

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2005

Wednesday, January 11, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes, 2nd Vice
Chairman
Doherty
Gray
Homer
Pace
Parmele
Chairman
Selph
Wilson

Members Absent

Midget

Staff Present

Gardner
Hester
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, January 10, 1995 at 9:10 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 1:36 p.m.

REPORTS:

Chairman's Report:

Chairman Parmele announced receipt of a request from John Benjamin, City Council Chairman, asking TMAPC to prepare the appropriate documentation of allowed uses and other normal conditions attached to a PUD reflecting the City Council's action on Z-6472 and PUD 524 at their January 5 meeting. He assigned this task to the Rules and Regulations Committee to coordinate with Linda Redwine, Council Secretary, and TMAPC Staff to write the appropriate conditions and present to the Planning Commission for review and transmittal to the City Council.

Ms. Wilson asked if conditions would be reviewed at the January 18 work session.

Mr. Doherty replied in the affirmative. He informed that it is anticipated that following the TMAPC meeting on January 25, the conditions will be presented to the full Planning Commission.

Chairman Parmele noted that interested parties and the applicant will be notified of the meeting.

Mr. Doherty advised that a public hearing will not be held, but there will be a public meeting.

Committee Reports:

Budget and Work Program Committee

Ms. Wilson reported on the Spring Training Workshop, expressing her pleasure with attendance. She thanked the Planning Commissioners for their participation.

Rules and Regulations Committee

Mr. Doherty acknowledged the presence of Eddie Taylor who is scheduled to appear before the City Council for confirmation as the new TMAPC member.

Mr. Doherty recognized Gail Carnes for 10 years continuous service on the Planning Commission.

Director's Report:

TMAPC/BOA Receipts for December, 1994

Mr. Gardner presented the report of receipts and deposits and informed that all are in order.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to **ACCEPT** and **RECEIVE** the **REPORT OF RECEIPTS AND DEPOSITS** for December 1994 as presented.

Mr. Gardner informed of items to be heard by the City Council on January 12, 1995.

PLAT WAIVER, SECTION 260:

BOA-16896 (Pilcher Summit)(893)

(PD-4)(CD-4)

1128 South College Avenue

Mr. Stump informed that this item was denied by the Board of Adjustment and requested that it be stricken.

Hearing no objection, Chairman Parmele declared this item stricken.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-525/Z-6473**

Present Zoning: RS-2

Applicant: Robert J. Nichols

Proposed Zoning: RM-1/PUD

Location: South of the southwest corner of East 53rd Street South & South Sheridan Road.

Date of Hearing: January 11, 1995

Chairman Parmele informed that Lloyd Hobbs, Chair of Planning District 18, has submitted a written request for continuance to January 25, 1995. The applicant requested that the application be continued to February 1, 1995 due to a previous commitment on January 25. Mr. Hobbs agreed to that request.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** PUD 525/Z-6473 to February 1, 1995.

Application No.: **PUD-521**

Applicant : Charles Norman

Location: Southwest corner of East 71st Street South & the Mingo Valley Expressway.

Date of Hearing: January 11, 1995

Presentation to TMAPC: Charles Norman

The applicant is proposing a retail shopping and restaurant development at the southwest corner of East 71st Street South and the Mingo Valley Expressway. The tract is abutted to the west, north, and northwest by major retail and restaurant developments. The primary access to 71st Street would be 101st East Avenue at the existing signalized intersection; 101st East Avenue would be extended through the development to its southern boundary. It would also connect with 73rd Street which is an existing east-west collector street. Two existing commercial buildings at the northeast corner of the tract would remain. The vast

majority of the new building floor area would be contained in a strip shopping center at the southern end of the PUD, which would contain a major anchor tenant.

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-521 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-521 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:**

AREA A:

Land Area (Gross):	2.2395 acres	97,552 SF
(Net):	1.4542 acres	63,345 SF
Permitted Uses:	Use Units 11, 12, 13, 14, and 16 and customary accessory uses	
Maximum Building Floor Area:		8,000 SF
Maximum Building Height:	one story not exceeding 25'	
	Architectural elements and business logos may exceed maximum building height with detailed site plan approval	
Off-Street Parking:	as required by the applicable Use Unit of the Tulsa Zoning Code	
Minimum Building Setbacks		
From centerline of East 71st Street:		110'
From South 101st East Avenue right-of-way:		25'
From west boundary of Area A:		17.5'
Landscaped Area:		10% of lot area

Signs:

- 1) Ground signs shall be limited to one with a maximum of 160 SF of display surface area and 25' in height.
- 2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

AREA B:

Land Area (Gross):	1.9075 acres	83,091 SF
(Net):	1.1748 acres	51,173 SF
Permitted Uses:	Use Units 11, 12, 13, 14 and 16 and customary accessory uses	
Maximum Building Floor Area:		6,500 SF
Maximum Building Height:	one story not exceeding 25'	
	Architectural elements and business logos may exceed maximum building height with detailed site plan approval.	
Off-Street Parking:	as required by the applicable Use Unit of the Tulsa Zoning Code	
Minimum Building Setbacks		
From centerline of East 71st Street South:		110'
From South 101st East Avenue right-of-way:		25'
From the east boundary Area B:		25'
From the north boundary of Area D:		25'
Landscaped Area:		10% of lot area

Signs

- 1) One Center and tenant identification ground sign shall be permitted with a maximum of 280 SF of display surface area and 35' in height if setback an additional 10' as required by the Zoning Code.
- 2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- 3) One monument sign shall be permitted with a maximum of 64 SF of display surface area and 6' in height.

AREA C:

Land Area (Gross):	3.1396 acres	136,759 SF
(Net):	2.2765 acres	99,165 SF
Permitted Uses:	Use Units 11, 12, 13, 14, 16 and existing carpet installation business and customary accessory uses	
Maximum Building Floor Area:		25,000 SF
(existing buildings approximately 22,000 SF)		
Maximum Building Height (Future Buildings):		25'
	Architectural elements and business logos may exceed maximum building height with detailed site plan approval.	
Off-Street Parking:	as required by the applicable Use Unit of the Tulsa Zoning Code	
Minimum Building Setbacks		
From centerline of East 71st Street:		110'
From easternmost boundary of Area C:		17.5'
From west boundary of Area C:		25'
From northern boundary of Area D (Future Buildings):		25'
Landscaped Area:		10% of lot area

Signs

- 1) Two ground signs shall be permitted with a maximum height of 25' and a maximum display surface area of 150 SF each.
- 2) Wall signs shall be permitted not to exceed 1.5 SF of display surface area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

AREA D:

Land Area (Gross):	22.4664 acres	978,638 SF
(Net):	21.3321 acres	929,225 SF
Permitted Uses:	Use Units 11, 12, 13, 14 and vehicular repair and service except body repair or painting and customary accessory uses	
Maximum Building Floor Area:		285,000 SF
Maximum Building Height:		26'
	Architectural elements and business logos may exceed maximum building height with detailed site plan approval.	
Maximum Parapet Wall Height:		38'
	(no more than 250 linear feet per detailed site plan)	
Off-Street Parking:	as required by the applicable Use Unit of the Tulsa Zoning Code	
Minimum Building Setbacks		
From South 101st East Avenue right-of-way:		25'
From easterly boundary of Area D:		40'
From south boundary of Area D:		40'
From southerly boundaries of Areas B and C:		300'
Landscaped Area:		10% of lot area

Signs

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A Landscape Architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. 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.

6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
9. A roadway open to the public (private or publicly maintained) shall be provided from the southeast corner of the PUD to an access point on East 71st Street South.
10. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have 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.
11. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Staff Comments

Mr. Stump informed that this PUD is being reheard due to an inadequate legal description being published for the first public hearing on November 30, 1994. Due to this error in notice, TMAPC needs to endorse its action on November 30, 1994.

Applicant's Comments

Mr. Norman informed of discussing this situation with Russell Linker and decided that it would be preferable for the Planning Commission to make the same motion as made at the previous hearing on this matter rather than ratify the minutes of the public hearing.

There was discussion over how to proceed with the action.

Mr. Linker informed that a motion for approval should be made because technically this is the public hearing on this item.

There were no interested parties in attendance and Mr. Norman informed that there were no interested parties in attendance at the meeting of November 30, 1994.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **6-2-1** (Ballard, Gray, Horner, Pace, Parmele, Wilson "aye"; Carnes, Doherty "nay"; Selph "abstaining"; Midget "absent") to recommend **APPROVAL** of PUD 521 as described in the minutes from November 30, 1994 as recommended by Staff with the following modifications to Development Area C standards as agreed to by Staff:

Permitted Uses:

Use Units 11, 12, 13, 14, 16, 21 and existing carpet installation business and customary accessory uses

Landscaped Area:

10% of lot area*

*Required when new buildings are constructed or existing buildings are expanded.

Signs

As permitted in 1103.B.2 of the PUD Chapter.

Mr. Carnes and Mr. Doherty both stated that their opposition is only to Use Unit 21.

LEGAL DESCRIPTION

A tract of land lying in the E/2 of the NW/4 of Section 7, T-18-N, R-14-E, being a part of Blocks 1 and 2 of "Chancellor Acres", Block 1 of "Sooner Electrical Supply Addition", Block 1 of "Union Building Addition", all being additions to the City of Tulsa, Tulsa County, Oklahoma, and also a part of S 103rd E. Ave., said tract of land being more particularly described as follows, to-wit: "Beginning at a point" that is the NW/c of said E/2 of the NW/4 thence S 89° 46'10" E along the northerly line of Section 7 for 1097.08'; thence S 00°20'53" E along a northerly extension of and along the westerly right-of-way line of Mingo Valley Expressway for 344.71'; thence S 19°52'36" E continuing along said westerly right-of-way line for 636.58'; thence S00°09'37" W along said right-of-way for 147.53'; thence N 89°46'10" W parallel with the northerly line of Section 7 for 1318.34" to a point on the westerly line of said Block 2 of "Chancellor Acres"; thence N 00°09'54" E along said westerly line for 1090.00' to the POB of said tract of land. This tract of land contains 29.753 acres.

PUD 360-A-1 and 360-A-2 were heard simultaneously.

Application No.: **PUD-360-A-1**

Applicant: Pamela S. Gotcher

Location: West of the northwest corner of East 91st Street South & South Memorial Drive.

Date of Hearing: January 11, 1995

Presentation to TMAPC: Malcolm Rosserly and David Fultz

Minor Amendment
portion of Lot 2 of Homeland 0102 Addition
northwest corner of East 91st Street South and South Memorial Drive

The applicant is requesting approval of a reduction in the setback from the 91st Street right-of-way from 90' to 75'.

Staff has reviewed the request and finds that the existing setbacks are designated as follows: 150' from centerline (90' from right-of-way) on the westerly 220' of the proposed parcel and 110' from centerline (50' from right-of-way) on the easterly 59'.

Staff also finds that the 1989 Major Amendment to the PUD which created the existing setbacks reduced the setbacks from a minimum 200' from the centerline of 91st Street. At that time, Staff recommended approval of the setbacks with an eye toward "consistency of shopping center setbacks" along South Memorial Drive and East 91st Street South. Staff specifically referenced proposed development east of the subject tract (the existing Wal-Mart) which was approved for setbacks 150' from centerline in March 1989.

Development south of 91st Street (car sales) is set back significantly from 91st Street through the use of an internal vehicle circulation system south of 91st Street and a large setback (200' from centerline) for used car sales buildings.

As additional information, Staff notes that the configuration of the subject parcel as proposed would create an odd-shaped parcel in the central portion of the PUD. The existing Homeland parking does not abut the proposed parcel on the north as shown, but is located 115' to the north.

Based on the above, Staff recommends **DENIAL** of the requested setback reduction, finding the current setback in conformance with existing area conditions. Staff also finds no hardship created by PUD standards and is of the opinion that design/lot configuration alternatives exist in lieu of the requested setback.

AND

Application No.: **PUD-360-A-2**

Applicant: Crowe & Dunlevy/Malcolm E. Rosserly

Location: West of the northwest corner of East 91st Street South & South Memorial Drive.

Date of Hearing: January 11, 1995

Presentation to TMAPC: Malcolm Rosserly and David Fultz

Minor Amendment
portion of Lot 2, Homeland 0102 Addition
northwest corner of East 91st Street South and South Memorial Drive

The applicant is requesting floor area allocation for a new lot to be located in the southeastern portion of Lot 2. The applicant is also requesting a separately-processed Minor Amendment to reduce the existing setback along 91st Street from 90' to 75' on the proposed lot. The application as submitted assumes the new lot to be a portion of the existing Lot 1 and requests 5,172 SF of floor area. Staff review shows this new lot to be a part of existing Lot 2.

Staff has reviewed the requests as a package and finds that the lot as proposed will create an interior piece of the existing Lot 2 that will have difficult-to-use proportions. This piece of Lot 2 will be approximately 275' from east to west and 115' from north to south. Existing parking runs east to west and is standard 90°. The remainder piece does not fit into the current parking scheme, being 5' short of the required 120'.

Staff recommends enforcement of the existing 90' setback along 91st Street and increasing the depth of the proposed lot (north-south) from 215' to 270'. This increased depth will create a remainder parcel of 60', sufficient for one double-loaded row of parking.

Staff recommends **APPROVAL** of floor area allocation based on a new lot of 278.9' X 270' or 75,303 square feet. Floor area within Lot 2 as a total is allocated at 0.31 of net. Floor area allocated to the new lot would therefore be 23,344 square feet.

Staff recommends consistent spreading of allocated floor area across the whole of Lot 2, with the purpose of avoiding concentration of density near the residential area in the west.

Should the Commission prefer to approve allocation based on the new lot as submitted, total lot area will be 59,589 square feet. Allocated floor space based on 0.31 will be 18,589 square feet.

Applicant's Comments

Malcolm Rosserly, representative for Homeland Stores, informed that Pamela Gotcher, representative for Liberty Bank, is ill and unable to attend today's meeting; however, David Fultz, architect for the bank, is in attendance. Mr. Rosserly distributed a rendering of the proposed bank and drive-through facility. He informed that the proposed structure is identical to the structure at 61st and Lewis. Mr. Rosserly gave a detailed description of the tract and surrounding property.

Responding to a question from Mr. Carnes, Mr. Rosserly informed that there are no plans for development of the 115' strip between the rear of the Liberty lot and boundary of Lot 1 as yet. Mr. Rosserly informed that the 15' reduction of setback is required for the portion that jogs at the 50' point to the western edge of the lot. This would allow the bank two rows for

vehicle stacking in the rear for access to the drive-through facility and allow for landscaping along the rear of the lot. Regarding consistency of setback, Mr. Rosserly referenced businesses in the vicinity which have reduced setback.

Ms. Wilson asked if the need for reduction in setback is because the applicant wants to use the same site plan used in other locations.

Mr. Fultz explained that the building is the same; however, the site plan is unique to this site. He explained that the option of redesigning the building to sit on the lot without reducing setback has been explored; however, it would result in several disadvantages, such as allowing only one lane of traffic to access the drive-through, resulting in congestion of the parking area and perhaps even 91st Street. It would also eliminate the landscaping area along the rear of the tract. He noted that if landscaping along the rear of the tract were required, then the drive-through would not be possible.

Mr. Rosserly reminded the Planning Commission that the required setback was imposed with the plan in mind of a large retail facility rather than the resultant smaller tracts. He noted that the visual impact from the street is minimal because of the open areas in the proposed development.

There was concern among the Planning Commission over the 115' parcel which would be unused, and they questioned how it could be developed.

Doug Rule, Liberty Bank, responding to Ms. Wilson's concerns regarding redesign of the bank, explained that the structure is a prototype. It is not easily amended and would be cost prohibitive to redesign. He informed that the site as presently configured with required setback would be workable, but is not optimum. Mr. Rule questioned why the McDonalds, east of the proposed development, would be allowed a 50' setback and not this application with a requested 75' setback.

TMAPC Review

Mr. Doherty asked why Staff recommends imposing additional setback beyond McDonalds to the east of the proposed development.

Mr. Stump explained that typically corner developments have less setback with interior development being farther from the center of the street and opening it up more.

Mr. Doherty questioned if setback should be tapered traveling west on Memorial. He also voiced concern over the remaining 115' tract to the north, noting that it would be difficult to develop it in the overall PUD design.

Mr. Stump expressed concern over the access road from Homeland to 91st Street which was approved at the time Homeland was approved. He noted that the proposal presented ignores that road, and landscaping appears to be where the road was to be.

Mr. Doherty noted that the access would interfere with flow of drive-through traffic. He suggested that a setback of more than 75' but less than 90' would accommodate the urban design in the streetscape.

Mr. Parmele explained that the Planning Commission has been very protective of signage and setbacks in the area.

Mr. Doherty noted that the rendering depicts a monument sign and suggested restricting the ground sign.

Mr. Stump informed that the applicant would be permitted a sign higher than 25' with setback.

Ms. Wilson expressed opposition to reduction of setback, noting that there are other opportunities which can be explored.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** PUD 360-A-2 MINOR AMENDMENT to allocate building floor area per the Staff recommendation of 18,589 SF to the new bank lot.

Mr. Doherty suggested dividing the difference of setback; however, Mr. Rule has indicated that this will not help. He was concerned with the shape of the remaining 115' tract making it difficult to incorporate and poor design for the overall PUD.

Mr. Doherty asked Legal Counsel if the Planning Commission would have legal standing to impose, as an alternative to greater setback, elimination of ground signs and allowing monument signs only as a condition of the PUD.

Mr. Linker advised that if it is reasonably related to the application, it could be made a condition.

Mr. Doherty explained that, reducing the esthetic effect of two ground signs and installing a monument sign would be a fair trade for 15' of setback.

Mr. Linker advised that a trade is allowed where the applicant is agreeable; however, if it is imposed as a condition without the agreement of the applicant, it would not be permitted.

Mr. Doherty asked the applicant if that would be acceptable.

Mr. Rosserly asked if the monument sign would be acceptable near the street.

Mr. Carnes replied that it would not be.

Mr. Rosserly expressed agreement with Mr. Doherty's suggestion.

Chairman Parmele asked if Homeland would have any objections to the imposition of additional conditions on signage on the balance of the tract, limited to monument signs and no ground signs.

Mr. Rosserly asked for a continuance to determine if Homeland would agree to the imposition of additional signage controls.

Mr. Gardner suggested that the item be continued and if the Planning Commission is concerned about how the 115' strip will be used, they should ask Homeland how it might be used for additional parking, access drive. etc.

Mr. Doherty expressed concern over the 115' at the rear of the tract, design, its appearance from the street, esthetics and maintaining the open streetscape yet allowing a rationale use of the property.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to **CONTINUE** PUD 360-A-1 to January 18, 1995.

* * * * *

Application No.: **PUD-485-A**
Applicant: John W. Moody
Location: 10800 South Memorial Drive
Date of Hearing: January 11, 1995

Major Amendment
to increase building floor area
west side of South Memorial Drive at East 109th Street South

The applicant is requesting approximately a 30% increase in permitted floor area in the PUD. All other development standards would remain unchanged from PUD-485. The increase in building floor area is to permit indoor basketball and batting areas and a mezzanine. Staff finds the increase is still well below the maximum permitted by the underlying zoning (55,275 SF) and the site should be able to accommodate the increase. Therefore, Staff recommends **APPROVAL** of PUD-485-A, increasing the permitted building floor area to 42,160 SF subject to all the other development conditions of PUD-485 except as modified below:.

Maximum Building Floor Area	
Use Units 13 & 14 Uses	3,300 SF
All Uses Combined	42,160 SF
Minimum Building Setbacks	
West Boundary	290'

Minimum Off-street Parking Lot Setback	
South Boundary (West 435' only)	10'
South Boundary (East 150' only)	5'
North Boundary (No setback as anticipated commercial development on the north boundary.)	
West Boundary	115'

The outdoor softball field has been eliminated at this time.

The applicant expressed agreement with Staff recommendation.

There were no interested parties in attendance.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of PUD 485-A as recommended by Staff.

LEGAL DESCRIPTION

Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 26, T-18-N, R-13-E, Tulsa County, Oklahoma; thence West 115' to a point on the West right-of-way line of South Memorial Drive to the Point of Beginning; thence West 650.15'; thence North 335'; thence East 650.15' to the West right-way line of South Memorial; thence South 335' to the Point of Beginning.

ZONING PUBLIC HEARING:

Application No.: **Z-6476**

Applicant: TMAPC

Location: Bounded by Tecumseh, Canton, Young and the alley between Fulton/Irvington.

Date of Hearing: January 11, 1995

Presentation to TMAPC: Darin Akerman

Present Zoning: RM-1

Proposed Zoning: RS-4

Relationship to the Comprehensive Plan:

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

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

Staff Comments:

Site Analysis: The subject property contains approximately 63 acres. It is partially wooded, gently sloping, contains single-family dwellings and mobile homes and is zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north by single-family homes and scattered mobile homes which are zoned RS-3 to the northwest and RMH to the northeast. To the west are single-family homes, zoned RS-3; to the east are single-family homes, zoned RS-3 and to the south are commercial uses, zoned CH.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that this area is primarily single-family dwellings and was zoned RM-1 through a blanket zoning in 1970. There has, however, been some industrial zoning to the west of the single-family uses to accommodate the industrial and commercial uses along Yale Avenue and E. Tecumseh Street.

Conclusion: Staff recommends **APPROVAL** of RS-4 zoning for this area in order to preserve the single-family character of the neighborhood.

Staff Comments

Darin Akerman introduced the application reviewing a map depicting response from area property owners indicating support and opposition to the proposed rezoning.

Interested Parties

Albert W. Cecil

2112 North Darlington Place 74115

Mr. Cecil was concerned that residents to the east of the subject property did not receive notification of the public hearing. He informed that, as President of his Homeowners Association, most of the residents in his neighborhood would agree with the rezoning request.

Jack Baker, Planning District 16 Chair

6405 East 36th Street North 74115

Mr. Baker informed that neither he, nor residents in his neighborhood, received notification of any of the neighborhood meetings regarding this rezoning application. He requested a continuance to February or later so he and residents in his neighborhood can receive information on this application.

Mr. Doherty explained how areas were targeted for blanket rezoning. He advised the continuance request is not timely.

Regarding the request for continuance, Ms. Wilson informed that the rezoning would not be injurious to the area and the purpose is to review areas across the City which were zoned by the City to higher intensity. As time has passed, the anticipated changes did not occur and residents wanted their neighborhoods to remain single-family.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Midget "absent") to **DENY** the request for CONTINUANCE of Z-6476.

The Planning Commission answered questions from Mr. Baker regarding advantages of the proposed rezoning and restrictions which it will impose on the area. Mr. Gardner informed that this type zoning has a way of preserving the property values as well as stabilizing the neighborhood.

Mr. Baker asked if there was an official map of the proposed area.

Mr. Gardner informed that the official map is the map presented to the Planning Commission.

Mr. Akerman informed that the legal description specifies the lot and block numbers and is correct and in accordance with the maps presented to the Planning Commission. He declared that all legal requirements have been met.

Mr. Baker informed that he cannot support the rezoning at this time.

Mason Morton

2492 North Darlington 74115

Mr. Morton, owner of five tracts in the area, informed that he did not receive notice of this application, nor did his father who resides at 2210 North Erie. He informed that the properties he owns are large and he was concerned over the limitations the proposed rezoning would have on the property. Mr. Morton expressed opposition to the rezoning, expressing concern that restrictions this would impose on the size of garages or shops on lots in excess of one acre.

Commissioner Selph expressed concern over proper notification of property owners for initial meetings regarding the subject rezoning.

Mr. Gardner explained that property owners affected within the boundary area were sent questionnaires regarding the proposed rezoning. He informed that if no response was received the property owners were recorded as being supportive of the application.

In response to questions from the Planning Commission, Mr. Akerman informed that there are approximately 163 lots in the subject area and affirmative response was received from over 100 property owners, with five opposed.

Ray McCollum

5401 East Tecumseh 74155

Mr. McCollum, whose business adjoins the southern portion of the subject tract, informed that he received notification of the proposed rezoning. He expressed support of the application.

Darrell Gilbert, District 3 City Councilor

200 Civic Center 74103

Councilor Gilbert expressed support of the application. He requested that the Planning Commission consider RS-3 zoning for the area north of Coal Creek since there are presently larger lots in that area.

There being no other interested parties in attendance, Chairman Parmele declared the public hearing closed.

TMAPC Review Session

Regarding Councilor Gilbert's request that the area north of Coal Creek be rezoned RS-3, Chairman Parmele noted that most of the lots in that area would be in conformance with RS-3 conditions. Ms. Pace suggested notifying residents who attended the neighborhood meetings of this new consideration. Chairman Parmele informed that approximately six lots might be affected by frontage and meet the lot area requirements.

Mr. Doherty agreed that RS-3 would be appropriate and noted that there are a number of lots under RS-4 standards that could be subdivided which under RS-3 standards could not.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Pace, Parmele, Selph, Wilson "aye"; no "nays"; none "abstaining"; Ballard, Midget "absent") to recommend **APPROVAL** of Z-6476 for RS-4 for the area south of Cole Creek and RS-3 for the area north of Cole Creek.

LEGAL DESCRIPTION

RS-3 Zoning: All of Blocks 5,6,7,8,9, and 10 of the Industrial Additon to the Town of Dawson City of Tulsa, Tulsa County, Oklahoma.

RS-4 Zoning: All of Blocks 1,2,3,4 and Lots 1-5 of Reserve Tract of the Industrial Additon to the Town of Dawson ; and All of Blocks 18-25; Lots 1-2 of Block 26; Lots 1-8 and 19-24 of Block 27; Lots 1-8 and 17-24 of Block 28; Lots 1-8 of Block 29 of the Original Townsite of Dawson City of Tulsa, Tulsa County, Okalhoma

Chairman Parmele instructed that for future blanket zoning applications, there be three categories indicated on the map; those in support, those in opposition and those who have no response.

OTHER BUSINESS:

TMAPC Election of Officers

Those in attendance for the election of officers were Millie Ballard, Gail Carnes, Jim Doherty, Bobbie Gray, Baker Horner, Fran Pace, Bob Parmele, John Selph and Marilyn Wilson.

Chairman Parmele called for the election of officers and opened the nomination for the office of Secretary. Ms. Ballard nominated Bobbie Gray as Secretary; no other nominees were submitted.

The TMAPC voted unanimously for GRAY as Secretary.

The nomination for the office of Second Vice Chair was opened with Mr. Carnes nominating Jim Doherty; no other nominees were submitted.

The TMAPC voted unanimously for DOHERTY as Second Vice Chair.

The nomination for the office of First Vice Chair was opened with Ms. Gray nominating Gail Carnes; no other nominees were submitted.

The TMAPC voted unanimously for CARNES as First Vice Chair.

The nomination for the office of Chair was opened with Mr. Horner nominating Bob Parmele; no other nominees were submitted.

The TMAPC voted unanimously for PARMELE as Chair.

Without objection, TMAPC Election of Officers was then closed.

Mr. Doherty asked Ms. Wilson to serve as Chair of the Budget and Work Program Committee through the budget process. Ms. Wilson agreed to do so.

Ms. Pace commented on information she came across recommending against assigned seating for the Planning Commission, acknowledging that individuals become too settled in their places and that it is a good idea to rotate seating arrangements.

Chairman Parmele informed that seating is rearranged on an annual basis to seat new Commissioners next to the more experienced Commissioners.

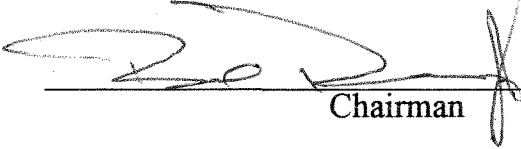
Mr. Doherty acknowledged that this is an idea that should be discussed and the Rules and Regulations Committee will take it up.

In response to Ms. Pace's question, Chairman Parmele informed that presently seating is at the Chairman's discretion.

There was discussion concerning the APA conference, with Mr. Doherty asking the Planning Commissioners to inform Ms. Gray if they expect to attend so arrangements can begin.

There being no further business, the Chairman declared the meeting adjourned at 3:35 p.m.

Date Approved: 1-25-95



Chairman

ATTEST:



Secretary

