144** Present Zoning: RS-3
Applicant: **Munkirs** Proposed Zoning: RM-2
Location: West of the NW/c of East 61st Street & South Rockford
Size of Tract: .84 acres, approximate
Date of Hearing: January 28, 1987
Presentation to TMAPC by: Mr. Charles Munkirs, 1377 East 61st

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 - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-2 District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .84 acres in size and located west of the northwest corner of East 61st Street and South Rockford Avenue. It is partially wooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling zoned RD, on the east by duplex dwellings zoned RS-3, on the south across East 61st Street by both vacant property and single-family dwellings on large lots zoned RM-1, and on the west by an apartment complex zoned RM-1.

Zoning and BOA Historical Summary: The City has approved a number of multi-family zoning classifications around the subject tract. However, RM-2 zoning has been limited to a depth of not more than 625 feet east of Peoria Avenue.

Conclusion: Staff cannot support the requested RM-2 zoning on the subject tract based on the Comprehensive Plan and distance from Use Node at South Peoria Avenue. Staff can however support RM-1 zoning in the alternative due to it being a "may be found" in accordance with the Comprehensive Plan and due to the subject tract being abutted on the west and south across East 61st Street by similar RM-1 zoning. Staff considers the duplex use abutting the subject tract to the east to be an adequate buffer for the single-family development further east.

Therefore, Staff recommends **DENIAL** of the requested RM-2 zoning and **APPROVAL** of RM-1 zoning in the alternative.

Comments & Discussion:

The applicant confirmed agreement with the Staff recommendation for RM-1 zoning, rather than RM-2 as originally requested. DSM comments, dated January 23rd, were discussed.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the Planning Commission voted **9-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE Z-6144 Munkirs for RM-1**, as recommended by Staff.

Legal Description:

The west 125' of Lot 31, SOUTHLAWN ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

Application No.: PUD 217-A Present Zoning: RM-1
Applicant: Sisemore-Sack-Sisemore Proposed Zoning: Unchanged
Location: North of the NW/c of South Lewis & East 81st Street
Size of Tract: 9 acres, approximate
Date of Hearing: January 28, 1987
Presentation to TMAPC by: Mr. Ted Sack, 314 East 3rd (592-4111)

Staff Recommendation: Major Amendment to Abandon PUD 217

The subject tract has an area of approximately 9 acres and is located one-half mile north of the northwest corner of East 81st Street and South Lewis. The applicant is requesting that PUD 217 be abandoned and that the underlying RM-1 zoning be retained. PUD 217 was initially approved for 186 multi-family apartment units in a high-rise configuration.

The Comprehensive Plan Map for District 18 designates the subject tract as Low Intensity - No Specific Land Use, and Development Sensitive on the west portion only due to drainage considerations. The request to abandon PUD 217 and retain the RM-1 zoning (which is a "may be found" in accordance with the Comprehensive Plan) is reasonable and supported by the Staff based on Comprehensive Plan designations for abutting property to the north and south, and development trends and physical facts in the immediate and adjacent areas. The Oral Roberts University campus is located east and south across South Lewis. Property to the south of the subject tract has been designated Special District 4 by the Comprehensive Plan for continued development of the Oral Roberts Campus.

The plat which was previously approved on the subject tract has expired and the site is immediately north of the site for the Victory Christian Academy which is under construction and has received BOA approval. Plat waivers, if any, should be subject to conditions as recommended by the Technical Advisory Committee and the Department of Stormwater Management in particular, and as approved by the TMAPC.

Therefore, Staff recommends **APPROVAL** of PUD 217-A request to abandon PUD 217, and **APPROVAL** of retaining RM-1 zoning as requested.

Comments & Discussion:

Chairman Parmele confirmed with the applicant his agreement with the Staff recommendation.

Interested Parties:

Mr. Tom Creekmore, 3800 First National Tower, representing abutting landowners to the north of the subtract tract, stated he was appearing to protest the requested abandonment. Mr. Creekmore stated it was his understanding that the applicant's church facility contemplated a portion to be in a tower form, and the underlying RM-1 zoning had a 35' height limitation. He stressed concerns that this height restriction not be violated. Mr. Creekmore commented that the applicant had a request

before the BOA to allow church use on the subject tract and to modify previously approved plans to shift buildings off the AG tract to a portion of the RM tract. This BOA application requested a .5 FAR, which Mr. Creekmore stated was hardly low intensity, as it was equivalent to CS or OM zoning. His clients were concerned that the Department of Stormwater Management (DSM) be made fully aware of the development proposed for the subject tract, and they requested that the watershed plans also be reviewed by the TMAPC before any decisions were made, as the subject tract was in a Development Sensitive area. Mr. Creekmore requested that should the Commission feel inclined to approve the abandonment, that it at least be tabled to allow the TMAPC to fully communicate with the BOA and DSM to fully understand the pertinent factors involved with the application.

Mr. VanFossen requested clarification as to the BOA's previous approval of .5 FAR on the AG zoned tract. Mr. Jones advised that, upon review of the previous BOA action, this appeared to be correct. Mr. VanFossen stated surprise at the .5 FAR being allowed in the AG zoning, and Mr. Jones advised that there was no maximum Floor Area Ratio in an AG District. Mr. VanFossen asked Mr. Creekmore how he could be objecting to a .5 FAR, when this was allowed in his client's OM zoned district. Mr. Creekmore pointed out that the OM zoned area was not in a Development Sensitive area, as was the AG zoned tract. Mr. Frank, in reply to Mr. VanFossen, advised that the Development Sensitive in this area was a function of drainage and drainage related matters, which would have to be properly addressed at the time of development. Mr. Creekmore pointed out for Mr. VanFossen that his OM portion was designated in the Comprehensive Plan as Medium Intensity, while the subject tract was designated as Low Intensity.

Ms. Wilson inquired at what BOA meeting the .5 FAR was considered. Mr. Jones advised it was last March (BOA 13964) and the .5 FAR was not before the BOA, as there was no maximum FAR in an AG District. However, at that time, the applicant came before the BOA requesting a Special Exception to allow a church use. Mr. Jones stated the current BOA application involved a request to obtain church use on the new tract being considered for abandonment, and to also release the applicant from the plot plan (approved in March), in order to shift the building.

Applicant's Rebuttal:

Mr. Sack briefed the Commission as to the history of the previous PUD and the BOA hearing on the AG zoned property. Mr. Sack advised the main reason for the PUD was not to change or spread zoning, but was to deal with the floodplain that existed on the tract. Mr. Sack stated that the subject tract was presented to Victory Christian after the BOA hearing in March, but at that time they were not seeking additional property. However, with the consideration of this new piece of property, Victory Christian was restudying this larger area. Mr. Sack pointed out that, in the overall site plan, the FAR had not changed and, in fact, reduced the FAR as their plans would be unchanged. Mr. Sack commented that he did not feel abandonment of the PUD would affect the property to the north; therefore, he requested approval of the request.

Review Session:

Mr. VanFossen stated he felt the real question was would the Commission be approving or considering RM-1 zoning for the subject tract. In his opinion, Mr. VanFossen stated he felt it would be appropriate, and moved for approval of the Staff recommendation. Chairman Parmele commented that the applicant's presentation was very good, but might be more appropriate if made before the BOA.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **5-2-1** (Draughon, Paddock, Parmele, Rice, VanFossen, "aye"; Carnes, Doherty, "nay"; Wilson, "abstaining"; (Kempe, Woodard, Crawford, "absent") to **APPROVE PUD 217-A Sisemore-Sack-Sisemore, Major Amendment to Abandon PUD 217 and retain RM-1 Zoning**, as recommended by Staff.

Legal Description:

The N/2 of the N/2 of the NE/4 of the SE/4 of Section 7, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, LESS AND EXCEPT a tract described as: BEGINNING at the SE corner of the N/2 of the N/2 of the NE/4 of the SE/4 of Section 7; thence north 120.0'; thence west 350.0'; thence south 120.0'; thence east 350.0' to the POB.

OTHER BUSINESS:

PUD 207-9: 9735 South Maplewood Avenue, Reserve Area "A", Mill Creek Pond

Staff Recommendation: Minor Amendment & LNO 16668 to Allow a Lot Split

This is a request to split off a triangular portion of Reserve Area "A", and attach it to the abutting lot (Lot 3, Block 5). This lot split is needed because a swimming pool and deck was built on Lot 3, Block 5, and it encroaches into Reserve Area "A".

The Homeowners Association of Mill Creek Pond Addition owns Reserve Area "A", which is a reserve for stormwater detention, and utility easement.

The original PUD 207 was approved by the TMAPC on 7/12/78, and by the City Commission on 8/15/78 to allow 98 dwelling units on a 40 acre tract that was platted into Mill Creek Pond Addition. Several minor amendments have been approved in this addition, mostly for side and rear yard setbacks, because of the large homes being constructed on relatively small lots.

After review of the applicant's submitted plot plan, the staff finds this request to be minor in nature and consistent with the original PUD. Staff recommends **APPROVAL** of the request as represented in the applicant's submitted plot plan, subject to the following conditions:

- (1) That tie language be placed on the face of the deed stating that this portion of Reserve Area "A" cannot be transferred or conveyed without including Lot 3, Block 5 Mill Creek Pond Addition.
- (2) This lot split does not change any easements of record, and all restrictions of Reserve Area "A" continue to be applicable until or unless changed by the TMAPC and City Commission. Appropriate action must be taken by the applicant to vacate any easement or to obtain the necessary license agreements permitting the requested use of the present Reserve "A".
- (3) That the applicant secure a release letter from Stormwater Management subject to the terms and conditions as may be applicable and recommended by the Department of Stormwater Management.

NOTE: Applicant may wish to vacate that portion of Reserve Area "A" affecting the subject tract in order to clear title to the property.

January 28, 1987: The TMAPC continued this application from January 21st to allow Legal to add language to clarify condition #2. The revised language is as noted above. A field check indicated the fence on the subject tract was the only apparent encroachment into Reserve "A" in the immediate area. A check of Protective Inspection's Records indicated no permit had been issued for the swimming pool on the subject tract.

Comments & Discussion:

In regard to the pool being built without a permit, Mr. Paddock inquired as to what position this left the City. Mr. Linker stated he, too, was surprised with this fact, as he could not understand how a contractor would operate without first obtaining a permit, and he was at a loss as to any explanation for this happening. Mr. VanFossen clarified that all the Planning Commission was being requested to do was approve the lot split, and the lack of permit for the pool was the owner's problem.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-2-0** (Carnes, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; Doherty, Draughon, "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to **APPROVE** the **Minor Amendment and LNO #16668** for **PUD 207-9**, as recommended by Staff.

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PUD 268-6: Lot 3, Block 1, Woodland Glen Extended Two Addition

Staff Recommendation: Minor Amendment to Front Yard Building Setback

The subject tract is described as Lot 3, Block 1, Woodland Glen Extended Two Addition and located at 9209 South 94th East Avenue. The tract has been platted for single-family detached residential development. The applicant is requesting that the front yard building setback be amended from 50' to 46'.

The subject tract has an irregular shape and is located on the eyebrow of the intersection of East 92nd Street and South 94th East Avenue. The attached plot plan indicates that only the garage portion of the structure will encroach. The plat indicates that there is a 17.5' utility easement along the rear of the lot, and a 20' minimum rear yard.

The relationship of the proposed structure to a dwelling which could be built on Lot 2 to the north, indicates that the structure on Lot 3 should be setback from the street as far as is reasonably possible, and to a point 17.5' from the rear lot boundary.

Therefore, Staff recommends APPROVAL of PUD 268-6 subject to the southeast corner of the proposed structure being established at a distance of 17.5' from the rear lot line (moving the proposed location to the south and east and being off the utility easement), and that the encroachment on the remaining front building setback be approved based on this change. Staff estimated that the front building setback would then be approximately 48' from the centerline of South 94th East Avenue, rather than the 46' requested. (Notice of this request has been given to the abutting property owners.)

TMAPC ACTION: 8 members present

On MOTION of RICE, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, Woodard,"absent") to APPROVE the **Minor Amendment to Front Yard Building Setback for PUD 268-6**, as recommended by Staff.

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PUD 268-7: Lot 9, Block 2, Woodland Glen Extended Two Addition

Staff Recommendation: Minor Amendment to Front Yard Building Setback

The subject tract is described as Lot 9, Block 2, Woodland Glen Extended Two Addition and is located at 9355 South 93rd East Avenue. The tract has been platted for single-family detached residential development. The applicant is requesting that the front yard building setback be amended from 50' to 45'.

PUD 268-7 Minor Amendment - Cont'd

The subject tract has an irregular shape and is narrower at the rear than at the front. The lot has a 17.5' utility easement across the rear and a 20' minimum rear yard requirement. Review of the applicant's request indicates that the location and shape of the subject tract merits some relief; however, the plot plan indicates that the proposed structure could be moved to the north and east to be 17.5' from the rear yard boundary reducing the relief which would be required on the front. Relocation of the structure to the north and east would also provide an improved relationship to structures which will be built to the north and south.

Therefore, Staff recommends APPROVAL of PUD 268-7 subject to moving the structure to the north and east to be 17.5' from the rear yard boundary and relief granted on the front as needed. Staff estimates that this would establish the front building setback at approximately 46.5', rather than the 45' requested.

Notice of this request has been given to abutting owners.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Doherty, Kempe, Woodard, Crawford, "absent") to **APPROVE the Minor Amendment to Front Yard Building Setback for PUD 268-7**, as recommended by Staff.

* * * * *

Z-5620-SP-5: South of the SE/c of East 91st Street and South Memorial

Staff Recommendation: Corridor Landscape Plan

The subject tract is located south of the southeast corner of East 91st Street and South Memorial, and is zoned CO. The TMAPC and City Commission previously approved a Corridor Site Plan for an automobile insurance office and evaluation area in Development Area "A". Construction is now in the final stages of completion on the building and parking areas, and Corridor Landscape Plan approval is requested.

The Corridor Site Plan requires a 6' privacy screening fence along the south boundary which abuts an existing multi-family residential development, and also "special [landscape] treatment" along this same boundary. The minimum requirement for landscaped open space is 24% on-site (20,600 square feet) and 13,000 square feet along Memorial.

Z-5620-SP-5 Corridor Landscape Plan - Cont'd

The submitted Corridor Landscape Plan shows extensive treatment of the entire interior site area and the south perimeter in particular. A line of trees including Oak (10' to 12' tall), Pine (5' to 6' tall), and Dogwood (6' to 8' tall) is shown along the south boundary. A legend identifying the type and sizes of all plant materials is included on the Plan and the location of each variety is noted on the plot plan. The minimum landscaping requirement for the interior area of the site is satisfied; however, Staff notes that the Plan does not specify treatment of that remaining portion of the site referred to as the "Exterior along Memorial". Staff would be supportive of the entire Plan if a condition of approval was added that the "Exterior along Memorial" shall be sodded or seeded in a manner consistent with treatment given the abutting area of the site.

Therefore, Staff recommends APPROVAL of the Corridor Landscape Plan as submitted and subject to the "Exterior along Memorial" being seeded or sodded in a manner consistent with that treatment given to abutting yard areas of the applicant's property.

TMAPC ACTION: 8 members present

On MOTION of VANFOSSEN, the Planning Commission voted 8-0-0 (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Woodard, Crawford, "absent") to APPROVE the Corridor Landscape Plan for Z-5620-SP-5, as recommended by Staff.

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PUD 179-C-3: East of the SE/c of East 71st Street and South Memorial

Staff Recommendation: Minor Amendment for Sign

The subject tract is located east of the southeast corner of East 71st Street and South Memorial and is the site of the Centre 71 Shopping Center. The applicant is requesting approval of an extension to the existing reader board on the sign pole from 120 to 176 square feet.

The underlying zoning for PUD 179-C is CS which would permit ground signs to be a maximum area of 3 square feet for each lineal foot of street frontage. Lot 3, Block 1, El Paseo Addition has 440 lineal feet of frontage on East 71st Street. Information on file (PUD 179-C-1) indicates that a total of 234 square feet of display surface area has been approved for ground signs. Staff is supportive of this request which, if approved by the TMAPC, would increase the total display surface area for ground signs to 290 square feet. No increase is being requested in the height of the existing sign and the sign will continue to be internally lighted by constant light.

PUD 179-C-3 Detail Sign Plan - Cont'd

Therefore, Staff recommends **APPROVAL** of PUD 179-C-3 to increase the display surface area on the reader board portion of an existing sign from 120 square feet to 176 square feet per the submitted plot plan for the Centre 71 Shopping Center.

NOTE: The sign which was approved by the TMAPC per PUD 179-C-1 has not been installed as of this date.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Rice, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Kempe, Crawford, "absent") to **APPROVE** the **Detail Sign Plan for PUD 179-C-3**, as recommended by Staff.

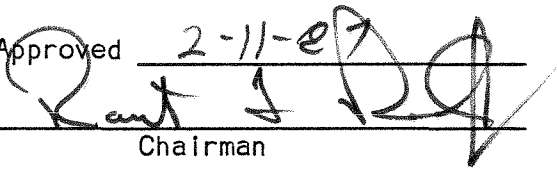
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Ms. Wilson suggested Staff attach the March 1986 BOA minutes on PUD 217-A along with these TMAPC minutes for review by the City Commission.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"; (Kempe, Rice, Woodard, Crawford, "absent") to **INSTRUCT** the INCOG Staff to include the March 1986 BOA minutes on PUD 217-A along with the minutes from this meeting, for transmittal to the City Commission.

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved 2-11-87

Chairman

ATTEST: 
Secretary

