

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1748
Wednesday, **June 14, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Coutant	Carnes	Gardner	Linker, Legal
Doherty, Chairman	Kempe	Setters	Counsel
Draughon, Secretary	Paddock	Stump	
Randle	Parmeale		
Wilson, 1st Vice Chairman	Selph		
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 13, 1989 at 9:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:58 p.m.

MINUTES: Not applicable, as there was no meeting 5/31/89 (fifth Wednesday).

REPORTS:

Committee Reports:

Mr. Coutant announced the **Comprehensive Plan Committee** would be meeting June 21st to discuss the housekeeping-type amendments to the various District Plans, the Utica Medical Corridor Special Study, and review the Arterial Right-of-Way Study.

Chairman Doherty advised the **Rules & Regulations Committee** would also be meeting June 21st, after the regular TMAPC meeting, to continue review of the Sign Code as relates to "flashing" and/or message signs, and the Committee would review a presentation on a possible change to the General Policies relating to major/minor amendments.

ZONING PUBLIC HEARING:

Application No.: **Z-6254**

Present Zoning: RS-3

Applicant: **Melton**

Proposed Zoning: CO

Location: NE/c East 63rd Street & South Mingo Road

Date of Hearing: June 14, 1989

Presentation to TMAPC by: Mr. Jim Melton, 3225 East Admiral Place (834-2405)

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

Site Analysis: The subject tract is approximately .43 acres in size (78.9' x 236') and is located at the northeast corner of South Mingo Road and East 63rd Street South. It is nonwooded, flat, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by an insurance office zoned OL; on the east by a single-family dwelling zoned RS-3; on the south across East 63rd Street South by a single-family dwelling being used as a lawn care business zoned RS-3; and on the west by a single-family dwelling zoned AG.

Zoning and BOA Historical Summary: Similar corridor zoning has been approved in the immediate area. In addition, child day care use was approved by the Board of Adjustment in December 1986 for the subject tract.

Conclusion: Based on previous actions taken by both the TMAPC and Board of Adjustment, it is clear that the subject tract is part of an area in transition from residential to more intense land uses. Staff can support the requested rezoning due to the above mentioned fact and the Comprehensive Plan.

Therefore, Staff recommends **APPROVAL** of CO zoning for Z-6254 as requested.

Chairman Doherty noted there were no protestants or interested parties in attendance on this case.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Wilson, Randle, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmele, Selph, "absent") to **APPROVE Z-6254 Melton** for CO Zoning, as recommended by Staff.

Legal Description:

CO Zoning: The south 79' of the west 236' of Lot 5, Block 4, Union Gardens Subdivision to the City of Tulsa, Tulsa County, State of Oklahoma.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Kayo III (PUD 378)(2683) SW/c of East 101st & South Memorial Drive (CS)

Staff advised this item needed to be stricken as the necessary release letters had not been received.

Hearing no objection, Chairman Doherty declared this item be stricken from the agenda.

OTHER BUSINESS:

PUD 159-13: Minor Amendment to Permit a Home Occupation
3041 West 69th Street South, Lot 2, Block 2, West Highlands III

Staff Recommendation:

The subject tract is part of an original 597 acre PUD which permitted a mixture of uses, the primary being detached single-family dwellings. The applicant is requesting a minor amendment to permit a home occupation, nail salon, out of her home. Notice of the application has been given to all property owners within a 300' radius of the subject tract.

After review of the applicant's proposal, staff finds the request to be minor in nature and consistent with the original PUD. Staff can support the request subject to the following conditions:

PUD 159-13 Minor Amendment - Cont

1. The home occupation shall be engaged in only by the family or person occupying the dwelling as a private residence. No person shall be employed in the home occupation other than a member of the immediate family residing on the premises.
2. No signs, display or advertising on premises, visible from outside the lot, shall be permitted.
3. The home occupation shall be conducted entirely within an enclosed principal building or customary accessory building.
4. No mechanical equipment shall be used which creates a noise, dust, odor or electrical disturbance.
5. No exterior alterations of the structure shall be made which would detract from the residential character of the structure.
6. The home occupation shall be limited to a nail salon only.
7. Days and hours of the home occupation shall be limited to Monday through Friday, 9:00 a.m. to 7:00 p.m.
8. Clients shall be limited to no more than four per day.

Comments & Discussion:

Ms. Wilson verified with Staff that the same notice requirements as required for a BOA home occupation application had been used.

Mr. John Ferris (3021 West 68th Place South) stated the applicant had very dramatically improved the dwelling and he had no objections to the requested home occupation use.

Ms. Geri Blansfield, applicant, stated agreement with the Staff's recommended conditions as these followed what she had in mind for her nail salon.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Wilson, Randle, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmele, Selph, "absent") to **APPROVE** the **Minor Amendment** to **PUD 159-13 Blansfield** for a Home Occupation, as recommended by Staff.

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PUD 179-0-1: Minor Amendment to Reduce Building Setback

South side of East 71st St., 1/2 mile east of South Memorial Dr.

Staff Recommendation:

PUD 179-0 contains 6.6 acres and is located on the south side of East 71st Street South one-half mile east of South Memorial Drive. The request is to reduce the required building setback on the north 318' of the east boundary of the PUD from 75' to 50' and to reduce the landscape buffer on the same area from 20' to 15'. The proposed 33% reduction in the building setback would not meet the TMAPC's policy of less than a 20% change in setback to be classified automatically as a minor amendment.

The amendments are needed to allow the rear of a cafeteria and a major access drive to the proposed shopping center to be placed closer to the east side of the development. Immediately east of this side of the PUD are 2 story apartments with windows facing the proposed development.

Because of the amount of the reduction in setback and buffering and the incompatible nature of the uses proposed to be placed in this area (i.e. refuse dumpsters, a loading dock, high traffic drive, truck traffic late at night), Staff feels this proposed amendment is a significant departure from the outline development plan and should be processed as a major amendment.

If the TMAPC determines this to be a minor amendment, Staff cannot support the amendment because of the significant adverse impact to the residences on the east side of the PUD.

Therefore, Staff would recommend **DENIAL** of the proposed minor amendment PUD 179-0-1.

Comments & Discussion:

Chairman Doherty advised a request for continuance of the application had been submitted, although untimely. He commented that, if heard, the Commission must first determine if this was a major or minor amendment.

Mr. Ted Sack, representing the applicant, stated the property as being sold to Luby's Cafeterias. He commented that during the initial stages of the application, Staff had advised that this might be considered a minor amendment. Mr. Sack added the reason for the continuance request was to allow Luby's to review the Staff's recommendation as, until today, they did not realize this would possibly be considered a major amendment.

TMAPC ACTION: 6 members present

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Coutant, Doherty, Draughon, Wilson, Randle, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Kempe, Paddock, Parmele, Selph, "absent") to **CONTINUE Consideration of PUD 179-0-1 Sisemore (Wenrick)** until Wednesday, **June 21, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 2:10 p.m.

Date Approved 6/29/89
James R. [Signature]
Chairman

ATTEST:

Art Braughon
Secretary