

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1868

Wednesday, January 22, 1992, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard		Gardner	Linker, Legal
Buerge		Hester	Counsel
Broussard		Stump	
Carnes		Hester	
Doherty, 1st Vice Chairman		Wilmoth	
Harris			
Horner			
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmelee, Chairman			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, January 21, 1992 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 1:34 p.m.

**Minutes:**

Ms. Wilson advised that on page 14, the fourth paragraph of the minutes of January 8, 1992 should read Ms. Wilson expressed sharing Commissioner Selph's concerns as far as the issue of compatibility. It may meet all requirements for the area, but it is not compatible. She stated reservation about supporting a lot split because of the flag lot configuration. With that correction, Ms. Wilson moved approval.

**Approval of the minutes of January 8, 1992, Meeting No. 1866:**

On MOTION of WILSON, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmelee, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Midget, Selph "absent") to APPROVE the minutes of the meeting of January 8, 1992 Meeting No. 1866, as corrected.

**REPORTS:**

**Report of Receipts and Deposits:**

Mr. Gardner presented the Report of Receipts and Deposits and advised that all items were in order.

**TMAPC Action; 9 members present:**

On MOTION of WILSON, the TMAPC voted 9-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Midget, "absent") to APPROVE the Report of Receipts and Deposits for the month ended December 31, 1991.

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**Chairman's Report**

Chairman Parmele presented Mr. Luther Woodard with a plaque in recognition of 8 1/2 years of outstanding service on the Planning Commission. Mr. Woodard received a standing ovation from the Planning Commission.

**Committee Reports**

**Rules and Regulations Committee**

Mr. Doherty announced the Rules and Regulations Committee will meet in room 1102 at the conclusion of the Planning Commission meeting to discuss problems experienced over lot splits, due to the recent change in notification policy.

**Budget and Work Program**

Ms. Wilson reported there will be a Budget and Work Program Committee meeting January 29, to review the proposed work program and budget for next fiscal year. She encouraged each planning commissioner to submit items for consideration for the work program.

**SUBDIVISIONS:**

**REVISED SKETCH PLAT APPROVAL:**

**Southern Pointe Third (PD-18) (CD-8)**

(RS-3)

East 91st Street and South Hudson Avenue

Chairman Parmele announced the applicant has requested this item be continued to February 19, 1992.

There were no interested parties present wishing to speak.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Ballard, Midget, Selph "absent") to CONTINUE Revised Sketch Plat Approval of Southern Pointe Third to February 19, 1992.

\* \* \* \* \*

**FINAL APPROVAL AND RELEASE:**

**S & S Bus Sales (PD-17) (CD-6)**  
15805 East Admiral Place

RS-2, RS-3

**Staff Recommendation**

Mr. Wilmoth advised that all releases have been received and staff is recommending approval.

**TMAPC Action: 11 members present:**

On MOTION of DOHERTY, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the Final Plat of S&S Bus Sales and RELEASE same as having met all conditions of approval as recommended by staff.

\* \* \* \* \*

**Twin Oaks (PUD-452) (PD-18) (CD-9)**  
E. 55th Street and South Delaware Court

RS-2, RS-3

**Staff Recommendation**

Mr. Wilmoth advised that all releases have been received and staff is recommending approval.

**TMAPC Action: 11 members present:**

On MOTION of DOHERTY, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the Final Plat of Twin Oaks and RELEASE same as having met all conditions of approval as recommended by staff.

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**WAIVER REQUEST; Section 213:**

**Z-5361 Houstonia Homesites (PD-18) (CD-9)**  
5532 South Peoria Avenue

OL

**Staff Recommendation**

This is a request to waive plat on the N. 59.5' of Lot 15 and the S. 65.5' of Lot 16, Block 5 of the above captioned subdivision. This property was zoned OL as approved by TMAPC on 1/9/80 and the City Commission on 2/5/80. It contains an existing office building. Research indicated that no formal waiver of plat was ever processed, so the current owner has filed this application. An addition to the existing building was recently processed through the Board of Adjustment for some variances of the setbacks.

(approved per plan, 1/14/92, case #15909). Since the property is already platted and improvements in place or approved by the Board of Adjustment the only thing that would be gained by a plat would be an additional 10' of right-of-way on South Peoria, to total 50' from centerline. (40' was platted); Therefore, Staff recommended APPROVAL, subject to the applicant furnishing the additional ten feet of R/W needed to comply with the Street Plan.

Staff Comments

Mr. Wilmoth reported the right-of-way dedication on South Peoria has been received and there were no other conditions or releases needed.

TMAPC Action; 11 members present:

On MOTION of NEELY, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE the WAIVER REQUEST for Z-5361 as recommended by staff.

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REFERRAL LOT SPLIT FOR RECOMMENDATION:

L-17505 Azadi (602) (Osage County)

58th Street N. & west of 57th W. Avenue

Designated for residential and light commercial uses.

This application is considered because the property is in Osage County, but within the Tulsa fenceline.

The 10 acre parcel is to be divided into 4 tracts of approximately 2-1/2 acres each. Three of the lots will front on 58th Street North. The other is at the corner of 58th St. N. & 57th W. Avenue. Dedication of required right-of-way on 58th Street North and 57th W. Avenue will be granted by applicant.

Osage County R.W.D #15 has verified availability of water service to the tracts. Percolation tests are being obtained. A septic system was in use on the property. Its exact location will be determined. Should it encroach across a proposed lot line an adjustment will be made to the corner lot so the system will be on one lot.

Staff recommends approval of the lot split subject to the following conditions:

1. Osage County Health Department approval for septic systems on each lot.
2. Dedication of the required right-of-way on 58th Street North (25') and 57th W. Avenue. (50') if not previously granted.

Staff Comments

Mr. Wilmoth advised that 57th West Avenue will require additional dedication for right-of-way. Osage County is aware of this requirement.

Mr. Doherty asked if Mr. Wilmoth had personal knowledge of any history of protests in the area.

Mr. Wilmoth advised to his knowledge there were none.

TMAPC Action; 11 members present:

On MOTION of CARNES, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to RECOMMEND to the Pawhuska-Osage County Metropolitan Area Planning Commission APPROVAL of the lot split subject to staff recommendation.

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**ZONING PUBLIC HEARING**

Application No.: PUD 480 Present Zoning: CH, CS, & RM-2  
Applicant: Charles Norman (Jewel Osco)  
Location: NE/C East 41st Street & South Peoria  
Date of Hearing: January 22, 1992

Chairman Parmele announced the applicant is requesting a continuance to March 25, 1992. There were interested parties present. Mr. Parmele reminded those present it is TMAPC policy to grant a continuance to either side, if the request is made in a timely manner. He added, because of the length of the continuance, 60 days, this affords ample opportunity for all interested parties to conduct meetings, review plans, and meet with all concerned. Mr. Parmele stated he anticipates no additional continuances would be granted, as a matter of policy.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-1 (Broussard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson, "aye"; no "nays"; Selph "abstaining"; Ballard, Midget, "absent") to CONTINUE Zoning Public Hearing for PUD 480 to March 25, 1992.

\* \* \* \* \*

**Dorothy Watson**

**4108 South St. Louis**

Ms. Watson asked where plans could be viewed before the next meeting.

Chairman Parmele explained that INCOG has a copy of the submitted plan on file. He added the District Planning Team meetings would probably have those plans available.

Ms. Wilson added the newspaper reported a February 10, meeting of neighborhood and area residents is to be held at All Souls Unitarian Church at 7:00 p.m.

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#### **PUBLIC HEARING**

Chairman Parmele advised this public hearing is to consider proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) as it relates to the **floodway zoning designation** including but not limited to:

- [1] repeal Chapter 10 Floodway Zoning District and any references within the Zoning Code that deal with FD zoning; and
- [2] remove the FD overlay (dashed lines) from the official zoning maps (CZM's); and
- [3] remove all existing FD zoning designations from the official zoning maps and replace with Agriculture (AG) designation by Zoning Code Text amendment

#### **Staff Comments**

Mr. Gardner explained the purpose of this amendment is to repeal all FD zoning designations, since the city has adopted other ordinances that regulate development within flood plains. Currently in effect are three separate ordinances that cover flood control and regulate all development within floodways. He explained, nothing has been zoned FD for several years. Mr. Gardner explained there are ten (10) areas zoned FD, not an overlay, which have no other zoning classification. We are requesting these areas revert back to AG classification.

In response to a question from Mr. Carnes, Mr. Gardner explained the city has ordinances they have adopted that regulate development in flood prone areas and they more detailed than what the County has. The County could adopt any additional regulations they feel might be appropriate. However, we are not recommending the County delete FD until such time as they have other regulations that would satisfy them. Currently the County issues permits based on regulatory flood maps put out by FEMA.

**TMAPC Action; 11 members present:**

On MOTION of CARNES, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE:

- [1] repeal Chapter 10 Floodway Zoning District and any references within the Zoning Code that deal with FD zoning; and
- [2] remove the FD overlay (dashed lines) from the official zoning maps (CZM's); and
- [3] remove all existing FD zoning designations from the official zoning maps and replace with Agriculture (AG) designation by Zoning Code Text amendment

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**PUD 306-A-1:** Minor Amendment to reduce the required front yard on Lot 1, Block 1, Harvard Pointe South -- Southwest corner of E. 93rd Street South and South Harvard Avenue

The applicant is requesting that the required 25' front yard be reduced to 20'.

The corner of his proposed dwelling is the only portion of the structure which intrudes into the required yard. This is due to the curvature of the street at that point. Staff feels this is a minor intrusion and would not be detrimental to the PUD. Therefore, we recommend APPROVAL of a reduction of the required front yard from 25' to 20' per the plot plan submitted.

**TMAPC Action; 11 members present:**

On MOTION of WILSON, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE PUD 306-A-1 as recommended by staff.

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**PUD 261-A:** Amended Detail Site Plan to permit temporary office Located east of the northeast corner of East 71st Street South and South Riverside

The applicant is requesting Detail Site Plan approval to permit a 10' x 48' temporary tax office to be placed in the Wal-mart parking lot. The building will be located approximately 350' from the

centerline of East 71st Street South and will be in place from January 23, 1992 to May 10, 1992. The structure will not occupy required off-street parking and should not be inconsistent with existing development.

Staff recommends APPROVAL of the Detail Site Plan amendment for a temporary tax office, subject to the conditions listed above with the additional condition that the hours of operation be between 8:00 a.m. and 10:00 p.m.

Staff Comments

Mr. Stump reported, at Planning Commission requested, the applicant has submitted pictures of the type of temporary office building that is being proposed for placement on the Wal-Mart parking lot. He added, staff is recommending this be considered for a one (1) year period only. If this placement were to be done on an annual basis, staff would then make an evaluation next year to decide whether to permanently approve a temporary building such as this.

Mr. Doherty asked if the building, as proposed, meets the style of construction to be compatible with the PUD and in harmony with the surroundings.

Mr. Stump acknowledged the building was unattractive. The only reason to approve it is on a trial basis for a short period of time. He added that there are no other shops, but Wal-Mart, in the area and the structure would be set back. Mr. Stump noted the additional traffic expecting to be generated and parking should not be a problem.

There was much concern expressed over the unattractiveness of the proposed structure. The Planning Commission also expressed concern over the additional parking required and overriding the purpose of the PUD. There were also concern over the applicant perhaps wishing to repeat this request on a yearly basis, and that this type of temporary structure may be placed in all Wal-Mart parking lots in the future.

Applicant's Comments

**Russell Parker**

**Wal-Mart Store Manager**

Mr. Parker explained Wal-Mart is participating in a test program with H&R Block as a service to the local community. This is for public convenience for access to tax preparation. He explained the portable building would sit a good distance from the 71st Street entrance to Wal-Mart. Mr. Parker advised he would be personally responsible for monitoring the building and site upkeep, per his home office, and will be required to submit weekly photographs to his home office.

Mr. Parmele asked if the Planning Commission were to deny this request if the applicant would make space for this temporary tax office inside the store.

Mr. Parker replied there is no available space to do such.

Mr. Carnes made a motion for denial.

TMAPC Review Session

Ms. Wilson commented, the only structure she recalls being placed in the parking lot was at an office structure near 61st and Memorial, which came in as a minor amendment on a PUD.

Mr. Gardner advised usually such structures have proven to be successful elsewhere, i.e. transfund machines and not in a test situation. The reason staff is supportive of this situation is because it is on a temporary trial basis. However, should if this prove to be something more permanent then a building should be constructed that meets all requirements.

Mr. Parmele expressed displeasure over the appearance of the mobile building. He pointed out that 71st Street is a main entrance into the city and there has been much money spent on landscaping along this street. He added, the Planning Commission has been very selective in controlling signage to aid esthetics in the city. He advised having a problem in permitting, even for temporary use, basically a mobile hone on the parking lot. Mr. Parmele pointed out, if the demand is so great, it might be beneficial to H&R Block and Wal-Mart that allowances be made inside the store.

Mr. Midget expressed that since the structure is temporary and should this be deemed to be a viable service that determination could be made from this trial. He advised he could support this on a trial period. as a test. Mr. Midget added the appearance is a reflection on Wal-Mart to have this unattractive structure in their parking lot and acknowledged that he would not support such a request next year.

Mr. Parker stated that Wal-Mart had no input as to the building.

Mr. Horner expressed concern over toilet facilities and lack of tie downs.

Mr. Linker stated that the Planning Commission could make approval subject to health code requirements.

Mr. Parmele advised he will vote against denial since he feels a better solution could be found, a more attractive building which would be skirted and perhaps some temporary landscaping in pots. He feels the request should not be denied outright.

Mr. Parker reiterated this is a good service and Wal-Mart is known for trying to provide all they can to a community. He feels it should be tried and he thinks Wal-Mart would not have problems with requesting a more attractive unit or a permanent unit if this testing were to prove successful.

Mr. Parmele asked if the applicant would object to returning next week with evidence of a different building.

Mr. Parker advised he would be glad to talk with H&R Block and Wal-Mart headquarters. He knows H&R Block is extremely sensitive at this being done at such a late date in recognizing the process that must be done to accommodate such a request.

**TMAPC Action: 11 members present:**

On MOTION of CARNES, the TMAPC voted 3-8-0 (Ballard, Buerge Carnes, "aye"; Broussard, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "nay"; no "abstentions"; none "absent") to DENY the Detail Site Plan amendment for PUD 261-A.

**MOTION FAILED**

\* \* \* \* \*

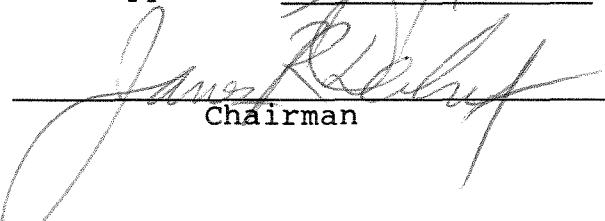
**TMAPC Action: 11 members present:**

On MOTION of SELPH, the TMAPC voted 10-1-0 (Ballard, Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Selph, Wilson, "aye"; Carnes "nay"; no "abstentions"; none "absent") to CONTINUE the Detail Site Plan amend for PUD 261-A to January 29, 1992.

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

Date Approved:

3/4/92  
  
Chairman

ATTEST:

Marlyn L. Wilson  
Secretary