

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1795
Wednesday, **June 13, 1990**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Paddock	Gardner	Linker, Legal Counsel
Coutant	Randle	Setters	
Doherty, Secretary	Wilson	Stump	
Draughon, 2nd Vice Chairman			
Horner			
Parmelee, Chairman			
Rice			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 12, 1990 at 10:22 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmelee called the meeting to order at 1:32 p.m.

MINUTES: Not applicable; no meeting May 31, 1990.

REPORTS:

Committee Reports:

Mr. Coutant announced a scheduled **Joint TMAPC Committees** meeting this date to review Open Space Zoning and a Blanket Zoned Areas Study.

Mr. Parmelee announced the **Budget & Work Program Committee** would be meeting after today's TMAPC hearing to review the FY-91 TMAPC budget and work program priorities.

ZONING PUBLIC HEARING:

Application No.: PUD 463 Present Zoning: RS-3 & OM
Applicant: Dankbar (Boston Properties) Proposed Zoning: Unchanged
Location: North of the NW/c of East 19th Street & South Utica Avenue
Date of Hearing: June 13, 1990
Presented to TMAPC by: Rick Brazelton, 1933 South Boston (587-6911)

Staff Recommendation:

PUD 463 is a .97 acre development that includes one large residential tract and an existing dental clinic. The applicant proposes to remove the existing residence, create two residential lots, and use the remainder of the original tract for additional parking for the dental clinic. The Comprehensive Plan designates the subject tract as both Medium Intensity - Office and Low Intensity - Residential.

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 463 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 463 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:**

-- DEVELOPMENT AREA A --

Land Area (net):	24,342.21 sf
Permitted Uses:	Single-family detached dwellings and customary accessory uses.
Maximum No. of DU's:	2
Minimum Yards:	
Front	25'
Rear	20'
Side	5'
Minimum Lot Area:	6,900 sf
Minimum Land Area:	8,400 sf
Minimum Livability Space/DU:	4,000 sf
Maximum Structure Height:	35'

-- DEVELOPMENT AREA B --

Land Area (net): 11,173.01 sf
Permitted Uses: Off-street parking in conjunction with Development Area C.
Minimum Parking Setbacks: All paved parking areas shall be set back a minimum of 5' from Development Area A and the perimeter of the PUD.
Minimum Landscaped Open Space: 2,500 sf
Signs: No signs are permitted in Development Area B, except non-illuminated directional signs of three square feet or less in size.

-- DEVELOPMENT AREA C --

Land Area (net): 18,000 sf (approx)
Permitted Uses: Use Unit 11
Maximum Building Area: Limited to existing two story structure and future expansion of a maximum of 1,000 sf.
Minimum Setbacks from:
C/L of South Utica Avenue 55'
South Boundary 15'
North Boundary 5'
Development Area B 10'
Maximum Building Height:
East 65' of tract Two story
Balance of tract One story
Signs: Only one business sign is allowed, no greater than 20 square feet in display surface area.

- 3) A 6' high screening wall or fence, complying with the requirements of Section 250 of the Zoning Code, shall be erected at each of the following locations:
 - a) Along the boundary between Development Areas A and B.
 - b) Where Development Area A abuts nonresidentially zoned property.
 - c) Where Development Areas B and C abut residentially zoned property.
- 4) Access to Development Areas B and C shall be limited to South Utica Avenue.
- 5) The proposed expansion for Development Area C shall be architecturally compatible with the existing structure.

PUD 463 Boston Properties - Cont

- 6) No Zoning Clearance Permit shall be issued for Development Area B or Area C until a Detail Site Plan for the development area, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 7) A Detail Landscape Plan for Development Areas B and C 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 Development Areas B and C 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.
- 8) 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.
- 9) All trash, mechanical and equipment areas shall be screened from public view.
- 10) All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 8 feet.
- 11) The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify that all required stormwater drainage structures and detention areas serving Development Areas B and C have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
- 12) 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 beneficiary to said Covenants.
- 13) Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Applicant's Comments:

Mr. Rick Brazelton, representing Boston Properties, stated agreement with the Staff recommendation and conditions. Mr. Brazelton reviewed a detailed drawing as to the proposed layout of the development areas, landscaping, parking, etc. He also reviewed photographs showing the existing parking problems in this area.

Interested Parties:

Mr. John Ruffing and Mr. Paul Atkins (1638 East 17th Place) expressed concern as to any stormwater run-off from the development going into Swan Lake. Staff reviewed the Department of Stormwater Management (DSM) case report which indicated the "parking lot must drain to an approved discharge system, i.e. street or storm sewer, and must NOT drain overland to residential areas." The gentlemen both stated they would prefer to see three houses on this site rather than having the parking lot interject into the residential neighborhood.

Ms. Barbara Day (1521 South Quaker), Chairman of Zoning & Historic Preservation for the Swan Lake Neighborhood Association, advised of several meetings with the developer, association and residents. Ms. Day commented that she felt the developer had expressed a great deal of concern and sensitivity to the surrounding neighborhood. She pointed out that the parking lot would not be visible to Swan Lake residents. Ms. Day stated she would prefer to have the two dwellings in Development Area A as proposed, in lieu of three very small homes on the site. She advised the existing dwelling on the tract was in a very dilapidated condition. Ms. Day added that she felt this project would benefit everyone concerned, and she urged the TMAPC to approve the Staff recommendation and conditions.

TMAPC Review Session:

Mr. Carnes remarked that he felt this development met the spirit of the PUD concept. Therefore, he moved for approval of the Staff recommendation. Mr. Doherty agreed, adding that this proposal would have a stabilizing affect on the neighborhood.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Paddock, Randle, Wilson, "absent") to **APPROVE PUD 463 Dankbar (Boston Properties)**, subject to the conditions as recommended by Staff.

Legal Description:

Lots 20, 21 and the north 20.0' of Lot 9 and that part of Lot 5, described as follows: Beginning at the southwest corner of said Lot 5, thence east 40.0', thence north 50.0', thence west 1.54' to the west line of said Lot 5, thence southwest on the west line a distance of 63.08' to the POB, all in Block 2, SWAN PARK ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; AND That part of Lot 19, Block 2, SWAN PARK, being described as follows: Beginning at the northeast corner of said Lot 19, thence southwesterly along the north boundary of said Lot 19 a distance of 15.0', thence southeasterly to a point on the east line of said Lot 19, thence northerly along the east boundary a distance of 22.0' to the POB.

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Application No.: Z-6288 Present Zoning: RS-3
Applicant: Paris (Ingold Estate) Proposed Zoning: CG
Location: South of the SW/c of North Garnett Road & East Independence Street
Date of Hearing: June 13, 1990
Presented to TMAPC by: Elizabeth Paris, 1710 One Williams Center (583-1818)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 (Industrial).

According to the Zoning Matrix, the requested CG District may be found in accordance with the Plan Map. All zoning districts are considered **may be found** in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1.25 acres in size and located south of the southwest corner of North Garnett Road and East Independence. It is partially wooded, flat, contains a vacant single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by single-family dwellings zoned RS-3; on the east by a trucking company zoned CS; on the south by motel zoned CS; and on the west by vacant property zoned RS-3.

Zoning and BOA Historical Summary: Previous actions approved CS zoning north of the I-244 Expressway and IL zoning north of East Independence Street.

Conclusion: Staff is supportive of commercial zoning for the subject tract based on the Comprehensive Plan and existing commercial zoning to the south and east. However, Staff cannot support the CG intensity, but could support CS zoning in the alternative. Rezoning the subject tract CS will insure an orderly transition and provide adequate protection for the remaining single-family residences.

Therefore, Staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS zoning in the alternative.

Applicant's Comments:

Ms. Elizabeth Crewson Paris, attorney for the applicant, presented a detailed overview of the subject tract and surrounding areas as to the existing commercial zoning patterns and uses.

In response to Chairman Parmele regarding Staff's recommendation for CS zoning, Ms. Paris stated this would limit the marketability of the property, particularly for a franchised or restaurant facility.

Z-6288 Paris (Ingold Estate) - Cont

TMAPC Review Session:

Mr. Carnes stated agreement with the concept of CS zoning, adding he could not support CG due to the existing residential uses. Therefore, he moved for approval of CS zoning as recommended by Staff. Mr. Doherty remarked that, with a PUD, he could support CG zoning. However, he agreed with Mr. Carnes that, if needed, the BOA would be the avenue of relief for a particular CG user.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Paddock, Randle, Wilson, "absent") to **DENY CG Zoning and APPROVE Z-6288 Paris (Ingold Estate) for CS Zoning**, as recommended by Staff.

Legal Description:

CS Zoning: The N/2 of the SE/4 of the NE/4 of the NE/4 of the SE/4, Section 31, T-20-N, R-14-E, City and County of Tulsa, Oklahoma.

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Application No.: **Z-6289** Present Zoning: RS-3
Applicant: **Reynolds (FDIC)** Proposed Zoning: IL/CG
Location: SE/c of US Highway 75 & Mohawk Blvd.
Date of Hearing: June 13, 1990
Presented to TMAPC by: Mr. Lou Reynolds, 2727 East 21st Street (747-8900)

Relationship to the Comprehensive Plan:

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

According to the Zoning Matrix, the requested IL or CG Districts are not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .86 acres in size and located at the southeast corner of US Highway 75 and Mohawk Blvd. It is nonwooded, flat, contains a vacant industrial building and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by Mohawk Boulevard and US 75 right-of-way and to the northeast by single-family dwellings all zoned RS-3; on the east by the Tulsa SPCA animal shelter zoned RS-3; on the south by truck trailers and a mobile home (a sign says it is Powell Construction) zoned RS-3; and on the west by US Highway 75 zoned RS-3.

Zoning and BOA Historical Summary: Although no rezoning or BOA activity was found on the subject tract, review of past aerial photographs show the industrial building was constructed between 1967 and 1972.

Conclusion: Based on the Comprehensive Plan neither requested zoning classification would be appropriate. Staff, however, questions the appropriateness of a Low Intensity - Residential designation on a tract surrounded on two sides by expressway right-of-way, one side by a large animal shelter and on the other by outdoor storage of trailers. In addition, the tract contains a large industrial building which has existed for approximately 20 years. Because of these physical facts, Staff can support IL zoning on the tract and would recommend a study to reassess the Comprehensive Plan in this area.

Therefore, Staff recommends **APPROVAL** of the requested IL zoning on Z-6289.

Comments & Discussion:

Mr. Lou Reynolds, attorney for the applicant, stated agreement with the Staff recommendation for IL zoning.

Chairman Parmele advised receipt of two letters on this case, both supporting the request: Katherine L. King (2945 East Mohawk Blvd.); and Mark L. Collier (2300 Williams Center Tower II) on behalf of the board of directors for the Tulsa SPCA.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Paddock, Randle, Wilson, "absent") to **APPROVE Z-6289 Reynolds (FDIC) for IL Zoning**, as recommended by Staff.

Legal Description:

IL Zoning: A tract of land in the SE/4 of the NW/4 of the SE/4 of Section 17, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof, being more particularly described as follows: Beginning at the southeast corner, thence west on the south line a distance 161.9'; thence N 0°30' E on the east right-of-way of US Highway 75 a distance of 224.5'; thence N 60°51' E on the southerly right-of-way of said Highway, a distance of 131.5' to a point on the east line of said SE/4 NW/4 SE/4; thence south on the east line a distance of 281.5' to the POB; AND

A tract of land in the E/2 of the E/2 of the SW/4 of the SE/4 of Section 17, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the US Government Survey thereof, being more particularly described as follows: Commencing at the northeast corner; thence N 89°55'12" W on the north line a distance of 58.42' to the POB; thence N 89°55'12" W on the north line a distance of 103.0', more or less, to the east right-of-way of US Highway 75; thence southwesterly on the east line of said right-of-way a distance of 39.0', more or less; thence S 89°55'12" E a distance of 27.0' more or less; thence N 62°06'03" parallel to and 0.6 foot southeasterly from existing metal building, a distance of 88.35' to the POB.

There being no further business, the Chairman declared the meeting adjourned at 2:15 p.m.

Date Approved 06-27-90
Ralph J. Parnell
Chairman

ATTEST:

[Signature]
Secretary

