

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1912  
Tuesday, January 19, 1993, 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	Dick	Hester	Linker, Legal
Broussard	Parmele	Stump	Counsel
Secretary		Wilmoth	
Buerge			
2nd Vice			
Chairman			
Carnes			
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee			
Neely			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, January 15, 1993 at 12:11 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:32 p.m.

**Minutes:**

Approval of the minutes of January 6, 1993, Meeting No. 1910:  
On **MOTION** of **MIDGET**, the TMAPC voted 7-0-2 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Wilson "aye"; no "nays"; Buerge, Neely "abstaining"; Dick, Parmele "absent") to **APPROVE** the minutes of the meeting of January 6, 1993 Meeting No. 1910.

**REPORTS:**

Committee Reports:

Budget and Work Program Committee

Ms. Wilson announced the Budget and Work Program Committee will meet January 20, 1993 in the INCOG conference room to review budget proposals.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

Walgreen I (PUD-206) (2283) (PD-18) (CD-8)  
SW/corner E. 91st St. & S. Sheridan Road

CS

**Staff Recommendation**

This plat covers only the site of the Walgreen Store and does not include any of the rest of the commercial tract at this corner. The remainder is still subject to platting. The first phase commercial in this PUD was processed for the Food Lion Store just south of this tract.

The Staff presented the plat with the applicant represented by Ted Sack at the TAC meeting.

On MOTION of EDWARDS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Walgreen I, subject to the following conditions:

1. The covenants indicate that a 30' height is proposed for the building. The PUD limits height to 26', so a minor amendment to the PUD will be required. It is expected that it will be processed along with this plat and the site plan review by TMAPC on 1/03/93.
2. Covenants, Section 1.4: Add: "The foregoing covenants concerning Limits of No Access shall be enforceable by the City of Tulsa, and the owners of each lot agrees to be bound hereby."
3. All conditions of PUD 206 shall be met prior to release of final plat, including any applicable provisions in the covenants or other face of plat. (Include amendment date and new number if applicable.)
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements if required. (Show existing P.S.O. easement along 91st Street.)
5. Water plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (If required.) (May need fire hydrant, subject to approval of Water and Sewer and Fire Department.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat. (If required.)

8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by City of Tulsa. (Fee-in-lieu can be paid.)
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering) if required.
10. Limits of Access or (LNA) as applicable, shall be approved by the Department of Public Works (Traffic).
11. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
12. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations)
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On MOTION of NEELY, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to APPROVE the Preliminary Plat of Walgreen I as recommended by Staff.

\* \* \* \* \*

**WAIVER REQUEST; Section 213:**

BOA-16245 (Unplatted) (1694) (PD-17) (CD-6)  
 2325 S. 129th East Avenue (RS-2)

**Staff Recommendation**

This is a request to waive plat on a small tract approved by the Board of Adjustment for church use. Right-of-way on 129th E. Avenue is already dedicated by separate instrument. It appears that a sewer main extension will be required to serve the church. The requested plat waiver would be subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works (Stormwater) through the permit process. (On-site detention and watershed development permit is required. PFPI may be required.)
2. Sanitary sewer main extension or other provisions subject to approval of DPW (Water & Sewer) in the permit process.
3. Access control agreement if required by DPW (Traffic).
4. Utility extensions and/or easement required on north or south side for utilities services.

The applicant was represented by Leonard Hendrickson at the TAC meeting.

On MOTION of DIXON, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the waiver of plat on BOA-16245, subject to conditions outlined by Staff and TAC.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On MOTION of BUERGE, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to **APPROVE** the Waiver of BOA-16245 as recommended by Staff.

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BOA-16248 (Unplatted) (793) (PD-4) (CD-4)  
 1244 S. Utica Avenue (RM-2)

**Staff Recommendation**

This is a request to waive plat on an unplatted tract at the northwest corner of Utica and 13th Street. The property contains an existing church which is remodeling its building. The Board of Adjustment application was required because only a portion of the tract had Board approval, that being the parking lot in the rear. (That Board action was prior to platting requirements for churches.) A plot plan has been provided showing the buildings and parking.

The site appears to meet all conditions for a waiver except the width of the right-of-way on S. Utica. It has been platted adjacent to this tract and others along Utica with 30' of right-of-way from centerline. Utica requires 50' from center in accordance with the Street Plan. Very little right-of-way has been acquired for the full 100' width of Utica through many plat waivers between 11th and 21st Streets. Since the church sits back 91' from centerline, some additional right-of-way may be agreeable with the

church. However, any right-of-way dedication resulting in less than 50' from centerline will require waiver of the Subdivision Regulations requiring conformance with the Street Plan.

The following shall apply:

1. Right-of-way dedication on Utica required per Street Plan.
2. Access control agreement if required by DPW (Traffic).
3. Grading and/or drainage plan approval of DPW (Stormwater) through the permit process if any grading is proposed.
4. Provide utility easement along north side of property if needed to cover existing facilities.

The applicant was represented by Brad Gaskinn and others at the TAC meeting.

In discussion, TAC is not recommending waiver of the Street Plan requirements. However, should the church provide additional right-of-way to total 40' from centerline, that would be consistent with what was provided across the street when the PUD for the medical buildings was processed.

On MOTION of DIXON, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of waiver of plat on BOA 16248 subject to the conditions outlined by Staff and TAC and noting that any waiver of the Subdivision Regulations requiring conformance with the Street Plan is not a part of this recommendation

Mr. Wilmoth advised that the applicant is providing an additional 10' of right-of-way and Staff could recommend approval of the waiver of the Street Plan with this requirement.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On MOTION of BUERGE, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to **APPROVE** the Waiver Request for BOA-16248 and waiving the subdivision regulations requiring conformance with the Street Plan per Staff recommendation.

\* \* \* \* \*

BOA-16243 (REGENCY PARK WEST) (2593) (PD-18) (CD-5)  
Se/c E. 50th Street & South 87th East Avenue (RS-3)

Staff Recommendation

This is a request to waive plat on lots 15-18, Block 1 of the above captioned subdivision. Church use has been approved by the Board of Adjustment (1/12/93) for these lots which abut the existing church to the south. Since the Board imposed the development controls on the lots, and they are already platted as part of a subdivision, nothing would be gained by a replat. It is recommended that the plat requirement be waived, noting the existing plat meets the conditions of Section 213.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to APPROVE the Waiver Request for BOA-16243 as recommended by Staff.

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BOA-16237 (ABILENE PLACE) (3003) (PD-2) (CD-3)  
1339 East Virgin Street (RS-3)

Staff Recommendation

This is a request to waive plat on Lots 3 & 4, Block 2 of the above captioned subdivision. Church use has been approved by the Board of Adjustment (1/12/93) as requested by the applicant. Since the Board of Adjustment imposed the development controls on the lots, and they are already platted as part of a subdivision, nothing would be gained by a replat. It is recommended that the plat requirement be waived, noting the existing plat meets the conditions of Section 213.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of BUERGE, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to APPROVE BOA-16237 Waiver Request.

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WAIVER REQUEST AND APPROVAL OF AMENDED RESTRICTIVE COVENANTS,  
SECTION 1107E

Sheridan Square (PUD-166-E)(2383)(PD-18)(CD-8) (RM-1, RS-3)  
Northeast corner of East 93rd Street & South Sheridan Road

Staff Recommendation

This is a request to waive plat on a portion of Lot 2, Block 1, of the above captioned subdivision. It also includes a request to approve the amended Restrictions and/or covenants which are due to an amendment to the PUD. The amendment to the PUD was approved 12/16/92 to permit a garden center. Site plan/landscape plan was approved 1/13/93. Previous actions included an access change approved by TMAPC on 8/20/86 and a lot split, as well as approval of a day care center. The plat requirement was waived on those applications. Since this is already platted and the required changes in the restrictions will be filed by separate instrument, it is recommended that the request be **APPROVED**, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works through the permit process.
2. Approval of the Amended Restrictions as to format by the City Legal Department.
3. Not a condition for approval, but applicant is advised to use caution in construction of the driveway since Continental Pipeline Co. has a 30' easement at approximately the same location as the driveway. Assurance should be made by applicant to protect any existing pipeline and/or facility within the easement and to assure that the driveway is within the 40' access opening as approved by TMAPC on 8/20/86.

Mr. Wilmoth advised that the applicant was in agreement with Staff recommendation.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to recommend **APPROVAL** of Waiver Request and **APPROVAL** of Amended Restrictive Covenants for Sheridan Square, subject to approval by the Legal Department, as recommended by Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17651	SW Bell	(2293)	(PD-6)(CD-7)	3920 S. Sheridan Rd.	CH
L-17650	Cooper	(1992)	(PD23)(County)	7200 Block W. 35th St.	AG
L-17653	Craft	(3093)	(PD-6)(CD-9)	4401 S. Oak Rd.	RS-1
L-17654	Sand Springs Home	(492)	(PD-10)(CD-1)		
	3419 Charles Page Blvd.				IM

Staff Recommendation

Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements.

TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to RATIFY the above-listed lot splits having received prior approval.

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CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.:	Z-6387	Present Zoning:	OL
Applicant:	James M. Zyskowski	Proposed Zoning:	CS
Location:	Southwest corner of 31st St. & S. 126th E. Ave.		
Date of Hearing:	January 19, 1993		

Mr. Stump informed the Planning Commission that he has been advised the applicant is interested in a PUD, and is in the process of renegotiating his option. Mr. Stump advised that Staff recommends CONTINUANCE to February 24, 1993.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Neely, Wilson "aye"; no "nays"; no "abstentions"; Dick, Parmele "absent") to CONTINUE Z-6387 to February 24, 1993.

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**ZONING PUBLIC HEARING:**

Chairman Doherty announced this public hearing is to consider amendments to the City of Tulsa Zoning Code relating to the definition and regulation of Family Day Care Homes. He acknowledged receipt of letters regarding this item.

**Staff Comments**

Mr. Stump reviewed current code provisions and reported that the State of Oklahoma has since increased the number of children allowed to be cared for in a family day care home to seven rather than five. He advised that the State is primarily concerned with adequate care of children in day care, whereas zoning is primarily concerned with the compatibility of a family day care home and the surrounding homes in the neighborhood. Mr. Stump advised that Staff perceives the simplest solution, if the Planning Commission feels it would still be assured of compatibility, is to change the definition allowing seven children to be cared for. Mr. Stump then read the following alternatives:

Alternative #1 suggests limiting the number of children to be cared for to five (5) and requiring Board of Adjustment approval by Minor Special Exception, requiring notice be sent to only abutting property owners, with a timeframe of approximately three (3) weeks, should that number be exceeded. Costs would be established by the City Council and Board of Adjustment.

Alternative #2 suggests increasing the maximum number of children which may be cared for from five (5) to seven (7) and to change the definition.

**ALTERNATIVE #1**

**SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**

**A. Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district. In addition, the following uses set forth in Table 2, are permitted as accessory uses.

**Table 2  
Accessory Uses Permitted in Residential Districts**

Uses	Districts
1. Accessory Commercial	RM-3
2. Home Occupations	
As permitted by Section 402.B.6.a	All R Districts
As permitted by Section 402.B.6.b and 404.B	All R Districts*
3. Sleeping Rooms	All R Districts* **
4. Shelters	All R Districts
5. Signs:	All R Districts
Bulletin Board	
Identification Sign	
Real Estate	
Construction Sign	
6. Swimming Pool	All R Districts
7. Management Office and Private Recreation, Laundry, Storage Facilities	RM-0, RM-1, RM-2 and RM-3, and RMH
8. Family Day Care Home***	All R Districts
9. Parking/Storage of Recreational Vehicles	All R Districts
10. Antennas	All R Districts

\*By Special Exception requiring Board of Adjustment approval.

\*\*By Special Exception requiring Board of Adjustment approval if the number of persons exceeds the number permitted as a family as elsewhere defined.

\*\*\*By Minor Special Exception requiring Board of Adjustment approval if the number of children cared for exceeds the number permitted as a Family Day Care Home as elsewhere defined.

**ALTERNATIVE #2**

**SECTION 1800 Definitions**

**Family Day Care Home:** A dwelling used to house and provide supervision and care for ~~five~~ **seven** children, said total to include those preschool children under five years of age who reside in the residence.

Mr. Stump answered questions from the Planning Commissioners over the types of information needed for consideration by for the Board of Adjustment and interim parking during drop off and pick up times at family day care homes.

Interested Parties

Liz Reece	4715 S. 68th East Ave.
Director, Child Care Resource Center	
Regina Denbow	4019 E. 36th St. 74135
Tulsa Tech./Family to Family	
Peggy Bowery	5779 E. 27th St. 74114
Family Child Care Provider	
Quinton Geans-Young	1307 W. Hot Springs St. Broken Arrow, 74011
President, Tulsa County Family Child Care Association	

Listed below are the general concerns and areas addressed by the interested parties providing input at this public hearing.

Family Day Care provides accessible, affordable, available, and quality child care.

Allowing seven children to be cared for allows the care-giver to earn a worthy wage, which will reduce turnover in the industry.

Statistics were cited regarding the number of children requiring child care, including school children requiring part-time or summertime care.

Availability does not meet the demand.

Family day care is favored because it is less institutionalized.

It was noted that the State has child-to-care-giver ratio requirements that must be maintained according to the ages of children in care. For example, a provider who wishes to care for seven infants would have to hire an assistant care-giver to come into the home.

Childcare providers have voiced support of the seven-to-one ratio.

One individual cited the standards licensed care givers must meet, i.e. training, and on-site monitoring by the State. She asked the Planning Commission to consider the effect of any exceptions required by the City that would be costly and difficult to enforce.

One individual declared that some members of the industry have met with representatives of neighborhood associations in an attempt to address concerns.

It was reported the daycare center ratios for infants is one-to-four; up to ages six and older the ratio is one-to-twenty. Home care givers are requesting a ratio of one-to-seven.

Regarding concerns that daycare homes may depreciate property values, it was declared that most providers are concerned about the image they portray. These providers realize how important the image they portray is, and are concerned that their homes will continue to be homes for their families and be an upkeep part of the neighborhood.

It was declared there are no significant traffic problems resulting from parents dropping off their children.

Parents are seeking a clean and safe environment and the care-givers' homes must be welcoming and attractive to them.

Care-givers' homes become the contact for latch key children, drop off for deliveries, and the only neighborhood watch during the day, since many property owners are away at work.

**Jeannie McDaniel**  
**Mayor's Staff**

**200 Civic Center**

Ms. McDaniel reported meeting with providers of the childcare industry, neighborhood association leaders and Rich Briere January 14, to discuss this issue for an exchange of information to educate both sides of this issue. Ms. McDaniel advised that, at that meeting, it was explained that there probably would not be a recommendation made by Staff. Ms. McDaniel had informed interested parties that it would not be necessary for them to attend because the Planning Commission would only be hearing comments. She asked the Planning Commission to carefully consider this subject.

Chairman Doherty advised that comments heard are a good cross-section of the problem, and the Planning Commission is well aware of the problem. He noted the numbers of interested parties present would not influence deliberation.

Ms. McDaniel advised that area residents voiced concern over recourse if one of the day-care homes should become a problem to the neighborhood. She noted that annual inspections and unannounced visits, licensing, checking on spacing, cleanliness, safety hazards, etc., are done. Ms. McDaniel advised that all concerned do not wish these businesses to go underground. They do wish to have them all licensed, permitted and under good regulations to provide safe and healthy child-care facilities in coexistence with neighborhoods.

**Glenda Cooper**  
**Department of Human Services**

**3614 S. 119 E. Ave.**

Ms. Cooper answered questions from the Planning Commission over the requirements of a family day-care center regarding the ratios permitted, area required, secure area outside, parking requirements, number of unannounced visits, etc. Ms. Cooper declared no nuisance complaints from residents regarding traffic have been received by her office. Ms. Cooper advised most complaints received are over unlicensed facilities.

Review Session

There was discussion among the Planning Commissioners over when a family day-care home becomes a business and no longer an accessory use to a residence. It was the consensus of the Planning Commission that when an employee comes to the home, the facility does take on a business appearance. Discussion centered around the effect of increasing to seven the number of children who could be cared for. Mr. Buerge and Mr. Neely expressed concern over the traffic generated by parents dropping off children. Mr. Neely pointed out there are probably other home occupations that generate more traffic, i.e. piano instruction. He declared that this situation should not be viewed any differently from any other home occupations.

Mr. Stump advised that there are conditions imposed on a family day care home which include obtaining a zoning clearance permit, and prohibiting employing anyone who is not a member of the family and resides in the home, and there is a spacing requirement that requires these homes to be 300' apart if they are on the same street.

It was the consensus of the Planning Commission that, since they relied on State regulations earlier to establish a limit of five, that now gives credence to increasing that limit to seven. No arguments were heard claiming this increase would jeopardize neighborhoods.

Mr. Carnes questioned why there were no protestants today.

Chairman Doherty reported having had telephone conversations with individuals opposing the increase, mostly due to having day-care facilities which are very disruptive in their neighborhoods. After discussing the legalized side of the industry, perspectives have been altered. Chairman Doherty advised hesitating to base anything in the zoning code on a State licensing requirement and of mixing social concerns with pure zoning decisions.

TMAPC Action; 9 members present:

On MOTION of NEELEY, the TMAPC voted 7-1-1 (Ballard, Broussard, Doherty, Horner, Midget, Neely, Wilson "aye"; Buerge "nay"; Carnes "abstaining"; Dick, Parmele "absent") to recommend AMENDING the City of Tulsa Zoning Code relating to the definition of Family Day Care Home as follows:

**Family Day Care Home:** A dwelling used to house and provide supervision and care for five seven children, said total to include those preschool children under five years of age who reside in the residence.

\* \* \* \* \*

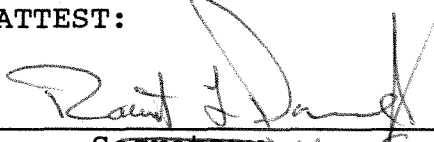
PUD 244 (Southmark (PD-18) (CD-7)  
Southwest corner of 51st Street S. & Yale Avenue

Chairman Doherty announced this item has been stricken from the agenda.

There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved: 2/3/93

  
Chairman

ATTEST:  
  
Secretary *Vice-Chair*