

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2162

Wednesday, June 10, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle		Dunlap	Romig, Legal
Carnes		Huntsinger	Counsel
Gray		Stump	
Harmon			
Horner			
Jackson			
Ledford			
Midget			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, June 9, 1998 at 8:50 a.m., posted in the Office of the City Clerk on Monday, June 8, 1998 at 9:37 a.m., as well as in the office of the County Clerk at 9:34 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Reports:

Chairman's Report:

Mr. Boyle stated that the Infill Task Force is in the process of being formed and their first meeting is set for June 15, 1998.

Mr. Boyle explained the time limit for applicants and interested parties.

Committee Reports:

Special Residential Facilities Task Force

Mr. Westervelt stated the next meeting will be Thursday, June 11, 1998 at 3:30 p.m., INCOG 5th Floor Conference Room. He indicated that the Task Force is consolidating the problems and solutions. The Task Force is working toward a final report in several weeks.

Director's Report:

Mr. Stump stated that there are new items on the City Council agenda.

Subdivisions:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18629 – Frank Patton (1993)

(PD-6) (CD-9)

1332 East 35th Street

This is a request to split the attached property into two tracts. Because of the configuration of the lots, both tracts will have more than three side-lot lines and the applicant is requesting a waiver of this requirement. The applicant is seeking to construct a duplex with the common wall being the side-lot line with a mutual access driveway. On May 12, 1998, the Board of Adjustment approved a variance of average lot width requirement from 60' to 50'75' and 49.3' and a variance of livability space requirement from 4,000 SF to 2,465.5 SF for lot-split purposes. The applicant will need to request and receive approval by the Board of Adjustment of a variance of the side-yard requirement from 5' to 0' and reduction in the required land area per dwelling unit before this lot split can be approved.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse effect on the surrounding properties. Staff recommends that this lot-split waiver not be acted upon until the Board of Adjustment grants all the relief needed.

Staff Comments:

Mr. Stump stated the Board of Adjustment granted the variances requested on June 9, 1998. This meets the intent of the subdivision regulations and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18629 as recommended by staff.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18664 City of Tulsa (2483)
9119 East 91st Place

(PD-18) (CD-8)

L-18665 Tulsa Development Authority (3602)
543 East King Street

(PD-2) (CD-1)

L-18666 Ray Harrold (2924)
11919 East 140th Street North

(PD-14) (County)

Staff Recommendation:

Mr. Stump stated that these lot-splits have met the requirements of the subdivision regulations and staff recommends ratification.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET** the TMAPC voted **11-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; none "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

PRELIMINARY PLAT:

QuikTrip #90 Commercial Center (693)
Northwest corner East 11th Street and South Utica Avenue
(Staff recommends continuance to July 1, 1998 to allow time for approval of PUD)

(PD-4) (CD-4)

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET** the TMAPC voted **10-0-1** (Boyle, Carnes, Gray, Harmon, Horner, Ledford, Jackson, Midget, Pace, Selph, "aye"; no "nays"; Westervelt "abstaining"; none "absent") to **CONTINUE** the Preliminary Plat for Quik Trip #90 Commercial Center to July 1, 1998.

Zoning Public Hearings:

Z-6641 – Dale Wylant

40 North Mingo Road

CS to CH
(PD-5) (CD-3)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity – Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately 3.3 acres in size and is located north of the northwest corner of East Admiral Place and North Mingo Road. The property is flat, non-wooded, and is within Zone A, the 100 year Flood Area. There is a large commercial building and parking area on the property, and the tract is zoned CS.

Surrounding Area Analysis: The subject tract is abutted on the north and south by manufactured homes sales, zoned CH; to the west by vacant property, used for additional space for a nonconforming flea market, zoned RS-3; and to the east across N. Mingo Road by a commercial business, zoned CG.

Zoning and BOA Historical Summary: The most recent zoning action in this area rezoned the property across N. Mingo Road and on the northeast corner of the intersection of E. Admiral Place and N. Mingo Road, from CS to CG for truck sales.

Conclusion: The Comprehensive Plan designates the subject property as Medium Intensity, Corridor due to proximity to major transportation availability. The Comprehensive Plan does not support CH zoning within this corridor district; however, the subject tract is abutted on the north and south by CH zoning and the proposed use is compatible with the existing uses. Therefore, staff recommends **APPROVAL** of CH zoning for Z-6641.

If the Planning Commission approves this as CH, it would be appropriate to consider amending the District 5 Plan to include this and potentially a larger area as a high intensity corridor.

TMAPC Comments:

Mr. Westervelt commented that this is the first time he has seen a request for CH zoning in a long time. In response, Mr. Stump explained that there have been a few applications along the Redfork Expressway, where they are bounded by expressways and other CH zonings. This subject property is sandwiched between Admiral, the expressway and two tracts that are zoned CH.

Ms. Pace asked staff if the subject property abuts RS-3 on the west end. In response, Mr. Dunlap stated that the RS-3 property is a nonconforming flea market.

Applicant was present and indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **11-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of CH zoning for Z-6641 as recommended by staff.

Legal Description for Z-6641:

Lot 1, Block 1, Cook Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Z-6642 – Kenneth Brune
1948 South Florence

RS-3 to OL
(PD-4) (CD-4)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 4 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 OL zoning **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 65’ x 140’ in size and is located on the northwest corner of East 21st Street and South Florence Place. The property is flat, non-wooded, contains a single-family dwelling, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north, south and west by single-family dwellings, zoned RS-3 and to the east by a public park, zoned RS-3.

Zoning and BOA Historical Summary: The most recent zoning action in this area was the approval of an existing public park for a special exception use to bring the park into compliance with the Zoning Code.

Conclusion: The requested OL zoning is not in accordance with the Comprehensive Plan for this area. This is an established, viable single-family residential neighborhood and the request for OL zoning would represent spot zoning. The closest non-residential zoning along E. 21st Street is more than 350' east of the subject tract near the intersection of E. 21st Street and S. Harvard Avenue. Approving non-residential zoning on the subject tract would promote stripping out 21st Street with non-residential uses that would be very detrimental to the adjacent residential areas. Therefore, staff recommends **DENIAL** of OL zoning for Z-6642.

Applicant's Presentation:

Annette Watkins, representing the applicant, stated that it would be appropriate for the applicant to present his request.

Kenneth Brune, no address given, stated that he is the owner of the subject property and the best use for the subject property would be OL zoning. He explained that the reason for the use is because of the changes that have occurred, which has affected the area over the last 50 years. Because of the Broken Arrow Expressway, the Utica Square Shopping Center and developments at 21st Street and Yale, there are 16,000 cars a day on 21st Street. He commented that the 16,000 cars a day changed the subject property.

Mr. Brune stated that he has tried to sell the subject property for residential use for more than one year and has been unsuccessful. He explained that the 16,000 cars traveling 21st Street have hindered selling the subject property. He stated that the entrance to the subject property is on 21st Street. He commented that the subject property is not a part of the Florence Park neighborhood. He explained that the home is not built like the Florence Park properties and was built in 1949. The residents in Florence Park are not architecturally similar because this is single-story dwelling, which is a ranch-style home.

Mr. Brune submitted photographs and stated that the photographs demonstrate the nonconformity of the subject property from the Florence Park neighborhood. He explained that the subject property has no backyard because of the abutting property. He reiterated that the subject property is not physically part of Florence Park, either, architecturally or by use. The best use for the subject property would be light office use. He indicated that the house has been used for businesses for the past 30 years.

Mr. Brune stated that directly to the east from Florence Park is zoned OL. He stated that the office light dwelling directly to the east has a driveway, which enters into Florence Park. He indicated that from Harvard to Florence Park is commercial. The applicant recited the various commercial dwellings along 21st Street from Harvard to Florence Park. He stated that there is a chiropractor's office directly east of the subject property.

Mr. Brune stated that the request for OL will not impact the Florence Park neighborhood. He indicated that the best use for the subject property is OL, which is abutting a residential property. He proposed to use the subject property as an

attorney's office or accounting office. He stated that there will be plenty of parking in the driveway and directly to the west of the driveway. He commented that the proposal will improve the subject area because it will not sell as a residential home. He reasoned that the home will not sell because it fronts 21st Street, which has 16,000 cars a day passing between Harvard and Lewis. He stated that increased traffic is not an issue for this proposal.

Mr. Brune reiterated that Florence Park would not be affected by this proposal because the subject property is not a part of Florence Park. The subject property is within the boundary line claimed to be Florence Park. He stated that the letters of protest are from people who live closer to 15th Street. He requested that the Planning Commission to approve this application because the subject property will not sell for use as residential property, but rather a fire-sale, if that is the way it has to be sold. He indicated that he had the property on the market for one year and did not receive an offer.

TMAPC Comments:

Mr. Midget asked the applicant how long he has owned the subject property. Mr. Brune stated he owned the subject property for one and half years. He indicated that he purchased the subject property to use as a residence or possible use as an office. He stated that he did improvements to the subject property with the intent of selling it as a residence.

Ms. Pace asked the applicant if there was a chiropractor's office nearby. Mr. Brune stated that there is small sign on the door that states chiropractor.

Ms. Pace stated that if there is an chiropractor's office on the indicated property it is not a legal operation and should not be used as an argument to allow the subject property to be rezoned OL.

Ms. Gray asked the applicant if he ever occupied the subject property or he purchased the subject property as an investment. Mr. Brune stated he never occupied the subject property. He explained that he knew the former owner; and given what the property in Florence Park would sell for per square foot, he felt that it would be a good investment.

Interested Parties:

Mr. Bob Gardner, 1928 South College, stated he has lived in the subject area for 30 years and the only change in the subject area is that the taxes have increased. He explained that the increase in the surrounding properties in 30 years have increased 600%. He stated that the average square footage price for the subject area is \$60.00 per square foot. The last four houses sold for \$80.00 per square foot and within the same section there is a new house on the west side of Broken Arrow Expressway that sold for \$101.00 per square foot.

Mr. Gardner stated that there is nothing wrong with the subject area and it will continue to escalate and improve. He explained that there are several new homes in the subject area that did not measure up to the majority of the houses. He stated the houses start at \$160,000 and up.

Mr. Gardner stated that the applicant's property abuts a new house on the west side. He explained that the property at the northeast corner of College recently sold for residential use. He stated that the subject property can be sold for residential; however, the houses fronting 21st Street do not sell for the same amount of money as the residences on the interior. He commented that this would be true all over the City of Tulsa. He explained that the subject house will sell for at least 10% or more lower than the same floor plan not on a major street. He stated that the subject property can be residentially used and there is no reason to change the zoning. He commented that this would be considered spot zoning and will be detrimental to the neighborhood.

Mr. Gardner stated that there is no market for office zoning. He commented that the purpose of zoning is to protect the values of homes and if the subject property is zoned OL, it will lower the value of other homes facing 21st Street. He indicated that the applicant made an investment hoping to sell the home for a higher profit, but the Planning Commission is not obligated to help the applicant make a profit from his investment.

Mr. Gardner explained that the building inspector has never been able to contact the chiropractor who is supposedly across the street from the subject property. There are no advertisements in the newspaper or telephone book. If the owner is doing chiropractic, then he is illegal and should be shut down.

Pat Connelly, 1732 South College, stated he has lived in the subject area for 18 years. He commented that the Planning Commission and the City Council have made neighborhood preservation a keystone to their policy decision-making. This particular application is against the Comprehensive Plan. He described the subject area as an older neighborhood, which is doing well now; however, it is subject to the pressure that all old neighborhoods have. There is fragile balance between good economic conditions and deterioration.

Mr. Connelly stated that this application is a perfect example of spot zoning and if it is allowed it will set a precedent for the rest of 21st Street between the Broken Arrow Expressway and Harvard. It would be very difficult for the City Council to refuse any additional zoning cases like this in the future, which would allow 21st Street to strip out. He concluded by requesting the Planning Commission to deny this application.

Elizabeth Wright, 1919 South Florence, stated that the applicant claims that he is not a part of Florence Park; however, she owns a non-compliant architectural house in Florence Park. She explained that her home does not look anything like the rest of the homes in Florence Park; but, she is still part of the Florence Park neighborhood.

Ms. Wright stated that she set out to improve her property and now it is in line with the other homes in Florence Park. She commented that the argument that the subject property is not a part of Florence Park because of the architectural differences is not valid. She indicated that anyone can drive through Florence Park and see a wide range of styles.

Ms. Wright stated that because the subject home's access is on 21st Street is not a valid reason to rezone, because several homes access 21st Street in the subject area.

The following interested parties expressed their opposition and similar concerns as the above:

James Wolf, representing his aunt, 1932 South Florence; **Pete Sandman**, president of the Florence Park Association, 1631 South Florence, submitted a petition and photographs; **Jennifer Bennett**, 1544 South Delaware; **Charles Harris**, 1924 South Florence; **Thomas Alexander**, 1908 South Evanston; **Mike McBride**, 2142 South Florence Place, representing himself and **Rebecca Ruble**, 3161 East 22nd Street; **Jim Long**, 1532 South Columbia; **Marcia Donovan-Shead**, 1708 South Delaware Place; **Melba Broadcaster**, 1607 South Knoxville.

Interested Parties:

Ms. Watkins, representing the applicant, 1516 East 26th Place, stated that she has not heard anything specific regarding how this subject property would be a detriment to the neighborhood. She explained that the subject property would be used for an attorney's office and attorneys see one client at a time, which would not increase traffic substantially. She commented that she did not see how changing the subject property to OL would lower the value of the homes in Florence Park. She stated that the subject property is not like the other pieces of property in Florence Park.

Ms. Watkins stated that one can hear the traffic inside the home on the subject property, which is all day and all night.

Mr. Dan M. Gandy, 1731 South Florence Place, stated he is a resident of Florence Park Addition and he has no objection to the proposal. He commented that a law office will be a low-profile law office. He stated that the subject property cannot be used as a residence.

Bill Walters, 1948 South Florence Place, stated he lived in the subject property until two years ago. He explained that his late wife operated a beauty shop out of the subject property. He stated he went to all of the neighbors to get approval for the beauty shop. He commented that the proposed law office will not generate additional traffic. Mr. Walters stated the subject home is a livable home, which his late wife and he loved.

TMAPC Comments:

Mr. Midget asked the interested parties if they would be opposed to the applicant living in the home and having a home occupation. All interested parties stated they would be opposed to a home business.

Mr. Midget asked staff if this application was a PUD, it would retain the underlying zoning. Mr. Stump stated that the zoning would have to be changed. He explained that Use Unit 11, which is office use, is not allowed in a residential or single-family district. This proposal could not be expanded or used in a PUD.

Applicant's Rebuttal:

Mr. Brune stated that there is no way that he can respond to all of the comments made by the interested parties. He reiterated that the best use for this subject property is light office because it is not suitable for use as a residence. He commented that a light office is with keeping a neighborhood-type of place.

Mr. Brune stated that having a professional office in a residence is not contradictory, but enhances the neighborhood. He commented that it assists neighborhoods in having available services and responding to the neighborhood needs.

TMAPC Comments:

Mr. Selph stated he grew up in the subject area and recently sold his parents' home last summer. He commented that he can appreciate some of the concerns and comments Mr. Brune made. He stated that this application is truly spot zoning, and if in fact the Planning Commission approved the OL zoning, it would be no time before the rest of the area to the west would want to be zoned commercial.

Mr. Selph stated that this application is not in accordance with the Comprehensive Plan and this is a long-standing, viable single-family residential neighborhood. The Planning Commission has an obligation to protect the integrity of the neighborhoods. He concluded that this is an instance where the Planning Commission needs to deny the zoning application.

TMAPC Action: 11 members present:

MOTION of SELPH to recommend **DENY** the OL zoning for Z-6642 as recommended by staff.

Further TMAPC Comments:

Mr. Boyle stated he will support the motion, having become intimately familiar with the neighborhood while campaigning recently. He commented that he agrees with the neighbors and it needs to be preserved.

Ms. Pace stated that Mr. Brune could go to the Board of Adjustment to install a privacy fence along the 21st Street side. Normally, fences taller than four feet are not allowed in the front yard. She stated that the applicant does have a side drive onto Florence and he could create a nice living space with some minor changes.

Ms. Gray stated she sympathizes with the applicant; however, he needs to go back and look at some of the applications in the past. She commented that the Planning Commission has had some very controversial applications where they were denied. She explained that zoning does not go with the occupant, but goes with the property itself. She concluded, stating that she cannot support the OL zoning.

TMAPC Action; 11 members present:

On **MOTION** of **SELPH** the TMAPC voted **11-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **DENIAL** of the OL zoning for Z-6642 as recommended by staff.

Legal Description for Z-6642:

Lot 1, and the South 15' of Lot 2, Block 7, Florence Park Addition to the city of Tulsa, Tulsa County, State of Oklahoma.

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PUD-197-5 – Scott Rodenhaver

(PD-6) (CD-7)

4134 East 31st Street (Minor Amendment to reallocate floor area)

Staff Recommendation:

The applicant is requesting minor amendment approval to reallocate 15,167 square feet of residential floor area to the existing 29,650 square feet of nursing floor area (approved in by minor amendment in 1984) in order to build a new three-story 41,817-square foot, 84-bed consolidated nursing facility. The request maintains the 211,955 square feet of total floor area allowed on the 40-acre site but modifies existing and proposed building uses and heights. The proposed modifications reduce the square footage of independent residences, convert existing nursing footage to independent living units and increase the total building square footage for a new facility devoted to traditional nursing care.

A Detail Site plan being reviewed as a separate agenda item indicates the proposed three-story nursing facility will be attached to an existing four-story central residence unit containing 27,560 square feet of floor area. The new nursing unit/central residence complex will be set back 35 feet from the northern property boundary and 135 feet from the OL/OM District boundary across East 31st Street to the north.

Staff has reviewed the request and finds the reallocation of floor area, conversion of existing uses and the addition of a new nursing facility maintain the character and intent of the original approval without increasing the total allowed floor area. The site has sufficient usable space to accommodate the new facilities, including the required parking. The increase in the number of floors for the new consolidated nursing facility does not negatively impact the office uses to the north along East 31st Street.

Staff is of the opinion that the request is minor in nature and maintains the character of the PUD. Staff, therefore, recommends **APPROVAL** of PUD-197-5 as submitted.

NOTE: Minor Amendment approval does not constitute Site, Sign or Landscape Plan approval.

AND

PUD-197 – Scott Rodenhaver
4134 East 31st Street
(Detail Site Plan)

(PD-6) (CD-7)

Staff Recommendation:

The applicant is requesting approval of a Detail Site Plan/Revision to a Detail Site Plan (originally approved in 1977 and 1984) to construct a new 41,817-square foot three-story nursing care unit and a 27,560 square foot four-story central residence unit. The site plan indicates that the new nursing care and central residence complex will have 325 feet of frontage along East 31st Street. The 70-foot central portion of the building will be set back 35 feet from the northern property boundary with the balance of the building set back 50 feet in accordance with a minor amendment approved in 1997.

Staff has reviewed the request and finds the site plan conforms to use, bulk and area, setback, access, height, parking and total landscaped area standards of the PUD as approved or as proposed by Minor Amendment PUD 197-5 (heard as a separate agenda item).

Staff, therefore, recommends **APPROVAL** of the Detail Revised Site Plan as presented, subject to the following condition:

Approval of Minor Amendment 197-5 reallocating independent living residential floor area to traditional nursing care uses.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

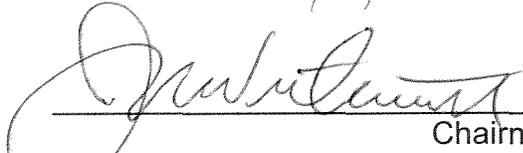
There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES** the TMAPC voted **11-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of the Minor Amendment and the Detail Site Plan for PUD-197-5/PUD-197 subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:36 p.m.

Date approved: 7/1/98


Chairman

ATTEST: Brandey J. Jauch
Secretary