

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1863
Wednesday, December 4, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Draughon	Gardner	Linker, Legal
Carnes	Harris	Hester	Counsel
Doherty, 1st Vice Chairman	Wilson	Stump	
Horner		Wilmoth	
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmeale, Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, December 3, 1991 at 10:38 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, 1st Vice Chairman Doherty called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of November 13, 1991, Meeting No. 1861 and November 20, 1991, Meeting No. 1862:

On **MOTION** of **CARNES**, the TMAPC voted **5-0-1** (Carnes, Doherty, Midget, Neely, Woodard, "aye"; no "nays"; Horner abstaining"; Ballard, Draughon, Harris, Parmele, Wilson "absent") to **APPROVE** the minutes of the meetings of November 13, 1991, Meeting No. 1861 and November 20, 1991, Meeting No. 1862.

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REPORTS:

TMAPC Action; 6 members present:

On **MOTION** of **CARNES**, the TMAPC voted 6-0-0 (Carnes, Doherty, Horner, Midget, Neely, Woodard, "aye"; no "nays"; no "abstentions"; Ballard, Draughon, Harris, Parmele, Wilson "absent") to **CONTINUE** The Public Hearing on the Major Street and Highway Plan to Wednesday, December 11, 1991 at 1:30 p.m, in the Francis Campbell City Council Room, Plaza Level, Tulsa Civic Center

ZONING PUBLIC HEARING

Application No.: Z-6331 Present Zoning: RM-2, OM & OH
Applicant: City of Tulsa Proposed Zoning: HP overlay
Location: North and south sides of West 18th Street at South
Cheyenne Avenue
Date of Hearing: 12-04-91
Presentation to TMAPC: Greg Warren

Staff Recommendation

Staff recommends approval of HP (Historic Preservation) zoning for the subject tract per the conditions recommended by the Tulsa Preservation Commission on July 11, 1991.

Statement of the Related Significant Characteristics of the Council Oak Tree Park Site and Site Development Guidelines.

Significance of the Creek Council Oak Tree Park Site

The Creek Council Tree - a mature Burr oak - marks the traditional "busking ground" chosen in 1836 by the Lochopoka clan of Creeks. In late December 1834 they had begun their voluntary migration from Alabama. With U.S. Militia escort they had moved westward through Mississippi and Tennessee to Memphis, thence by steamboat (down the Mississippi, up the Arkansas) to Little Rock. There low water forced them to disembark. With pack ponies for their meager possessions and supplies, they walked the final 300 miles to their new homeland. It was a slow and painful trek and of the original group of 630, 161 died en route. But the 1836 arrival was marked with a solemn and traditional ceremony.

A "busk" site was chosen on a low hill overlooking the Arkansas. Here, according to their traditions, they deposited ashes brought over the trail from their last fires in Alabama, kindled a new one with a dedicatory ceremony. Here the Tulsa-Lochopokas "town" was established, a political division of the Creek Nation and as late as 1896 the Creeks gathered here for clan ceremonies, feasts, and games. (The "busk", usually held in July, was for the purpose of conducting tribal business, for purification and recreation, and to give thanks for the new crop of green corn. All families were notified by the "Micco", or town chief, and expected to attend.)

Tradition dictated the composition of the busking ground. Around a large cleared space stood four council sheds that formed a "square". To the west was the "round house" containing the sacred fire. Here most of the business of the town was conducted. On the north was a building used by the war officials with the chief men of the war clans. War and law enforcement were both directed from here. On the east side of the square was a shed occupied by the younger, still untried young men. All structures were located and constructed according to ages-old plan. The Creek Council Oak was in the southeast part of the square.

The busks, of course, were far more than mere town meetings. Business was conducted and justice administered. But there was also a purification ceremony for the young men, a deeply religious ritual that preceded the feasts, dances, and games. (Among the latter was a form of stick ball, taken so seriously by the Creek -- and played so vigorously as to be potentially lethal -- that their tribal council passed stringent laws governing the game, and eventually prohibited all games between towns!

This area was probably not used by the Indians after the turn of the century. Gradually it became a solid, substantial residential area for a growing city. The Creek Council Tree itself, however, survived a suitable bronze plaque noting its significance, and preserved by private owners. Now in 1975 the immediate site is being developed into a handsome new residential complex. And the oak, in its small, well landscaped park, stands as a meaningful memorial to the proud Indian tribe that brought law and order to a new, then near-wilderness homeland nearly 140 years ago.

COUNCIL OAK TREE SITE DEVELOPMENT GUIDELINES

- Items on Tree Placement of any item on the Tree shall not be allowed without specific approval of the Tulsa Park and Recreation Department.
- Signs Placement of any sign or monument on the site shall not be allowed without specific approval of the Tulsa Park and Recreation Department.
- Planting No additional planting of any type, with the exception of grass, shall be done within the interior of the fence surrounding the tree, without approval of the Tulsa Park and Recreation Department.
- Structures No poles, walls or other structure of any type shall be allowed within the interior of the fence surrounding the tree without approval of the Tulsa Park and Recreation Department.
- Utility Easements No new utility easements shall be allowed within the interior of the Park surrounding the tree.
- Overhead Wires No placement of overhead wires shall be allowed on the site.
- Paving No paving of any type which would restrict water absorption shall be allowed within the interior of the fence surrounding the Council Oak Tree.

Runoff Flow

No change to the site that would change the flow of runoff in a manner that would endanger the health of the tree shall be allowed.

Use

No active recreation equipment of any type shall be allowed on the site. Park benches may be allowed on the exterior of the fence surrounding the tree.

Chemicals

No application of chemicals shall be made within the Park or within 100 feet of the Council Oak Tree unless approved by the Tulsa Park and Recreation Department.

Maintenance

Tree maintenance shall consist of the pruning, trimming and care necessary to maintain the tree in healthy condition.

Applicant's Comments

Mr. Greg Warren, City of Tulsa Urban Development Department, advised this has been reviewed by the District 7 Planning Chair and Tulsa Park and Recreation Department and has their approval as well as the approval of the neighborhood.

There were no interested parties present wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** HP overlay zoning subject to above listed conditions.

Legal Description

That part of Lots 4, 5, 6, and 7, Block 2 in Bower's Addition to the City and County of Tulsa, Oklahoma, according to the amended recorded plat thereof and a part of Lots 4, 5, and 6 Block 1, Buena Vista Park Addition to the City and County of Tulsa, Oklahoma, according to the amended recorded plat thereof, more particularly described as follows: Beginning at the southeast corner of said Block 2, Bower's Addition, thence north along the east line of said Block 2 for a distance of 95.00'; thence due west for a distance of 138.00' to a point; thence due south for a distance of 7.50' to a point of curve; thence along said curve to the right, said curve having a central angle of 53°50'57" and a radius of 19.00' for a distance of 17.87' to a point of tangent; thence S53°52'57"W for a distance of 22.24' to a point of curve; thence along said curve to the left, said curve having a central angle of 77°49'25" and a radius of 31.00' for a distance of 42.11' to a point of reverse curve; thence along said curve to the right, said curve having a central angle of 113°56'28" and a radius of 3.50' for a distance of 6.96' to a point of tangent; thence

due west for a distance of 3.57' to a point; thence due south for a distance of 16.50' to a point on the south line of said Block 1, Buena Vista Park Addition, thence due east along the south line of Block 1, Buena Vista Park and Block 2, Bower's Addition for a distance of 180.00' to the southeast corner of said Block 2 and the point of beginning,

AND

Lots 1, 2, 3, 43, 44 and the north 30' of Lot 42, Block 6, Buena Vista Park Addition to the City and County of Tulsa, Oklahoma, according to the amended recorded plat thereof, to add HP, Historic Preservation Zoning as a supplemental zoning district in addition to the present RM-2, Residential Multifamily, OM, Office Medium and OH, Office High, zoning districts.

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Application No.: Z-6343

Present Zoning: FD & CS

Applicant: Hibdon

Proposed Zoning: CG

Location: SW/c of E. 41st Street South and Mingo Valley Expressway

Date of Hearing: 12-04-91

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use, Corridor and Development Sensitive.

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 3.5 acres in size and is located at the southwest corner of East 41st Street South and the Mingo Valley Expressway. It is nonwooded, flat, vacant and is zoned CS and FD.

Surrounding Area Analysis: The tract is abutted on the north by the expressway exit and entrance ramps zoned RS-3; on the east by the Mingo Valley Expressway zoned RS-3; on the south by a mobile home park zoned RMH; and on the west by a mobile home park and Mingo Creek floodplain zoned RMH.

Zoning and BOA Historical Summary: The center of the tract was zoned FD because it contains the floodway of South Park Creek.

Conclusion: The entire tract is within the regulatory floodplain with the 100 year flood inundating the tract with three to four feet deep flood waters. Staff is not supportive

of the requested CG intensity but is supportive of rezoning the entire tract CS. This process would trigger a subdivision plat for the total property at which time the City would obtain a drainage easement. This easement along with other floodplain development regulations (elevated building pad) will be adequate to insure proper development.

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

Staff Comments

Mr. Stump announced receipt of a letter from Public Works indicating they have no objection to removing the flood zoning from the property and zoning the entire property CS.

Mr. Gardner pointed out this will make the property subject to a plat and staff does not support waiving the plat. This is the city's opportunity to get the drainage easement on the face of the plat.

The applicant was present and in agreement with CS zoning.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Parmele, Wilson "absent") to **APPROVE** CS zoning for the entire tract of Z-6343.

Legal Description

The east 300 feet of the North 528.53' of the NE/4 NW/4 of Section 30, T-19-N, R-14-E, of the IBM, Tulsa County, Oklahoma, according to the recorded plat thereof, LESS the north 75' and the east 63.55' thereof, and LESS a 52' square tract of land thereof described as follows: Commencing at the NE/c of said NE/4 NW/4 of Section 30, T-19-N, R-14-E of the IBM, Tulsa County, Oklahoma, THENCE S0°16'46"W for a distance of 75.00'; THENCE due west for a distance of 63.55'; THENCE, S0°16'46"W for a distance of 294.63'; THENCE due west for a distance of 4.18' to the POINT OF BEGINNING of said tract of land; THENCE continuing due west for a distance of 52.00'; THENCE due south for a distance of 52.00'; THENCE due east for a distance of 52.00'; THENCE due north for a distance of 52.00' to the POINT OF BEGINNING of said tract of land containing 2,704 square feet, from FD (Flood District) and CS (Commercial Shopping) to CG (Commercial General).

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Subdivisions

Final Approval and Release

West Highlands IV Amended (PUD-159-1) (382) (PD-8) (CD-2)
West 62nd Street & South Waco Avenue (RM-1, RS-3)

Staff Recommendation

The Staff advised that all releases had been received and final approval and release was recommended. Staff further explained that there had been an error in the previous plat but it was discovered prior to filing. Lot 13, Block 2 was to be omitted and Lot 11, Block 2 was to be added. This plat complies with all previously approved conditions.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** the Final Plat of West Highlands IV Amended and **RELEASE** same as having met all conditions of approval as recommended by staff

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Swan Lake Amended (793) (PD-6) (CD-4) (RS-3)
1586 Swan Lake Drive

Staff Recommendation

The Staff advised that all releases have been received and final approval and release was recommended.

TMAPC Action; 8 members present:

On **MOTION** of **WOODARD**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** the Final Plat of Swan Lake Amended and **RELEASE** same as having met all conditions of approval as recommended by staff

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Waiver Request Section 213:

Howerton Acres (Chognard Property) (PUD 179-S (1283) (PD-18) (CD-8)
9310 E. 71st Street South (CD, RM-1)

Staff Recommendation

This property is already platted as Howerton Acres, so PUD restrictions will be filed by separate instrument as an amendment

to the plat. In the event that the restaurants are to be separately owned, a lot-split is expected to be processed. (Sewer and/or other utility extensions may be required.) Other details may be found in the PUD text along with copies of the site plan, etc. This review can also serve as a plat waiver since the property is already platted.

The applicant was represented by Wayne Alberty.

On MOTION of KOCH, The Technical Advisory Committee unanimously voted to recommend WAIVER OF PLAT on PUD 179-S subject to the following conditions:

- (a) Grading and drainage approval by the Department of Public Works in the permit process, (A PFPI may be required in the lot-split process.)
- (b) Provide additional mutual access easement as needed for the two restaurant sites.
- (c) Sewer main extension required for lots created by lot-split.
- (d) Water plans may include hydrant for fire protection near southeast corner of property.
- (e) Provide PUD restrictions by separate instrument.

STAFF NOTE:

This request is also being processed with a prior approval lot-split, #17477 as listed elsewhere in the agenda. The Board of Adjustment approved a variance to permit the 125' Lot frontage on 71st Street (Case #15862, 10/22/91). City Council approved the PUD amendment on 11/21/91. APPROVAL of the waiver is recommended, subject to the conditions outlined above, noting that the existing plat and lot-split in process will satisfy the provisions of the zoning code relating to platting.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** the Waiver of Plat for Howerton Acres (Chognard property) as subject to the conditions as recommended by staff.

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Z-6335 Original Town of Dawson (2703) (PD-16) (CD-3)
5401 E. Tecumseh Street

(IL)

Staff Recommendation

This is a request to waive plat on Lots 13-18, Blk. 27 of the above named subdivision. The property already contains an existing concrete and metal building with all utilities and/or improvements in place. Most of the tract was already zoned CH, but the entire tract was advertised and approved for IL zoning. (TMAPC 11/6/91). Since the property is already platted, improvements are in place, and nothing would be gained by re-platting, it is recommended that the plat requirement be waived, noting that the provisions of Section 213 have been met by the existing plat. (City Council approved 11/26/91).

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** the Waiver of Plat for Z-6335 Original Town of Dawson as recommended by staff.

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Z-6334 Olivers Addition (1993) (PD-6) (CD-9)
1315 E. 36th Street South

(CH, PK)

This is a request to waive plat on the W2 of Lot 12, Block 4 of the above named subdivision. It has been used many years as parking next to the CH district on South Peoria. (Fred Jones lot) Since the lot is already platted and all improvements in place, Staff recommends approval, noting that the provisions of Section 213 of the Code will be met by the existing plat. (TMAPC approved 12' of CH and remainder PK 10/23/91. Council concurred and approved 11/21/91.)

TMAPC Action; 8 members present:

On **MOTION** of **WOODARD**, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Wilson "absent") to **APPROVE** the Waiver of Plat for Z-6334 Olivers Addition as recommended by staff.

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Lot Splits for Ratification of Prior Approval

- L-17477 (1283) Chogard (PD-18) (CD-8) SE/c of E. 71st St. & S. 92nd E. Avenue
- L-17478 (2813) Kelley (PD-12) SW/c of E. 41st St. S. & Mingo Valley Expressway
- L-17493 (193) Missouri Pacific R/R (PD-2) (CD-1) Cincinnati Avenue & Boston Avenue

City of Tulsa Right-of-way acquisitions along 71st Street: (PD-18) (CD-8)

- L-17481 (583) Timberlane Hills North side of 71st St. west of Harvard
- L-17482 (583) Braniff Hills North side of 71st St. west of Harvard
- L-17483 (483) Vienna Woods West North side of 71st St. east of Harvard
- L-17484 (883) Unplatted NE, NE South side of 71st St. between College Ave. & Harvard
- L-17485 (983) Sherrellwood South 7100 block, S. Indianapolis Avenue
- L-17486 (483) Vienna Woods N/side 71st St. east of Harvard
- L-17487 (483) Unplatted SE, SW 3701 & 3711 E. 71st St. S.
- L-17488 (483) Windsor Park South 6991 and 6992 S. Oswego Ave.
- L-17489 (983) Town & Country Estates South of 71st St. west of Pittsburg
- L-17490 (983) Southridge Estates South of 71st St. east of Pittsburg
- L-17491 (983) Southridge Estates 2nd 4363 E. 72nd Street South

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Harris, Wilson "absent") to RATIFY The above listed lot splits having received prior approval

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Chairman Parmele announced Mr. Woodard was in receipt of a letter from the mayor informing him that he is being replaced on the Planning Commission, effective when the new appointment is confirmed by the City Council. Chairman Parmele expressed his appreciation to Mr. Woodard for his years of faithful service and the conscientiousness displayed in attendance of TMAPC meetings.

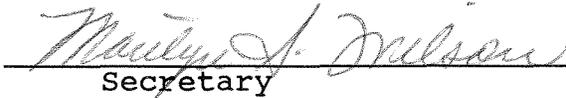
There being no further business, the Chairman declared the meeting adjourned at 1:54 p.m.

Date Approved: 12-18-91



Chairman

ATTEST:


Secretary