

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1797
Wednesday, **June 27, 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 Randle	Gardner Setters Stump	Linker, Legal Counsel
Coutant Doherty, Secretary Draughon, 2nd Vice Chairman			
Horner Parmele, Chairman Selph, County Designee Wilson Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 26, 1990 at 11:10 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 1:33 p.m.

MINUTES:

Approval of the Minutes of June 13, 1990, Meeting #1795:

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-1** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Woodard, "aye"; no "nays"; Wilson, "abstaining"; Paddock, Randle, Selph, "absent") to **APPROVE** the **Minutes of June 13, 1990, Meeting #1795**.

REPORTS:

Chairman's Report:

Chairman Parmele announced TMAPC Committee appointments, as follows:

Comprehensive Plan Committee

Kevin Coutant, Chairman
Gail Carnes
Art Draughon
Luther Woodard

Rules & Regulations Committee

Jim Doherty, Chairman
Baker Horner
Bob Paddock
Marilyn Wilson

Budget & Work Program Committee

Marilyn Wilson, Chairman
Kevin Coutant
Jim Doherty
Bob Paddock

Bob Parmele, Ex Officio Member to all Committees

Committee Reports:

Mr. Coutant advised the **Comprehensive Plan Committee** had received a briefing by Staff on a study titled, "Public Park and Open Space Zoning". The Committee recommended the TMAPC receive the study for future reference; no action at this time.

Mr. Doherty advised the **Rules & Regulations Committee** had met this date to consider several items: Amendment to the TMAPC Rules of Procedure to set a date to hold election of officers; possible scheduling of a regular TMAPC night meeting; and various proposed amendments to the Zoning Code. He stated no action was taken pending further review by the Committee.

PUBLIC HEARING:

**TO CONSIDER AN AMENDMENT TO THE ZONING CODE,
SECTION 1303.A - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS,
AS RELATES TO THE SIZE OF PARKING SPACES IN AN ENCLOSED GARAGE**

Comments & Discussion:

Mr. Gardner reviewed the proposed language revision to reduce the minimum size of required parking spaces in enclosed garages. He advised the Rules and Regulations Committee had suggested an amendment to the Staff proposal regarding a reference to the Building Code as relates to required handicapped parking spaces. Mr. Gardner stated Staff concurred and amended the language as outlined below.

Mr. Charles Norman appeared on behalf of St. John's Medical Center, who has a major enclosed parking structure. Mr. Norman mentioned that he had attended the Rules & Regulations Committee meeting and supported the proposed amendment as recommended.

Mr. Draughon expressed concern for maneuverability of pick ups and vans if the spaces were decreased as he felt there was an existing problem for these types of vehicles.

Mr. Doherty confirmed the Rules & Regulations Committee had voted unanimously in support of the proposed amendment. Therefore, he moved for approval by the TMAPC. Mr. Coutant advised he would be abstaining due to a conflict of interest.

TMAPC ACTION: 8 members present

On MOTION of DOHERTY, the TMAPC voted 6-1-1 (Carnes, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; Coutant, "abstaining"; Paddock, Randle, Selph, "absent") to APPROVE the Amendment to Section 1303.A of the Zoning Code, as follows:

SECTION 1303.A - DESIGN STANDARDS FOR OFF-STREET PARKING AREAS:

- A. A required unenclosed off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles. A required enclosed off-street parking space shall be at least 8.5 feet in width and at least 18 feet in length, exclusive of drives or aisles. A total of 25% of the required off-street parking spaces may be 7.5 feet in width by 15 feet in length, exclusive of access drives or aisles. Required off-street parking spaces shall have a vertical clearance of at least 6 feet 6 inches. Handicapped spaces shall be provided in a size and quantity as specified in the City of Tulsa Building Code.

CONTINUANCE(S):

Application No.: Z-6291 Present Zoning: RS-3
Applicant: Whitebook (Harl) Proposed Zoning: CH
Location: South of the SW/c of East 11th & South 74th East Avenue
Date of Hearing: June 27, 1990
Continuance Requested to: July 18, 1990 (Timely request by the applicant)

Comments & Discussion:

Chairman Parmele noted there were several interested parties in attendance on this case. He advised the applicant had submitted a timely request for continuance based on the "petitioner is seeking advice regarding an amendment to said request." Chairman Parmele also reviewed the TMAPC's policy regarding continuance requests, noting that either the applicant or an interested party may request a continuance.

Mr. Sid Sutherland (1123 South 74th East Avenue), after obtaining further clarification as to why the continuance was requested, stated his opposition to the request.

Mr. Chuck Campbell (2114 East 34th Street) submitted a petition to the TMAPC in opposition to rezoning. In reply to Ms. Wilson, he stated that he was also opposed to a continuance as he felt the matter could be settled at this time.

Mr. David Lemmon (1125 South 74th East Avenue) expressed opposition to the continuance request and the rezoning application.

Mr. Merl Whitebook, attorney for the applicant, interjected that he would get with the interested parties in attendance to further explain the reason for the three week continuance request. Mr. Whitebook stated the applicant was attempting to come up with a solution that would be of benefit not only to himself, but also those affected by the proposed rezoning; therefore, the need for more time.

TMAPC ACTION: 9 members present

On MOTION of DOHERTY, the TMAPC voted 7-1-1 (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; Draughon, "nay"; Selph, "abstaining"; Paddock, Randle, "absent") to CONTINUE Consideration of Z-6291 Whitebook (Harl) until Wednesday, July 18, 1990 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6292 Present Zoning: AG
Applicant: Osgood (Duffield) Proposed Zoning: RE
Location: South of the SE/c of West 71st Street & South 26th West Avenue
Date of Hearing: June 27, 1990
Continuance Requested to: July 11, 1990 (Timely request by the applicant)

Comments & Discussion:

Chairman Parmele noted there were several in attendance regarding this case. He, again, reviewed the TMAPC's policy on continuance requests. In discussions following, Staff confirmed the applicant had not stated a reason for the continuance, but the request was presented in a timely manner.

Mr. Jim Arnold (7215 South 26th West Avenue) advised that he had recently purchased a 2.5 acre tract from the applicant. Mr. Arnold stated that he was one of 13 in attendance on this matter and he had letters from five other residents, and he stated strong opposition to a continuance. Mr. Arnold also advised that his property was included in the application for rezoning and he had no intention of rezoning his tract. Mr. Parmele confirmed that this was not allowed.

Discussion followed on how best to proceed since several interested parties were in attendance, the applicant was absent, and no reason was stated for the continuance. Mr. Carnes submitted a motion for denial of the continuance request. Mr. Gardner suggested, if supported by Legal Counsel, striking this item from the agenda as this would require the applicant to readvertise the hearing, which would be needed regardless, due to the inclusion of Mr. Arnold's property in the request without his permission. After continued discussion, Mr. Carnes withdrew his motion for denial of the continuance.

Z-6292 Osgood (Duffield) - Cont

Mr. Richard Kley (3264 West 71st) stated he had just recently been informed of the rezoning request. In response to Mr. Kley, Mr. Gardner reviewed notification procedures as to advertising, signs, etc.

Mr. Doherty submitted a motion to strike the application from the agenda. Discussion continued on the various alternatives (i.e. strike or continue) with Legal Counsel confirming that the TMAPC had the ability to strike an item.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Paddock, Randle, "absent") to **STRIKE Z-6292 Osgood (Duffield)** as the application appeared to be improperly filed and the applicant had not stated a reason for the continuance request.

ZONING PUBLIC HEARING:

Application No.: **Z-6290** Present Zoning: **RM-2**
Applicant: **Adkins** Proposed Zoning: **IL**
Location: East of the NE/c of East 2nd Street & South Peoria
Date of Hearing: June 27, 1990
Presented to TMAPC by: Delmer Adkins, 123 South Peoria Avenue (584-3515)

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Industrial.

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

Staff Recommendation:

Site Analysis: The subject tract is 2.12 acres in size and located east of the northeast corner of South Peoria Avenue and East 2nd Street South. It is nonwooded, flat, vacant and being used for off-street parking and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north both vacant property and a single-family dwelling zoned IL and RM-2; on the east by an apartment house zoned RM-2; on the south by single-family dwellings zoned RM-2; and on the west by a welding supply company zoned CH.

Zoning and BOA Historical Summary: Several rezoning applications have been approved in the area allowing IL zoning.

Conclusion: Staff is supportive of the request and views it as an orderly transition of the area. The Comprehensive Plan, as well as existing zoning patterns, also supports the request.

Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6290 as requested.

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-2** (Carnes, Coutant, Doherty, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughton, Selph, "abstaining"; Paddock, Randle, "absent") to **APPROVE Z-6290 Adkins for IL Zoning**, as recommended by Staff.

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Application No.: **CZ-184** Present Zoning: RS
Applicant: **Houser (Tracey)** Proposed Zoning: CG
Location: SE/c of Southwest Boulevard and South 67th West Avenue
Date of Hearing: June 27, 1990
Presented to TMAPC by: Michael Houser, PO Box 9733, 74157 (445-1081)

Relationship to the Comprehensive Plan:

The District 23 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 CG District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .47 acres in size and located at the southeast corner of Southwest Blvd. and South 67th West Avenue. It is partially wooded, flat, vacant and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north by Southwest Blvd. and railroad tracks zoned RS; on the east by two mobile home dwellings zoned RS; on the south by single-family dwellings zoned RS; and on the west by a vacant grocery store and single-family dwelling zoned RS.

Zoning and BOA Historical Summary: Several mobile homes have been permitted by the Tulsa County Board of Adjustment in the area.

Conclusion: Based on the Comprehensive Plan and lack of any commercial zoning in the area. Staff cannot support this spot zoning request. Although there are nonresidential structures in the area, probably nonconforming, this area appears to be stabilized with residential uses.

CZ-184 Houser (Tracey) - Cont

Therefore, Staff recommends **DENIAL** of CG zoning and any less intense zoning in the alternative.

Applicant's Comments:

Mr. Mike Houser advised that, if approved, he was intending to build a print shop on the subject tract. Mr. Houser commented that he felt a printing business would be a plus in this particular area. He remarked that he was not aware of any opposition to the rezoning request. In reply to Ms. Wilson, Mr. Houser clarified that he was currently running a print shop out of his garage and he had decided it was time to operate it as a business.

Mr. Parmele commented that there were many nonconforming uses along this area of Southwest Boulevard.

Interested Parties:

Mr. Dale Folfe (5912 South 66th West Avenue), a resident in this area, stated opposition to the request as he desired to keep the area residential in nature.

Ms. Linda Diffie (5921 South 67th West Avenue) stated she was also opposing the rezoning as she, too, desired to keep the residential character of the neighborhood.

Applicant's Rebuttal:

Mr. Houser commented that he had previously spoken with Mr. Folfe, who had stated favorable support at that time. He stated that Mr. Folfe's only expressed concern was that a bar might go in on the tract.

The applicant was advised that with CG or CS zoning a bar could, in fact, be placed on the tract. Mr. Houser suggested amending the zoning request so that a bar would not be permitted. Staff advised that, under the Tulsa Zoning Code this was not possible.

TMAPC Review Session:

Commissioner Selph commented that he had sympathy for the interested parties' desires to keep residential zoning. However, in looking at the situation along Southwest Boulevard, he had a difficult time believing anyone would build a residential dwelling on this street. Mr. Baker concurred with Commission Selph's comments.

Mr. Coutant remarked that the Commission should use extreme caution, as the TMAPC might be hard pressed with other requests for similar zoning in this residential area.

Mr. Carnes pointed out that there was, or had been, commercial type uses in the form of a grocery store and service station in this area. Therefore, he moved for approval of CS zoning. Mr. Parmele expressed his support of the motion as he, too, doubted that Southwest Boulevard would ever develop single-family with the frontage along the railroad tracks.

CZ-184 Houser (Tracey) - Cont

Commissioner Selph pointed out there were numerous nonconforming uses along Southwest Boulevard and in this area. He commented the Commission was "sensitive to encroachment into that neighborhood and certainly would not look favorably upon any kind of applications that proposed to do that." However, he did not feel this was the case with this request since the proposed use would face Southwest Boulevard.

In response to Mr. Draughon regarding the suggested CS zoning, Staff commented that CS zoning away from a node would be contrary to the Development Guidelines. Further, they felt it was contrary to the development in the area and would have a blighting, rather than revitalizing, influence on the neighborhood. Staff also stressed that a bar was a "by right" use in a CS district, therefore, if the applicant wished to convert from a print shop to a bar, he could do so.

Mr. Doherty commented that he understood Staff's concern for spot zoning and, in most parts of the city, he would be adamantly opposed to the request. However, being familiar with this area, in this case he "was not so sure that spot zoning is the lesser of the evils". Mr. Doherty remarked that he felt the intensity of CG zoning would set a bad precedent, but CS zoning was an "uneasy compromise". He added that the CS zoning with BOA review, offered an opportunity to work with the neighbors to get the most out of landscaping, screening, etc.

Ms. Wilson stated she felt the Commission should be just a conscientious in all areas of the city and not just certain areas, as the same planning principles should be applied. Therefore, she was not favorable for either CS or CG zoning.

Mr. Coutant commented that he was concerned about a trend he has observed while on the Commission, which was to deal with older residential parts of the community "in a fashion that suggests that the approach to helping those parts of town to rebuild or revitalize themselves is limited to commercial development."

TMAPC ACTION: 9 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-3-0** (Carnes, Doherty, Horner, Parmele, Selph, Woodard, "aye"; Coutant, Draughon, Wilson, "nay"; no "abstentions"; Paddock, Randle, "absent") to **DENY CG Zoning and APPROVE CZ-184 Houser (Tracey) for CS Zoning.**

Legal Description:

CS Zoning: Lots 35 through 40, inclusive, Block 50, TANEHA ADDITION, to Tulsa County, Oklahoma.

OTHER BUSINESS:

PUD 448-2: Minor Amendment of Sign Height
North of the NE/c of East 91st Street & South Memorial Drive

Staff Recommendation:

PUD 448 is an approximate 32 acre development at the northeast corner of East 91st Street South and South Memorial Drive and has been approved for both commercial and multifamily uses. The applicant is requesting a minor amendment of the approved 25 foot sign height for the South Memorial ground sign to 30 feet. If approved by the TMAPC, the applicant would also be required to obtain a variance from the Tulsa Board of Adjustment to vary the maximum ground sign height in a PUD from 25 feet to 30 feet.

After review of the applicant's submitted sign elevation, Staff can find no need for the increase. Staff would also note the PUD to the west and the PUD on the southwest corner of East 91st Street South and South Memorial have complied with the 25 foot height limitation. Approval of this request could set a precedent along South Memorial for increased sign height. Staff would recommend the applicant redesign the proposed sign in order to meet the 25 foot standard.

Therefore, Staff recommends **DENIAL** of minor amendment PUD 448-2.

Comments & Discussion:

Mr. Dan Hicks (3004 West Houston Place), representing the applicant, reviewed a drawing of the proposed sign, indicating the requested 30' sign height was to accommodate his client's logo as well as identification of the shopping center. In reply to Ms. Wilson, Mr. Hicks verified the applicant had changed the sign design from that presented last November. He added that he felt this proposal was a much more aesthetic design. Mr. Hicks pointed out that the sign did not exceed the permitted display surface area, but they needed the additional height to accommodate the specific logo for the client.

Ms. Jane Freeman (5842 East 98th), District 26 Cochair, referred to the District 26 Plan (Item G), which stipulated standards for uniform signage along Memorial Drive. Ms. Freeman commented that she did not feel the sign height limitation of 25' would affect the recognition of the Wal-Mart logo or store.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; no "nays"; Selph, "abstaining"; Paddock, Randle, "absent") to **DENY** the **Minor Amendment to PUD 448-2 Amax Sign**, as recommended by Staff.

SUBDIVISIONS:

WAIVER REQUEST: Section 213

Southpark Lincoln/Mercury/Merkur (PUD 411/Z-5842SP5)(2483) 9700 So Memorial Dr

This request consists of a temporary parking lot adjacent to Lot 1, Block 1 9700 Memorial, Plat #4661, to serve as overflow from the platted property abutting the private drive on the south (Reserve A). The site plan was reviewed and approved by the Planning Commission on 6/6/90. It does not abut Memorial and the only access is to property also owned by the same applicant. It is for parking only and when the property is utilized for any other purpose in the future, another application will be required. Since the tract abuts the same ownership and the use is compatible and is of a temporary nature, Staff has no objection to the request, subject to the following:

1. All conditions of the PUD and Site Plan review by the Planning Commission shall apply.
2. Grading and drainage plans shall be approved by the Department of Stormwater Management in the permit process. Fee-in-lieu-of detention can be paid. Drainage must tie into existing storm sewer. PFPI #2439.
3. The PUD/Corridor Plan restrictions shall be filed of record by separate instrument on the unplatted tract as well as any required amendments to the existing plat of record. [See amended language below.]

The applicant was represented by Ted Sack.

Staff noted that should the tract be used for a new building or other structure in the future, which would require another site plan review the property when fully developed should be included in a subdivision plat.

The TAC voted unanimously to recommend **approval** of the WAIVER OF PLAT on PUD 411-A/Z-5842-SP-5, subject to conditions outlined by Staff and TAC.

Comments & Discussion:

As requested at last week's hearing, Mr. Linker advised that he met with Charles Norman, the applicant's attorney, and they agreed upon appropriate wording for condition #3, as follows: "Covenants shall be filed of record by separate instrument on the unplatted tract as approved by Staff and City Legal." Mr. Linker added this would enable the applicant to file a record which referenced the PUD. Therefore, any future purchaser of the property would know that it was subject to the PUD conditions.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted 9-0-0 (Carnes, Coutant, Doherty, Draughon, Horner, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Paddock, Randle, "absent") to **APPROVE** the **Waiver Request for Southpark Lincoln/Mercury/Merkur**, subject to the conditions as recommended by the TAC and Staff, with the amended condition #3 as follows: "Covenants shall be filed of record by separate instrument on the unplatted tract as approved by Staff and City Legal."

WAIVER REQUEST: Southpark - Cont

Additional Comments and Discussion:

Ms. Jane Freeman, District 26 Cochair, expressed concerns regarding flooding in this area, especially if more concrete or other impervious materials were used. Ms. Freeman distributed copies of the floodplain maps for the area and spoke of instances where drainage or flooding has been a problem.

There being no further business, the Chairman declared the meeting adjourned at 3:05 p.m.

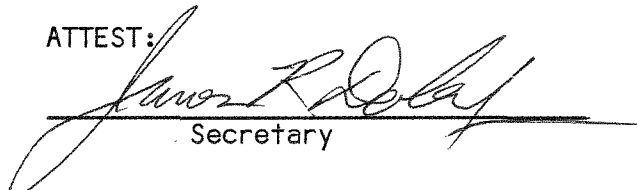
Date Approved

7-11



Chairman

ATTEST:


Secretary

