

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1919  
Wednesday, March 10, 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	Buerge	Gardner	Linker, Legal
Broussard	Carnes	Hester	Counsel
Secretary		Stump	
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee, in at 1:33			
Neely			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, March 9, 1993 at 11:36 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 February 24, 1993, Meeting No. 1917:

On MOTION of PARMELE, the TMAPC voted 6-0-2 (Broussard, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; Ballard, Neely "abstaining"; Buerge, Carnes, Midget "absent") to APPROVE the minutes of the meeting of February 24, 1993 Meeting No. 1917.

**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 DICK, the TMAPC voted 9-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to APPROVE the report of Receipts and Deposit for the month ended February 28, 1993.

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Chairman's Report:

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee recommends that approximately \$2,000 be allocated for the TMAPC 40-year anniversary reception to be held on May 14, 4:30 - 6:30 p.m., at the Downtown Doubletree Hotel. Ms. Wilson estimated that 100 to 150 are expected to attend.

Chairman Doherty noted that two Planning Commissioners have agreed to forego their trip to the American Planning Conference, to be held in Chicago, to offset this cost.

TMAPC Action; 9 members present:

On MOTION of WILSON, the TMAPC voted 9-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to APPROVE allocating \$2,000 from the travel and training account to pay for the TMAPC 40-year anniversary reception.

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Ms. Wilson announced that included in next week's agenda packets will be a tentative guest list for the TMAPC reception. She asked that each Planning Commissioner carefully review that list for additions and for providing missing addresses. Ms. Wilson noted that Wednesday, March 17 will be the cut-off date for making such additions to the mailing list.

Director's Report:

Mr. Gardner announced the items which will be on the City Council Agenda Thursday, March 11.

ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: Z-6396 Present Zoning: OM & CS  
Applicant: Troy Gudgel Proposed Zoning: RS-3  
Location: West side of Memorial Drive at 27th Street South  
Date of Hearing: March 10, 1993

Chairman Doherty announced receipt of a timely request for continuance of this item to March 24, 1993. Chairman Doherty reported that the applicant has not finalized agreement with adjacent homeowners, and therefore, is requesting postponement of the hearing.

Interested Parties

Richard Polishuk

3309 E. 66th St. 74136

Mr. Polishuk voiced support of RS-3 zoning for this property.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to CONTINUE Z-6396 to March 24, 1993.

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ZONING PUBLIC HEARING

Application No.: Z-6397 Present Zoning: RS-3 & CH  
Applicant: John W. Moody Proposed Zoning: CH & RS-3  
Location: Southwest corner of 7th Street and I-244  
Date of Hearing: March 10, 1993  
Presentation to TMAPC: John Moody

NORTHERN TRACT

Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Residential -- Historic Neighborhood.

According to the Zoning Matrix the requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 1.4 acres in size and is located south of 7th Street South at the Burlington Northern Railroad right-of-way. It is nonwooded, gently sloping, contains railroad lines, and is zoned CH.

**Surrounding Area Analysis:** The tract is abutted on the north by railroad tracks and single-family dwellings zoned RM-2; on the east by I-244 zoned RS-3; on the south by railroad tracks and zoned RS-3; and on the west by an industrial building zoned CH and then single-family dwellings zoned RM-2.

**Zoning and BOA Historical Summary:** NONE

**Conclusion:** RS-3 zoning on this portion of the Burlington-Northern's tracks would be compatible with the Comprehensive Plan.

Therefore, Staff recommends APPROVAL of the northern tract of Z-6397 for RS-3 zoning.

and

### SOUTHERN TRACT

#### Relationship to the Comprehensive Plan:

The District 10 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use -- Development Sensitive.

According to the Zoning Matrix the requested CH District is **not** in accordance with the Plan Map.

#### Staff Recommendation:

**Site Analysis:** The subject tract is approximately 0.9 acre in size and is located southeast of the intersection of Olympia Avenue and 11th Street South. It is nonwooded, steeply sloping, contains railroad lines, an outdoor advertising sign, and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by railroad lines and single-family dwellings zoned RM-2; on the east by I-244 zoned RS-3; on the south by railroad lines and the Arkansas River zoned RS-3 and AG and on the west by railroad lines zoned RS-3 and then single-family dwellings zoned RM-2.

**Zoning and BOA Historical Summary:** The Board of Adjustment approved a use variance to allow an outdoor advertising sign on the tract in 1985. The sign is still on the site.

**Conclusion:** The residences to the northwest face the existing outdoor advertising sign. Staff feels its present location is not appropriate for this reason. Staff can not support the rezoning of this tract to CH because it is not compatible with the existing development nor the Comprehensive Plan.

Therefore, Staff recommends DENIAL of the southern tract of Z-6397 for CH zoning.

#### Staff Comments

Mr. Gardner pointed out that Staff has suggested downzoning the area in the northern tract from CH, where the existing sign is located. Mr. Moody has agreed to this. He stated that there is no sign in the presently-zoned CH area; it is located in the RM-2 area to the south and will have to be removed or relocated unless there is a zoning change.

#### Applicant's Comments

John Moody, attorney for the applicant, gave a history of the property. He noted that when the signs were acquired it was learned that the signs were not properly zoned, although permits had been issued. Mr. Moody presented a copy of an aerial photo. He gave a background of Board of Adjustment approval which allowed

the sign to be used at its present location. He noted that in the ensuing eight years there have been no problems with the sign. Mr. Moody related that when the State discovered that this sign was permitted by a use variance, the State insisted that it be zoned properly or that it must be removed, due to the Federal Outdoor Advertising Control Act.

Mr. Moody indicated that the location of the existing sign is 350' from the nearest single-family residence. He noted that the residences face away from the sign. If the sign were to be relocated where it would comply with the spacing requirements of the Zoning Code, it would be 300' from the nearest residence. Mr. Moody declared that the new sign location would be visible from more backyards of residences in the area than from its present location.

Mr. Moody revealed that the property owner has granted permission to downzone the CH zoning on 7th, Street and at the suggestion of Staff, to trade off zoning where the existing sign is located. Mr. Moody noted that the sign does not conform and the location of the CH does not conform to the Comprehensive Plan, but he believes this is an instance where nothing is actually being added that does not already exist in the area. He noted that this CH-zoned area is accessible by a road along the railroad right-of-way which is under the control of the railroad. Mr. Moody advised that this property is the only property zoned RS-3 in the area. He noted that the homes are zoned RM-2. He added that across the expressway to the southeast is a CH-zoned piece of property. Mr. Moody advised that, even though this may not be strictly in conformity with the Comprehensive Plan, based upon the physical facts and the zoning as it actually exists in the area, this application is worthy of approval. He noted that if the CH is left where it is, the property the railroad owns could be used by a user because it would have direct access to E. 7th Street, and Mr. Moody does not believe a CH use should be permitted on 7th Street.

#### Interested Parties

**Larry D. McCool**

**5824 E. 50th St. 74135**

Mr. McCool, architect, reported that he has worked with Paula Hubbard, Public Works, on many items and believes that he understands the spirit and intention of the Zoning Code. His home abuts the CH-zoned property, and he feels the view of the downtown area offers a valuable asset to property values of all the homes which abut the subject tract. Mr. McCool believes the existing location of the sign is much more desirable at its present location than if it were to be moved north. He expressed support of RS-3 rezoning of the CH property.

#### TMAPC Comments

Chairman Doherty commented that he believes this is an excellent compromise. He noted that the Planning Commission has always been very hesitant to expand CH zoning. Chairman Doherty declared that this removes an offending CH portion, allows the continued use of the sign and believes everyone is well-served by it. He advised

that an amendment to the Comprehensive Plan will ultimately be in order.

Mr. Parmele noted that it appears a separate zoning category may be needed for outdoor advertising.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to recommend **APPROVAL** of RS-3 zoning for the northern tract and recommend **DENIAL** of CH zoning and **APPROVAL** of CS for the southern tract of Z-6397.

**LEGAL DESCRIPTION**

**Southern Tract** - A tract of land that is part of the NW/4 of Section 11, T-19-N, R-12-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the NE corner of said NW/4; thence S 89°04'10" W along the Northerly line of said NW/4 for 28.89' to a point on the Easterly right-of-way line of the Burlington Northern Railroad right-of-way; thence S 26°27'58" W along said Easterly right-of-way line for 831.79' to the Point of Beginning of said tract of land; thence continuing S 26°27'58" W along said right-of-way line for 368.00' to a point on the U.S. Government Meander Line; thence N 53°10'42" W along said Meander Line and a Westerly extension thereof for 101.66' to a point on the centerline of said railroad right-of-way; thence N 63°32'02" W for 100.00' to a point on the Westerly right-of-way line of the Burlington Northern Railroad right-of-way; thence N 26°27'58" E along said Westerly right-of-way for 349.73'; thence S 63°32'02" E for 200.00' to the Point of Beginning of said tract of land.

**and**

**Northern Tract** - A tract of land that is part of the NW/4 of Section 11, T-19-N, R-12-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the Northeast corner of said NW/4; thence S 89°04'10" W along the Northerly line of said NW/4 for 109.56' to a point on the Westerly right-of-way line of U.S. Highway 75; thence S 26°27'58" W along said Westerly right-of-way line for 495.55'; thence S 23°26'12" W along said westerly right-of-way line for 190.27'; thence S 26°27'58" W along said Westerly right-of-way line for 109.57'; thence N 00°55'50" W for 302.65' to a point on the Westerly right-of-way line of the Burlington Northern Railroad right-of-way; thence N 26°27'58" E along said Westerly railroad right-of-way line for 459.43' to a point on the Northerly line of said NW/4; thence N 89°04'10" E along said Northerly line for 145.59' to the Point of Beginning of said tract of land.

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ZONING PUBLIC HEARING

Application No.: Z-6398 Present Zoning: AG  
Applicant: John W. Moody Proposed Zoning: IL  
Location: Southwest side of the intersection of I-244 and the  
Arkansas River  
Date of Hearing: March 10, 1993  
Presentation to TMAPC: John W. Moody

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 and Development Sensitive.

According to the Zoning Matrix, the requested IL 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 1 acre in size and is located on the west bank of the Arkansas River adjacent to the north side of I-244/U.S.75. It is nonwooded, flat, contains an outdoor advertising sign and railroad tracks, and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by the Arkansas River zoned AG; on the east by I-244/U.S. 75 zoned RS-3; on the south by railroad tracks zoned IL; and on the west by vacant land zoned AG.

**Zoning and BOA Historical Summary:** NONE

**Conclusion:** This area was once in the Arkansas River flood plain. Current maps do not show it as being in the regulatory flood plain; therefore, industrial zoning appears appropriate for the tract.

Therefore, Staff recommends **APPROVAL** of Z-6398 for IL zoning.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to recommend **APPROVAL** of Z-6398 for IL zoning.

**LEGAL DESCRIPTION**

A tract of land that is part of the W/2 of Section 11, T-19-N, R-12-E, in the City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point on the Government Meander Line and the Westerly line of the Burlington Northern Railroad right-of-way, said point being 3048.21' North and 1236.03' East of the Southwest corner of said Section 11; thence S 57°44'19" E along said Government Meander line for 180.99' to a point on the Westerly right-of-way line of U. S. Highway 75; thence S 26°18'08" W along said Westerly right-of-way line for 145.00' to a point of curve; thence continuing along said right-of-way line and along a curve to the left with a central angle of 05°31'09" and a radius of 1097.24' for 105.69' more or less to a point on the Northerly line of the existing Industrial Light zoning; thence N 57°44'19" W along said Northerly line for 186.10' to a point on the Westerly right-of-way line of said Burlington Northern Railroad; thence N 26°18'08" E along said Westerly line for 250.00' more or less to the Point of Beginning of said tract of land.

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**OTHER BUSINESS:**

**PUD 446-1**            Minor Amendment for temporary use.  
                          7370 E. 71st Street

~~Chairman Doherty announced that this item has been stricken from the agenda, since the applicant withdrew his application.~~

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**PUD 179-0**            9006 E. 71st Street  
Chairman Doherty announced that the applicant is requesting to occupy the restaurant prior to installation of landscaping. He noted that construction is currently in process and the City is holding the Certificate of Occupancy until action is taken.

**Applicant's Comments**

Roy Johnsen, attorney representing the applicant, advised that the request to occupy the restaurant prior to installation of landscaping is a procedure that has been followed in past instances where the Occupancy Permit is issued, but is conditional upon landscaping being installed within a specific period of time. Mr. Johnsen noted that, if landscaping is not installed, the Certificate of Occupancy can be revoked.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to **APPROVE** allowing occupancy conditioned upon installation of landscaping within thirty (30) days for PUD 179-0.

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**PUD 179-0**            Detail Sign Plan - Development Area "C" Outback Restaurant - south side of Memorial Drive, west of 92nd East Avenue

Staff Comments

The applicant is requesting Detail Sign Plan Approval for wall signs and a ground sign for the Outback Restaurant in Development Area "C". The ground sign is larger than permitted in the PUD and, therefore, can not be approved. The wall signs do meet the requirements of the PUD and, therefore, Staff recommends **APPROVAL** of only the wall signs.

Mr. Stump noted that the ground sign is 125 SF, but only 112 SF is permitted in the PUD for this tract, as per the last minor amendment. Staff recommends that the applicant follow the usual minor amendment process for approval of increased signage.

Applicant's Comments

Roy Johnsen, attorney for the applicant, explained the confusion over signage requirements. He noted the restaurant has an opening scheduled for this weekend and has already advertised for the opening. The Outback Restaurant, the user in question on this tract, was at one time considering two sites: this site and another PUD, one-quarter of a mile east of this site. In this second site the signage was more liberal. The applicant thought the second tract would be purchased and designed the sign thinking 125 SF was permitted. In the meantime, the applicant changed sites, returning to the first site, erroneously believing the 125 SF sign would be permitted in this PUD also. Mr. Johnsen declared that, should the Planning Commission approve the sign being outlined, the applicant will immediately file a minor amendment because more than one sign will be required.

Mr. Stump noted that there is a specific condition for this parcel of only 112 SF, which is a PUD requirement.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to APPROVE PUD 179-0 as a minor amendment to increase the amount of signage to 126 SF, waiving TMAPC notice policy, and APPROVE the Detail Sign Plan for both the ground and wall signs.

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**Z-5773-SP-1-b** Minor amendment to a Corridor Site Plan - north of the northeast corner of 63rd Street South and Mingo Road.

The applicant is requesting approval of a 24' high ground sign containing 80 SF of display surface area for the Tulsa Sportscenter. Staff finds the request to be in keeping with surrounding development and, therefore, recommends APPROVAL, subject to all other ground signs on the tract being removed.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Carnes "absent") to APPROVE Z-5773-SP-1-b Minor Amendment to a Corridor Site Plan.

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There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

Date Approved: 3/24/93  
  
Chairman

ATTEST:  
  
Secretary