TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1728
Wednesday, January 11, 1989, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, January 10, 1989 at 10:19 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Paddock called the meeting to order at 1:38 p.m.

MINUTES:

Approval of the Minutes of December 28, 1988, Meeting #1726:

On **MOTION** of **CARNES**, the TMAPC voted **5-2-0** (Carnes, Coutant, Doherty, Paddock, Woodard, "aye"; no "nays"; Draughon, Wilson, "abstaining"; Kempe, Parmele, Randle, Selph "absent") to **APPROVE** the **Minutes of December 28, 1988**, Meeting #1726.

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** had met this date to review amendments to the TMAPC General Policies as relates to Major Amendments, and to the TMAPC Rules of Procedures regarding timely continuance requests. The Committee recommendation will be presented for TMAPC review at next week's meeting.

Director's Report:

Review and possible adoption of Resolution No. 1728:679 endorsing the "Surplus Public Schools - Alternatives for Redevelopment" study.

Ms. Carol Dickey, INCOG, reviewed the findings of the study. She advised the report has been favorably reviewed by Dr. Larry Zenke and his staff (Tulsa Public Schools), as well as members of the Board of Education. Ms. Dickey requested TMAPC approval of the Resolution to adopt the study as general policy guidelines for future TMAPC activity. Various TMAPC members complimented Staff for the time and efforts extended on this study.

TMAPC ACTION: 7 members present

On MOTION of DOHERTY, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, "absent") to APPROVE Resolution 1728:679 Adopting as General Planning Policy the Findings of a Study for "Surplus Public Schools - Alternatives for Redevelopment", as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: Z-6225 & PUD 447

Applicant: Cox (Cousins)

Present Zoning: AG

Proposed Zoning: RS-2

Location: NE/c of East 111th Street & South Yale Avenue

Date of Hearing: January 11, 1989

Presentation to TMAPC by: Mr. Jack Cox, 7935 East 57th Street (664-3337)

Relationship to Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designated the subject property Special District 2 (Sump Area). RS-1 is the maximum intensity allowed if conventional zoning is requested. RS-2 is allowed with an accompanying PUD.

According to the Zoning Matrix, the requested RS-2 District "may be found", in accordance with the Plan Map. All zoning districts are considered in accordance with Special Districts.

Staff Recommendation: Z-6225

Site Analysis: The subject tract is approximately 35 acres in size and is located at the northeast corner of East 111th Street South and South Yale Avenue. It is partially wooded, flat, contains a single-family dwelling and vacant property and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a church zoned AG and vacant property under development zoned RS-1; on the east by vacant property zoned AG; on the south by vacant property, a church and scattered dwellings zoned RS-1; and on the west by both vacant property and scattered dwellings zoned RS-1.

Zoning and BOA Historical Summary: Development in the area has been limited to low intensity residential and medium intensity residential when accompanied with a PUD.

Conclusion: Based on the Comprehensive Plan and existing development in the area, Staff can support the requested RS-2 zoning subject to the approval of companion PUD 447.

Therefore, Staff recommends **APPROVAL** of Z-6255 as requested subject to PUD 447 approval.

Staff Recommendation: PUD 447

The subject tract contains approximately 35 acres with approximately 885° of frontage on South Yale Avenue and 1,275° of frontage on East 111th Street South. The tract is in Special District 2 of the District 26 Comprehensive Plan. The Special District is part of the plateau area which has been defined as a "sump area" by the City Hydrologist. Uses allowed are limited to low intensity residential (RS-1) except that medium intensity and uses consistent with the Development Guidelines, may be accommodated under a PUD. The development must provide adequate on-site stormwater drainage and detention within the "sump area" so that predevelopment run-off rates off-site are not exceeded.

The applicant proposes a standard subdivision with a stormwater detention area in the southwest corner of the property. The request is for a maximum of 98 dwelling units, all being single-family detached dwellings. The sketch plat submitted to the TAC shows only 90 lots.

After review of PUD 447, Staff finds the uses and intensities of uses proposed with the accompanying change in zoning to RS-2, are in harmony with the spirit and intent of the Code. Due to the surrounding zoning patterns, the design of the PUD, the existing natural physical features, and including recommended Staff conditions expressed below, Staff finds PUD 447 to be:

- 1) consistent with the Comprehensive Plan;
- 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 447 as follows:

1) Development Standards:

Land Area (Gross): 35 acres

(Net): 32.4 acres

Permitted Uses: Single-family detached dwelling units

and customary accessory uses allowed by right in the RS-2 zoning district.

Maximum Number of DU's: 90

Minimum Lot Width: 751

Minimum Lot Area: 9,000 sf

Minimum Average Lot Area: 9,625 sf

Maximum Structure Height: 35'

Minimum Livability Space

per Dwelling Unit: 5,000 sf

Minimum Lot Depth: * 120'

Minimum Yard Setbacks:

Front: ** 30'
Rear: *** 25'
Side: *** 7.5'

- * The minimum lot depth for any lot having its rear lot line abutting an arterial street shall be 130'.
- ** When a lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting a street shall not be less than 15; provided that garages which access this street shall be setback a minimum of 20.
- *** The minimum yard abutting an arterial right-of-way shall be 35.
- 2) A 6' high or higher decorative screening fence with masonry posts and foundation shall be erected on the southern and western boundaries of the PUD where it abuts an arterial street. The fence shall be erected prior to occupancy of any dwellings.
- A Detailed Landscape Plan for the stormwater detention area and any planted areas on public rights-of-way shall be submitted to the TMAPC for review and approved. The Landscape Plan shall include the detail design and location of the decorative screening fence required in condition 2) above. A landscape architect licensed in the State of Oklahoma shall certify that all landscaping as provided for in the approved Detail Landscape Plan has been installed prior to issuance of an Occupancy Permit for any new building.
- 4) No building permit shall be issued for any building in the PUD until a Detail Site Plan has been submitted to the TMAPC for review and approved as being in compliance with the approved Development Standards for PUD 447.

- 5) That the stormwater detention area be completely enclosed by a fence if the design of the detention area presents a safety hazard.
- 6) That the stormwater detention area be designed to provide sufficient detention to allow a stormwater release rate off-site no greater than existed prior to development. Such design to be approved by the Department of Stormwater Management.
- 7) That a homeowners association be created and vested with sufficient power and financial resources to properly maintain the stormwater detention area, the decorative screening fence and any landscaped common areas.
- 8) Subject to review and approval of conditions as recommended by the Technical Advisory Committee.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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, making the City of Tulsa beneficiary to said Covenants.

Comments & Discussion:

Mr. Carnes asked why the commercial nodes have been eliminated in this Special District of the District 26 Plan. Mr. Gardner explained that the commercial nodes have not been eliminated from intersections, but were an alternative, depending on the requests or needs of individual applications as they are presented. Mr. Coutant inquired as to why the request for RS-2 in lieu of RS-1. Mr. Gardner stated that there may not be enough gross land area to accommodate the number of dwelling units and the front setbacks were a factor.

Applicant's Comments:

Mr. Jack Cox, representing the applicant, advised he developed the standards for this subdivision to be almost identical to the standards approved for Camelot Park, a subdivision in this section. Mr. Cox reviewed the sketch plat showing 90 lots, and requested that consideration be given for an additional number of lots (98 total). He confirmed that the Technical Advisory Committee had reviewed the sketch plat as to street layouts, utilities, etc. Mr. Cox requested that an average minimum lot depth of 125' be considered instead of a minimum lot depth of 120' suggested by Staff, so as to accommodate a wider dimension for the cul-de-sac lots.

Mr. Cox differed with condition #7 requiring a homeowner's association maintain the stormwater detention area. He advised that he has discussed this with the Department of Stormwater Management (DSM), and they indicated DSM intended to and wanted to maintain the detention pond. He suggested additional or amended wording for this condition, "or in agreement with conditions established by the Department of Stormwater Management".

In reply to Mr. Carnes, Mr. Cox confirmed that 30' minimum front yard requirements would be satisfactory. Discussion followed on the lot depth requirement, with Mr. Cox requesting 125' average subject to TMAPC review of the final plat. Mr. Stump stated that an average depth would be very difficult to enforce or administer as one lot could be very short, while another lot could be very deep. Mr. Cox commented that the 125' average depth was to accommodate the curved streets and cul-de-sacs in order to avoid having "shotgun" type streets. Mr. Gardner remarked that Staff's concerns were not with the depth on internal streets, but those abutting the public arterials. Discussion continued on the lot depth requirement.

In response to Mr. Coutant regarding the request for RS-2 in lieu of RS-1, Mr. Cox stated that most of the standards listed in the application met the RS-2 criteria and not RS-1. He added that Camelot Park, which was used as a pattern for this development, was an RS-2 PUD. In regard to a question from Mr. Doherty regarding the homeowner's association maintenance of the detention area, Mr. Cox remarked that, normally, a homeowner's association had no "financial resource" except from annual dues. Mr. Stump clarified that Staff's recommendation was referring to the power of the association to make assessments or raise funds to cover these costs. Discussion continued on the maintenance of the detention pond with Mr. Cox reiterating that it was not the intent of DSM to have the association maintain the pond. Staff agreed with additional wording to this condition to indicate this area would be maintained in accord with DSM standards.

In response to continued discussion on minimum lot depth, Mr. Cox reviewed various lots on the sketch plat that would be affected by a 120' requirement. In reply to Mr. Draughon, Mr. Stump reviewed the RS-2 dimension standards, and commented that there was nothing unusual or unique about this development to justify standards less than required in the RS-2 district. Mr. Coutant commented that he was confused as to why the minimum lot depth concept was an issue as he did not find reference to lot depth in the Bulk and Area Requirements in the Code. Staff commented this was incorporated into the PUD to promote good design. In a PUD more stringent requirements can be imposed such as deeper lots along major arterials.

Mr. Cox and Staff reviewed the development standards, with Mr. Cox agreeing to 9,000 square foot minimum lot area and a 30' front yard setback. Staff suggested deleting any reference to minimum lot depth.

Interested Parties:

Ms. Doreen Moison (10712 South Winston), representing the Barrington Place Homeowner's Association at 108th & Yale, opposed any rezoning from AG due to the lack of roads in this area, as well as the continued increase in traffic and the associated safety hazards.

Mr. Louis Larry (4954 East 113th Street) opposed the increased density, and reiterated the traffic problems in this area of South Tulsa as the streets were not sufficient to handle any increase in traffic. Mr. Larry stated he felt that if 98 lots were approved they would be allowing an RS-3 type of subdivision in the area which he felt was not compatible with existing surrounding development. Staff commented that under a PUD, 95 lots would be allowed in RS-1, 140 lots in RS-2, and 181 lots in RS-3.

Mr. John Johnsen (10924 South Yale), who resides across from the subject tract, objected to any type of development other than residential. The Commission confirmed that the application was strictly for residential use and Mr. Johnsen would be notified if any other type of development was requested.

Applicant's Rebuttal:

Mr. Coutant asked the applicant if he would object to RS-1 zoning which would permit 95 lots, rather than RS-2 zoning as applied. Mr. Cox stated the conditions were all to RS-2 standards and there currently was RS-2 zoning in the area. Mr. Doherty pointed out that, if zoned RS-1, the PUD with the conditions outlined would permit up to 95 dwellings.

Staff suggested amending the number of dwellings to 95 lots, deleting any reference to minimum lot depth, amending condition #7 to address the DSM concerns, and amending the zoning to RS-1. Mr. Cox agreed to these suggestions. Therefore, Mr. Carnes moved for approval with the suggested amendments.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to APPROVE Z-6225 Cox (Cousins) for RS-1 Zoning, and APPROVE the related PUD 447, amended as follows:

1) Development Standards:

Land Area (Gross): 35 acres (Net): 32.4 acres

Permitted Uses: Single-family detached dwelling units

and customary accessory uses allowed by

right in the RS-2 zoning district.

Maximum Number of DU's: 95

Minimum Lot Width: 75'

Minimum Lot Area: 9,000 sf Minimum Average Lot Area: 9,625 sf

Maximum Structure Height: 35'

Minimum Livability Space

per Dwelling Unit: 5,000 sf

Minimum Yard Setbacks:

Front: * 30'
Rear: ** 25'
Side: ** 7.5'

- * When a lot abuts a non-arterial street right-of-way on two sides, the owner may select the front yard and the other yard abutting a street shall not be less than 15'; provided that garages which access this street shall be setback a minimum of 20'.
- ** The minimum yard abutting an arterial right-of-way shall be 35.
- 2) A 6° high or higher decorative screening fence with masonry posts and foundation shall be erected on the southern and western boundaries of the PUD where it abuts an arterial street. The fence shall be erected prior to occupancy of any dwellings.
- 3) A Detailed Landscape Plan for the stormwater detention area and any planted areas on public rights-of-way shall be submitted to the TMAPC for review and approved. The Landscape Plan shall include the detail design and location of the decorative screening fence required in condition 2) above. A landscape architect licensed in the State of Oklahoma shall certify that all landscaping as provided for in the approved Detail Landscape Plan has been installed prior to issuance of an Occupancy Permit for any new building.
- 4) No building permit shall be issued for any building in the PUD until a Detail Site Plan has been submitted to the TMAPC for review and approved as being in compliance with the approved Development Standards for PUD 447.
- 5) That the stormwater detention area be completely enclosed by a fence if the design of the detention area presents a safety hazard.
- 6) That the stormwater detention area be designed to provide sufficient detention to allow a stormwater release rate off-site no greater than existed prior to development. Such design to be approved by the Department of Stormwater Management.
- 7) That a homeowners association be created and vested with sufficient power and financial resources to properly maintain the stormwater detention area as an open space feature, per Department of Stormwater Management requirements as relates to drainage capabilities; and to maintain the decorative screening fence and any landscaped common areas.
- 8) Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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, making the City of Tulsa beneficiary to said Covenants.

Legal Description:

RS-1 Zoning & PUD: The SW/4 of the SW/4, LESS the west 580.80' of the north 375.0', Section 27, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

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Application No.: Z-6226 Present Zoning: OM Applicant: Story (Booth) Proposed Zoning: CS

Location: NW/c of East 13th Street & South Lewis Avenue

Date of Hearing: January 11, 1989

Presentation to TMAPC by: Mr. John Story, 2619 East 15th Street (749-3321)

Relationship to the Comprehensive Plan:

The District 4 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 Zoning Matrix, the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .1 acres in size and located at the northwest corner of East 13th Street South and South Lewis Avenue. It is partially wooded, flat and contains a single-family dwelling that has been converted for office use and is zoned OM.

Surrounding Area Analysis: The tract is abutted on the north by two small apartments zoned OM; on the east across South Lewis Avenue by a lumber yard zoned IL; on the south by single-family dwellings converted for office use zoned CS; and on the west by office uses zoned OM.

Zoning and BOA Historical Summary: Although there is commercial zoning south of the subject tract, established prior to 1970, it appears to be used for office purposes.

Conclusion: Staff cannot support the requested CS zoning for the subject tract based on the small size of the tract which does not meet the minimum lot width requirement and provides only the west 20' of the lot for a building site if setback requirements are met, and the tract's location away from a node. The existing OM zoning is consistent with the Medium

Intensity - No Specific Land Use designation with the Comprehensive Plan. Staff finds the office use on the subject tract and abutting tracts the most appropriate land use considering the close proximity of single-family residences in the area.

Therefore, Staff recommends DENIAL of CS zoning for Z-6226 as applied for.

Applicant's Comments:

Mr. John Story, representing the owner, advised that due to surrounding office uses, the property has been marketed for potential office use, and several viable prospects have arisen, some inquiries involving a small antique shop, a gift/card type shop, etc. Mr. Story stated that due to the existing CS zoned tracts in the area, the applicant felt this was a reasonable and viable request. Mr. Story remarked that he had contacted the abutting property owners and had addressed some of their concerns. He submitted a photo and plot plan of the subject tract. Mr. Story requested approval of CS due to the physical facts, configuration constraints, and existing zoning patterns.

Comments & Discussion:

In reply to Mr. Doherty, Mr. Gardner confirmed that if the existing building was not utilized, any new structure built would require variances from the BOA. In reply to Mr. Paddock, Mr. Linker advised that the TMAPC could not approve CS zoning conditioned upon BOA approvals. Mr. Gardner commented that if approved, the TMAPC was saying, in effect, they recognized the nonconforming use of the tract. Therefore, the applicant would have to seek relief if he desired to develop the tract. In other words, it did not necessarily make the use illegal, but the TMAPC would merely recognize a nonconforming size lot for commercial purposes.

In reply to Ms. Wilson regarding the information provided by the applicant, Mr. Gardner stated Staff's concern involved the ultimate use of this small corner lot, as a liquor store located here would be entirely different from an antique shop.

Interested Parties:

Ms. Becky Dunn (3631 South Utica) advised that she was the property owner of the tract at 2308 East 12th Place. Ms. Dunn stated her concern was the uncertainty as to what use might be located on the subject tract if CS zoning was approved. She commented on the amount of pedestrian traffic in this area and she was concerned about additional vehicular traffic. Ms. Dunn stated she would not be opposed to the zoning, if some sort of privacy screening was provided.

Mr. Doherty confirmed with Staff that the TMAPC could not impose screening requirements as a condition of zoning since the property in question does not abut residentially zoned property.

Applicant's Rebuttal:

Mr. Story commented that the type of prospects for this tract were certainly low intensity uses. Further, the size of the property would automatically prohibit certain CS uses such as a convenience store. He added that he felt the existing building in place provided a certain character for the tract. Mr. Story stated that this was merely a change from one nonconforming use in OM to a different type of nonconforming use in CS. In response to Mr. Paddock, Mr. Story remarked that if this was a doctor or dental office, there would be more traffic generation than from an interior design consultant with CS zoning.

TMAPC Review Session:

Mr. Doherty stated support for the Staff recommendation and moved for denial. Mr. Carnes agreed with Mr. Doherty and commented that a single lot PUD might provide an alternative as it would provide a known use and would restrict it to the approved PUD use.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-1** (Carnes, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Parmele, Randle, "absent") to **DENY** Z-6226 Story (Booth) for CS Zoning, as recommended by Staff.

Additional Comments & Discussion:

Mr. Gardner asked the Commission's feeling as to the applicant filing a PUD whereby the uses would be limited to those types mentioned at this hearing (antique shop, gift/card shop, interior design consultant), and resubmit the present rezoning application with the PUD to meet those requirements. After taking a consensus, Mr. Paddock advised the Commission was agreeable or receptive to this suggestion.

OTHER BUSINESS:

Z-5908-SP-1:

Corridor Site Plan Review

SE/c of 62nd Street South and Mingo Road

Staff Recommendation:

The subject tract contains approximately 3.25 acres with 576' of frontage on 62nd Street South and 152' of frontage on Mingo Road widening to 275' of width 155' east of Mingo Road. The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Corridor, Low Intensity - No Specific Land Use. The property is zoned Corridor which is in accordance with the Plan Map.

The applicant is proposing to construct an outdoor softball and baseball hitting arena and a $24^{\circ} \times 30^{\circ}$ building for video games, concessions, control area for the batting machines and restrooms. The hitting area will be equipped with nine batting cages serviced by automatically loading pitching machines. The hitting area will be surrounded by netting which will be up to 40° high on the north, east and south sides of the property. Parking for 30 cars is proposed with four of those being handicapped spaces. Eight light units of the High Powered Sodium type are proposed to light the facility. The bulk of the lights will be concentrated in the western portion of the site.

The days and hours of operation are seven days a week with the following schedule:

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Monday - Thursday 10:00 a.m. - 10:00 p.m. Friday - Saturday 10:00 a.m. - 11:00 p.m. Sunday 1:00 p.m. - 8:00 p.m.
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Staff finds the Site Plan to generally be consistent with the intent of the Comprehensive Plan and the Corridor District and compatible with the existing and expected surrounding development. Therefore, Staff recommends APPROVAL of Corridor Site Plan Z-5908-SP-1 with the following conditions:

- 1) That the applicant's Corridor Site Plan Map and Text be made a condition of approval, unless modified herein.
- 2) That the northernmost access point to the parking area from Mingo Road be deleted.
- 3) That no building permits shall be issued for erection of a sign within the development until a Detail Sign Plan has been submitted to and approved by the TMAPC.
- 4) That all lighting shall be shielded from and directed downward and away from adjacent residential areas.
- 5) No lights shall be placed in the north 150' of the east 200' of the tract and all lights in the east half of the property shall be turned off by 11:00 p.m.
- 6) A minimum of two handicapped parking spaces shall be provided.
- 7) The maximum height of any structure shall be one-story.
- 8) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the Corridor Site Plan conditions of approval, making City of Tulsa beneficiary to said Covenants.
- 9) The parking area must be covered with a dustfree all-weather surface (not gravel alone).

Z-5908-SP-1 Corridor Site Plan - Cont'd

Comments & Discussion:

Mr. Gardner commented that Staff felt this to be an interim type use of the property.

In reply to Mr. Paddock, the applicant stated agreement to the Staff recommendation and the listed conditions.

In reply to Mr. Coutant, Mr. Gardner confirmed this proposal was in agreement with the recently amended District 18 Plan.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, "absent") to APPROVE the Corridor Site Plan for Z-5908-SP-1 Yoder (Murphy), as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:31 p.m.

Date Approved

ve - Unairman

ATTEST:

Secretary