

AGENDA

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, January 7, 2025 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Planning Commission only on items that appear on this Agenda. The Planning Commission may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Planning Commission.

1. Call to Order
2. Roll Call
3. Citizens Desiring to Be Heard

The purpose of this time is to allow members of the public to speak to the Planning Commission on any matter that is not otherwise set for consideration on this Agenda.

4. Minutes
 - a. September 3, 2024 Minutes

5. Public Hearings

Consideration of adoption, approval, acceptance, rejection, amendment, and/or postponement of the following:

- a. PUBLIC HEARING: An Ordinance amending Section 50-26 of the Nichols Hills City Code and the Official Zoning District Map to rezone and redistrict the property located in Nichols Hills, Oklahoma at 6523 Avondale Drive from the R-2 Two-Family Residential Zoning District to the R-3 Multiple-Family Residential

Zoning District; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

- b. PUBLIC HEARING: An Ordinance amending Section 50-152 of the Nichols Hills City Code regarding setback requirements for Corner Lots and repealing the Corner Lot Building Setback Requirement Plan of the City of Nichols Hills; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.
- c. PUBLIC HEARING: An Ordinance amending the Nichols Hills City Code regarding attached garages in the Residential Zoning Districts; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

6. Adjournment



City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Regular Meeting of the
Nichols Hills Planning Commission
Tuesday, September 3, 2024 at 5:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

1. Call to Order

2. Roll Call

Attendees Present	Arrived
Chairman John McCaleb	5:30
Vice-Chairman Barbara Gilbert	5:30
Commissioner Tim Cheek	5:30
Commissioner Ron Byrne	5:30
Commissioner Doug Franklin	Absent
Commissioner Mike Biddinger	Absent

3. Citizens Desiring to Be Heard

No one expressed a desire to be heard.

4. Minutes

a. August 6, 2024 Minutes

MOTION: Tim Cheek moved to approve the August 6, 2024 minutes as presented. Ron Byrne seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Tim Cheek
SECONDER:	Ron Byrne
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Ron Byrne

5. Public Hearings

a. PUBLIC HEARING: The issuance of a special permit to Crown

Castle USA, Inc., representing Verizon, for the purpose of replacing and/or adding new antennas and other equipment on existing monopole tower located in the 6706 North Pennsylvania Avenue, Nichols Hills, Oklahoma, and related recommendations to the City Council.

Mr. Brett Rowe, representing Crown Castle, presented the application to the Planning Commission.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the public hearing.

Mr. Patrick Hill stated his concerns about the size and number of panels and didn't want any growth on the tower. Once he reviewed the proposed pictures he had no objection.

MOTION: Barbara Gilbert moved to recommend the City Council approve agenda item 5a as presented. Tim Cheek seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Barbara Gilbert
SECONDER:	Tim Cheek
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Ron Byrne

- b. PUBLIC HEARING: An application to rezone property generally located at 6523 Avondale Drive in Nichols Hills, Oklahoma from the R-2 Two-Family Residential Zoning District to the R-3 Multiple-Family Residential Zoning District.

Mrs. Susan Binkowski, owner of Esperanza Real Estate Investments, presented the application to the Planning Commission.

Following discussion among Planning Commission members and staff, Chairman McCaleb opened the public hearing.

Mr. Tony Lathrop spoke of his concerns of rezoning to R-3. Mr. Lathrop was reassured that the footprint would stay the same.

No others expressing a desire to be heard, the public hearing was closed.

MOTION: Tim Cheek moved to recommend the City Council approve agenda item 5b subject to limiting to only three units and keeping the existing building footprint. Ron Byrne seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Tim Cheek
SECONDER:	Ron Byrne
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Ron Byrne

6. Adjournment

MOTION: There being no further business, Barbara Gilbert moved to adjourn the meeting. Ron Byrne seconded the motion.

RESULT:	(UNANIMOUS)
MOVER:	Barbara Gilbert
SECONDER:	Ron Byrne
AYES:	John McCaleb, Barbara Gilbert, Tim Cheek, Ron Byrne

Chairman
Planning Commission
City of Nichols Hills, Oklahoma

City Manager
Planning Commission
City of Nichols Hills, Oklahoma

City Clerk
City of Nichols Hills, Oklahoma

AN ORDINANCE AMENDING SECTION 50-26 OF THE NICHOLS HILLS CITY CODE AND THE OFFICIAL ZONING DISTRICT MAP TO REZONE AND REDISTRICIT THE PROPERTY LOCATED IN NICHOLS HILLS, OKLAHOMA AT 6523 AVONDALE DRIVE FROM THE R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT TO THE R-3 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-26 of the Nichols Hills City Code and the Official Zoning District Map referred to therein are hereby amended to rezone and redistrict 6523 Avondale Drive, Nichols Hills, Oklahoma from the R-2 Two-Family Residential Zoning District to the R-3 Multiple-Family Residential Zoning District, the legal description of such property being:

Lot Twelve (12), Block Twenty-Eight (28), in NICHOLS HILLS ADDITION, to the City of Nichols Hills, Oklahoma, Oklahoma County, Oklahoma (Less and Except One (1) foot off the Southeasterly side thereof) according to the recorded plat thereof.

Section 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 4. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 50-152 OF THE NICHOLS HILLS CITY CODE REGARDING SETBACK REQUIREMENTS FOR CORNER LOTS AND REPEALING THE CORNER LOT BUILDING SETBACK REQUIREMENT PLAN OF THE CITY OF NICHOLS HILLS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. That certain document entitled “Corner Lot Building Setback Requirement Plan of the City of Nichols Hills” is hereby repealed.

Section 2. Section 50-152 of the Nichols Hills City Code is amended as follows, with deleted language stricken through and new language underlined, to wit:

Sec. 50-152. Setback requirements for Corner Lots.

(a) ~~That certain document entitled “Corner Lot Building Setback Requirement Plan of the City of Nichols Hills” (the “Setback Plan”), copies of which are on file in the office of the City Clerk, is hereby adopted and enacted as a part of this Chapter and Code, with each of its provisions made a part hereof by reference as if fully set out in this Chapter. The Setback Plan establishes required Building Setbacks for listed Corner Lots located in the following Zoning Districts:~~

- ~~(1) — R-1-75 Single Family Residential District;~~
- ~~(2) — R-1-60 Single Family Residential District;~~
- ~~(3) — R-2 Two-Family Residential District;~~
- ~~(4) — E-1 Estate District; and~~
- ~~(5) — E-2 Urban Estate District.~~

Front Yard Setbacks for Corner Lots. The Front Yard Setback for a Corner Lot shall be the Front Yard Setback established in a recorded plat restriction for the Corner Lot or the Front Yard Setback established by this Code for the applicable Zoning District, whichever is greater.

(b) Rear Yard Setbacks for Corner Lots. The Rear Yard Setback for a Corner Lot shall be the Rear Yard Setback established in a recorded plat restriction for the Corner Lot or the Rear Yard Setback established by this Code for the applicable Zoning District, whichever is greater.

(b) Notwithstanding anything to the contrary contained in this Code:

- ~~(1) Certain Building Setback requirements for Lots listed by the Setback Plan (“Listed Lots”) are contained in the Setback Plan.~~
- ~~(2) Listed Lots shall comply with the Building Setback requirements of the Setback~~

~~Plan. In addition, where a specific Setback is not stated in the Setback Plan, the Listed Lot Corner Lots shall also comply with the Building Setback Requirements for the applicable Zoning District, including the minimum Rear Yard Setbacks for second floors of Main Buildings required the R-1-75 Single-Family Residential District, the R-1-60 Single-Family Residential District, the R-2 Two-Family Residential District, and the E-2 Urban Estate District.~~

(3 2) A change to the historic front elevation of a Dwelling is prohibited.

(4 3) Accessory Buildings, Accessory Structures, and Accessory Uses less than 14 feet in height shall comply with the Setback requirements ~~of the Setback Plan of this Section,~~ and Accessory Buildings, Accessory Structures, and Accessory Uses 14 feet or greater in height shall comply with the Setback requirements of ~~the Setback Plan~~ this Section, plus one foot of additional Setback for each full foot of additional Building Height greater than 14 feet.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 5. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney

Published in _____ on _____, 2024

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE NICHOLS HILLS CITY CODE REGARDING ATTACHED GARAGES IN THE RESIDENTIAL ZONING DISTRICTS; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NICHOLS HILLS, OKLAHOMA:

Section 1. Section 50-3 of the Nichols Hills City Code is amended as follows, with new language underlined, to wit:

Sec. 50-3. Definitions.

Floor Area means the sum of the horizontal areas of all floors of a Building, measured from the outside face of frame to the outside face of frame or from the centerline of walls separating the two Buildings, and including, but not limited to, the following spaces unless specifically excluded herein:

- (1) Elevator shafts and stairwells at each floor, to be calculated only once at ground level;
- (2) Habitable penthouses;
- (3) Interior balconies, mezzanines, and enclosed covered Porches and enclosed steps;
- (4) Accessory Uses in enclosed covered space, but not including uncovered space used for off-Street parking;
- (5) The following spaces are excluded from the calculation of Floor Area:
 - a. Basements;
 - b. Attics;
 - c. Garages (except for Attached Garages in the R-1-75 Single-Family Residential District and the R-1-60 Single-Family Residential District as set out in Sec. 8-261;
 - d. Mechanical spaces.

Section 2. Section 50-62 of the Nichols Hills City Code is amended as follows, with new language underlined, to wit:

Sec. 50-62. R-1-75 Single-Family Residential District.

- (e) *Development Regulations.*

(13) Attached garages. Attached garages are subject to the requirements in Chapter 8, Article IV, Division 6.

Section 3. Section 50-63 of the Nichols Hills City Code is amended as follows, with new language underlined, to wit:

Sec. 50-63. R-1-60 Single-Family Residential District.

(e) *Development Regulations.*

(13) Attached garages. Attached garages are subject to the requirements in Chapter 8, Article IV, Division 6.

Section 4. Chapter 8 of the Nichols Hills City Code is amended by adding a new Division to Article IV, with new language underlined, to wit:

Chapter 8, *Buildings and Building Regulations.*
Article IV, *Additional Local Regulations.*

Division 6. ATTACHED GARAGES IN THE R-1-75 SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE R-1-60 RESIDENTIAL DISTRICT.

Sec. 8-260. Definitions.

Attached Garage means a Structure that is attached to and shares a common wall with a Dwelling that is used for the parking and storage of motor vehicles.

Front-Facing Attached Garage means an Attached Garage that faces the Front Yard Property Line and that is entered from the street on which the Dwelling's primary entrance is located.

Sec. 8-261. Construction requirements. Attached Garages in the R-1-75 Single-Family Residential District and in the R-1-60 Single-Family Residential District constructed after the effective date of this Division are subject to the following requirements. These requirements do not apply to Detached Garages which are subject to Sec. 50-179.

(a) Front-Facing Attached Garages; permitted doors and width. Front-Facing Attached Garages may have one single door with an opening width of not more than 18 feet or two single doors with opening widths of not more than ten feet each.

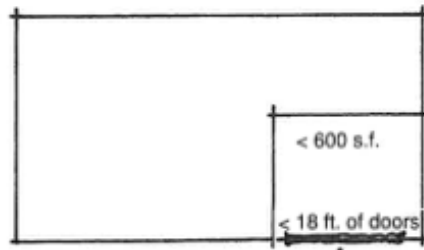
(b) *Additional garage doors.* Dwellings with Front-Facing Attached Garages may have additional garage doors in walls measuring more than 45 degrees off parallel in relationship to the Front Yard Property Lines. In such cases, there may be additional openings with a maximum opening width of not more than 18 feet.

(c) *Attached Garage Square Footage and Floor Area Ratio calculation.* Any square footage of a Front-Facing Attached Garage that exceeds 600 square feet will be added to the square footage of the Dwelling for purposes of calculating the Dwelling's Floor Area Ratio. Any square footage exceeding 900 square feet of all Attached Garages combined will be added to the square footage of the Dwelling for purposes of calculating the Dwelling's Floor Area Ratio.

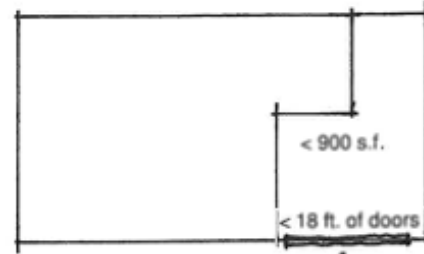
(d) *Depictions.* Depictions showing examples of possible Attached Garage configurations and entry to them follow at the end of this Section.

(e) *High-wind construction requirements.* Garage doors must comply with the applicable provisions of Sec. 8-90 regarding high-wind construction requirements.

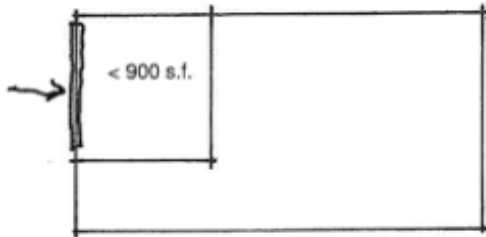
Examples of possible Attached Garage configurations and entry to them:



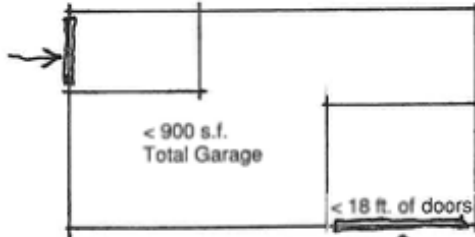
1. Typical 2 Car Garage



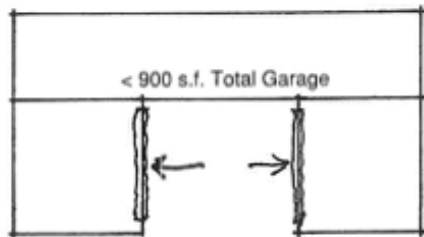
2. 2 plus 1 Tandem Garage



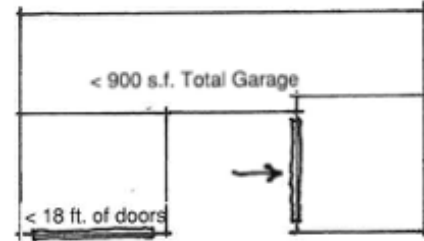
3. Typical Corner Garage



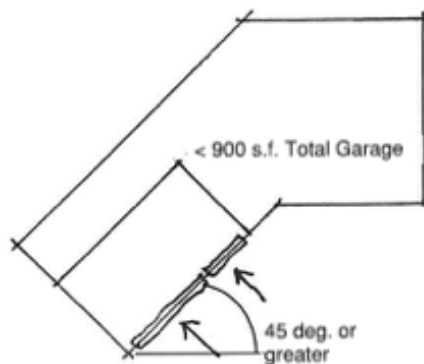
4. Typical 2 Car plus on Corner Garage



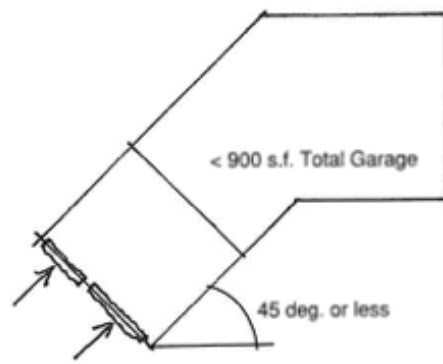
5. 2 plus 2 Facing each Garage



6. Typical 2 plus 2 at 90 deg.

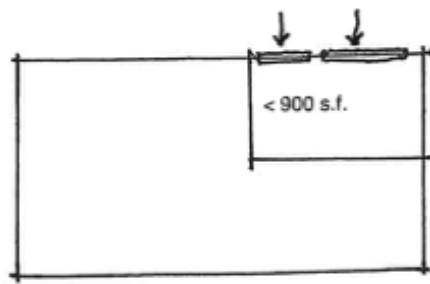


7. 3 on 45 deg. or greater Garage Facing Street

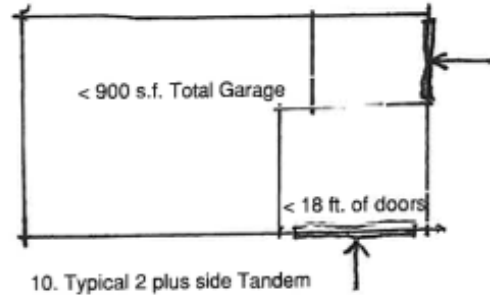


8. 3 on 45 deg. or less Garage Facing Street

POSSIBLE GARAGE DEPICTIONS



9. Rear entry garage



10. Typical 2 plus side Tandem

POSSIBLE GARAGE DEPICTIONS

Section 5. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. The provisions of this ordinance are severable and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

Section 7. EMERGENCY SECTION. WHEREAS, in the judgment of the Council it is necessary for the preservation of the peace, health, welfare and safety of the City of Nichols Hills, Oklahoma, and of the inhabitants thereof that the provisions of this ordinance be put into full force and effect immediately, and therefore an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

APPROVED by the Mayor of the City of Nichols Hills, Oklahoma, on the ____ day of _____, 2025.

ATTEST:

Mayor

City Clerk

Reviewed as to Form and Legality:

City Attorney