

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1825
Wednesday, February 20, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Coutant Draughon	Gardner Russell	Linker, Legal Counsel
Doherty, Secretary	Horner	Stump	
Harris	Neely	Wilmoth	
Midget, Mayor's Designee		Brierre	
Parmele, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 19, 1991 at 11:40 a.m., as well as in the Reception Area of the INCOG offices.

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

Minutes:

Approval of the minutes of February 6, 1991, Meeting No. 1823:

On **MOTION** of **WOODARD**, the TMAPC voted 5-0-1 (Carnes, Doherty, Harris, Midget, Woodard, "aye"; no "nays"; Wilson "abstaining"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **APPROVE** the minutes of the meeting of February 6, 1991 Meeting No. 1823.

REPORTS:

Committee Report:

Mr. Doherty advised that the **Rules and Regulations Committee** would not be meeting after the TMAPC meeting because there will not be a quorum.

Ms. Wilson advised that the **Budget and Work Program Committee** would be meeting on Wednesday, February 27, following the Planning Commission meeting to discuss the Second Quarter Expenditure Report and to gather ideas for FY 92 work program.

Director's Report:

Mr. Gardner advised that staff has been reviewing HB 1674 which gives land use regulation powers to regional planning commissions. Heretofore, regional planning commissions have had the ability to regulate only subdivisions and lot splits. Staff would recommend to Representatives Neimi and Roach that language be added stating that the board of county commissioners of the respective county would determine which planning body would be involved in regulating the use of land in areas where there is a potential to have overlapping jurisdictions. Staff would then be supportive of the legislation.

ZONING PUBLIC HEARING

PROPOSED AMENDMENTS TO THE CITY OF TULSA AND TULSA COUNTY ZONING CODES AS RELATES TO CHANGES IN DEFINITIONS AND/OR USE UNIT CLASSIFICATIONS OF COMMUNITY GROUP HOME; FAMILY; NURSING HOME; RESIDENTIAL TREATMENT CENTER; ROOMING AND BOARDING HOUSE; TRANSITIONAL LIVING CENTER; AND CONVENT, MONASTERY AND NOVITIATE; ADDING A DEFINITION OF PERSONAL CARE; DELETING A DEFINITION FOR NEIGHBORHOOD GROUP HOME; AND AS RELATES TO PROVISIONS FOR NONDISCRIMINATION IN HOUSING, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CHAPTERS OF THE ZONING CODES: CHAPTER 1, TITLE, PURPOSES, INTERPRETATIONS AND JURISDICTION; CHAPTER 4, RESIDENTIAL DISTRICT PROVISIONS; CHAPTER 6, OFFICE DISTRICT PROVISIONS; CHAPTER 7, COMMERCIAL DISTRICT PROVISIONS; CHAPTER 8A, SCIENTIFIC RESEARCH AND DEVELOPMENT DISTRICT PROVISIONS; CHAPTER 9, INDUSTRIAL DISTRICT PROVISIONS; CHAPTER 12, USE UNITS; CHAPTER 18, DEFINITIONS; APPENDIX A, USE UNITS - ZONING DISTRICTS SUMMARY; APPENDIX B, INDEX OF LAND USES

Mr. Rich Brierre, INCOG, discussed the amendments to the City and County of Tulsa Zoning Codes as it relates to group homes. He presented a brief history of the regulation of group homes. He noted there had been three changes in legislation that provided inconsistencies between the state law, the Federal Fair Housing Act Amendments and the local zoning codes. Staff obtained an attorney general's opinion which clearly stated that spacing requirements as contained in the local zoning ordinances were no longer consistent or applicable based upon the Federal Fair Housing Act Amendments and it raises questions about the public notice requirements.

Mr. Brierre advised that staff has worked with the legal staff to develop something that is legally defensible. He discussed the following major changes to the codes. A preamble section has been added to the code. A major change is the new definition of the term "family" which incorporates what was previously included in the term "neighborhood group home". Changes have been made to the following terms: community group home, nursing home, residential treatment center, transitional living center and rooming and boarding house. Use conditions regarding signage, spacing in community group homes, licensing and fire standards have been deleted. A number of special housing facilities were re-classified from Use Unit 8 to Use Unit 5, which would allow them by right in most office and commercial districts, and by special exception in single family districts. Community group homes would be allowed by right in multi-family zoning districts.

Interested Parties:

Francie Day

4504 East 67th Street

Ms. Day is the executive director of Home Life Association. Her agency provides home living supports to people with developmental disabilities. She commented that several years ago there was great resistance to having a particular group home in a residential area. She commented that this group home was now very acceptable and has had a positive effect in that area.

Mary Lew

7345 East 58th Place

Ms. Lew stated that in 1985 she appeared before the Planning Commission in support of the group home Ms. Day mentioned. She commented that her daughter is one of the residents in that group home. She reiterated Ms. Day's comments that this home is now very accepted in the neighborhood.

Deborah Karns

12306 South 14th Street, Jenks

Ms. Karns was also present at the hearing five years ago. She commented that in her opinion the zoning ordinances initiated at that time have been successful. She urged the Planning Commission to continue in the direction they have been pursuing.

Phyllis Parmenter

2725 East Skelly Drive

Ms. Parmenter stated she is with Family Mental Health. She advised that she appreciated the work the Planning Commission has been doing and stated agreement with the proposed changes.

Sharal Tye

501 East Rogers, Stillwater

Ms. Tye works for Early Autumns, a residential care home. She briefed the Planning Commission on residential care homes. She advised that she is on a committee of the Oklahoma State Residential Care Home Association which is working on various elder-care issues which includes zoning. She presented the Planning Commission with a budget showing expenses for residents living in group homes of 6, 10, 12, 16 and 24 residents. She advised that she would like to see the number of residents allowed in a group homes increased. She stressed that every government level should have a model that will work for providing housing for the disabled and elderly.

Comments & Discussion:

Mr. Linker, legal counsel, advised that the legal department was satisfied with the proposal.

TMAPC Review Session:

Mr. Doherty advised that the Rules and Regulations Committee recommended the changes, which are being presented today, for approval by the TMAPC.

TMAPC ACTION; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Harris, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, "absent") to **RECOMMEND** that the City Council and the Board of County Commissioners **APPROVE** changes to their respective Zoning Codes regarding the regulation of group homes as recommended by staff.

SUBDIVISIONS:

ACCESS CHANGE ON RECORDED PLAT

Moreland Second Addition (2893) 4325 East 51st Street South OM

This is an access change on a recorded plat to align the actual driveways as constructed with 51st Street improvements with the platted access points. Mr. Wilmoth advised that it has been approved by traffic engineering and staff recommended approval.

TMAPC ACTION; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **APPROVE** the above access change on the Recorded Plat for Moreland Second Addition as recommended by staff.

* * * * *

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6305 Present Zoning: IL
Applicant: Beard Proposed Zoning: IM
Location: SE/c of East Oklahoma Street North & North Utica Avenue
Date of Hearing: January 16, 1991
Continuance Requested by Applicant to: February 20, 1991

At the time of the hearing, the Applicant was not present.

Mr. Harris commented that he had spoken with Mr. and Mrs. Beard and they indicated that they may not pursue the matter but no official notice had been given to staff or to TMAPC. He stated it would be appropriate for the Planning Commission to deny the request. If the applicant wished to receive the requested zoning, they would have to begin again.

The Chairman again called for the applicant. The applicant was not present.

TMAPC ACTION; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **RECOMMEND** that the City Council **DENY** IM zoning for Z-6305.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17387 (1993)	Silva	2253 East 38th Street
L-17388 (283)	Crow-Tulsa-Lippe	7666 East 61st Street
L-17389 (883)	Nelson	3120 East 71st Street

Staff Recommendation:

Mr. Wilmoth advised the Planning Commission that all items were in order and recommended approval.

TMAPC ACTION; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **RATIFY** the above listed lot splits as having received prior approval, as recommended by staff.

* * * * *

PUD 454-2: Minor Amendment of the required 7.5' side yard to 5'. Located east of the northeast corner of East 105th Place South and South Erie Avenue. (Lot 33, Block 2, Wexford Estate)

Staff Recommendation:

PUD 454 is a 20 acre residential development with an underlying zoning of RS-1 and has been approved for a maximum of 52 detached single-family dwellings. The applicant is now requesting a minor amendment of the 7.5' sideyard requirement to 5', on one side, to permit a dwelling under construction. After review of the applicant's submitted foundation survey. Staff finds the request to be minor in nature and consistent with the original PUD. Although the survey shows 5.6' setback from the east property line, the brick exterior will utilize the additional 6'

Staff recommends **APPROVAL** of minor amendment PUD 454-2, subject to the applicant's submitted foundation location survey.

TMAPC ACTION; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **APPROVE** Minor Amendment PUD 454-2, of the required 7.5' side yard to 5' on Lot 3, Block 2, Wexford Estates, as recommended by staff.

* * * * *

PUD 461-1 Minor Amendment of the required 30' setback from the south property line to 25'. Located at the northeast corner of South Hudson Avenue and East 104th Street South. Lot 8, Block 2, Forest Pointe

Staff Recommendation:

PUD 461, Forest Pointe, is a 9.6 acre development that has been approved for 24 detached single-family dwelling units. The applicant is requesting a minor amendment, for one lot, of the required 30' setback from the south property line to 25'. The subject tract is bisected by a 20' dedicated drainage easement.

After review of the applicant's submitted plot plan and field investigation, Staff finds the request to be minor in nature and consistent with the original PUD. The proposed 25' setback should have little detrimental impact on the abutting lots.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 461-1 subject to the applicant's submitted site plan.

TMAPC ACTION; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **APPROVE** Minor Amendment PUD 461-1 to reduce the required 30' setback from the south property line to 25' on Lot 8, Block 2, Forest Pointe, as recommended by staff.

* * * * *

PUD 179-C-8 Minor Amendment to the Development Area "C" and "D" ground sign standards -- Located west of the southwest corner of East 71st Street South and South 85th East Avenue

Presently Development Area "C" is allowed one ground sign on 85th Avenue and one ground sign setback at least 175' from the centerline of 71st Street. The applicant is proposing to amend the requirements for the ground sign near 71st Street as follows:

	Minimum Setback from centerline of 71st	Maximum Sign Size	Maximum Sign Height
Existing	175'	250 SF	40'
Proposed	60'	176 SF	25'

The standards for the ground sign on 85th Avenue are not proposed to be changed.

In Development Area "D" one ground sign is allowed and the applicant proposes to amend the standards for it as follows:

	Minimum Setback from centerline of 71st	Maximum Sign Size	Maximum Sign Height
Existing	60'	120 SF	25'
Proposed	60'	90 SF	20'

Staff feels that a row of 4 pole signs along this portion of 71st Street (that includes the sign allowed in Development Area "B" and the existing Firestone Store sign), is not as attractive as some other types of signage, but with the reductions in display surface area proposed, Staff can support the proposed amendment.

Therefore, Staff recommends **APPROVAL** of Minor Amendment PUD 179-C-8 as requested.

PUD 179-C: Detail Sign Plan - Development Area "C"

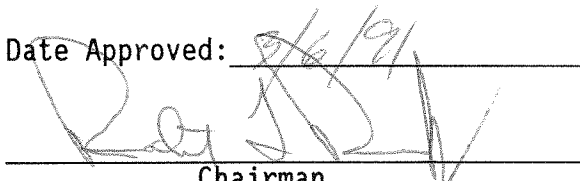
If minor amendment PUD 179-C-8 is approved, Staff recommends the ground sign fronting 71st Street in Development Area "C" be given Detail Sign Plan approval.

TMAPC ACTION; 6 members present:

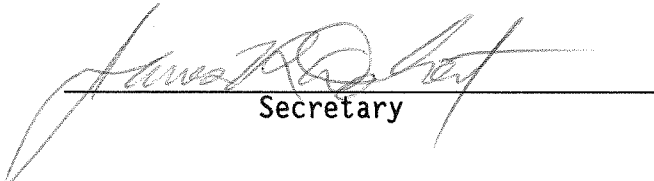
On **MOTION** of **WILSON**, the TMAPC voted 6-0-0 (Carnes, Doherty, Harris, Midget, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Draughon, Horner, Neely, Parmele, "absent") to **APPROVE** Minor Amendment to PUD 179-C-8 and the Detail Sign Plan for Development Area "C", as recommended by staff.

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 2:26 p.m.

Date Approved: 9/6/91

Chairman

ATTEST:


Secretary

