

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1939  
Wednesday, August 11, 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	Broussard	Gardner	Linker, Legal
Carnes, 2nd Vice Chairman	Wilson	Hester	Counsel
Dick		Stump	
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Secretary			
Pace			
Parmeale, 1st Vice Chairman			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 10, 1993 at 10:16 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 1:33 p.m.

**Minutes:**

Approval of the minutes of July 28, 1993, Meeting No. 1937:

On **MOTION** of **PARMELE** TMAPC voted **6-0-2** (Ballard, Carnes, Dick, Doherty, Horner, Parmele "aye"; no "nays"; Neely, Pace "abstaining"; Broussard, Midget, Wilson "absent") to **APPROVE** the minutes of the meeting of July 28, 1993 Meeting No. 1937.

**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; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Broussard, Midget, Wilson "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended July 31, 1993.

\* \* \* \* \*

**REPORTS:**

Chairman's Report

Chairman Doherty updated the Planning Commission on response from the City Council regarding the letter the Planning Commission transmitted concerning tabling of the landscaping ordinance. He advised that the Planning Commission received an apology at the City Council meeting.

Committee Reports

Comprehensive Plan Committee

Mr. Neely reported on the Comprehensive Plan Committee held today and advised that it is the recommendation of the Committee to hold the Riverside Parkway Plan public hearing on August 25, establish Planning District area meetings for Districts 6, 7, 18 and 26 after August 25 and before the middle of September, and reconvene the August 25 public hearing on a date in September, at which time the Comprehensive Plan Committee will make a recommendation on the Riverside Parkway Plan. He announced that each TMAPC liaison would be responsible for chairing the Planning District meetings or enlisting a substitute. Mr. Neely advised that the date for reconvening the public hearing will be set after Staff polls the Planning Commissioners to ensure maximum attendance of Planning Commissioners. Mr. Neely asked that Chairman Doherty request a letter be transmitted to River Parks Authority asking for their recommendation on the Riverside Parkway Plan. Chairman Doherty agreed to do so. It was the consensus of the Planning Commission to agree with the Comprehensive Plan Committee recommendation.

Mr. Neely reported that notices have been mailed to Barton, Wells and Hillcrest neighborhoods regarding rezoning of blanket-zoned areas, and the public hearing is scheduled for September 1, 1993.

Lastly, Mr. Neely announced that the Comprehensive Plan Committee received a briefing regarding tax increment financing.

**FINAL APPROVAL AND RELEASE:**

The Woodlands (1283) (PD-18) (CD-8)  
S. of SW/c of 71st St. & Mingo Rd.

Mr. Stump advised that all release letters have been received and Staff recommends approval.

Mr. Neely asked if South 95th East Avenue is a legal cul-de-sac.

Mr. Gardner advised that, on preliminary plat approval, the Planning Commission waived subdivision regulations for that cul-de-sac.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele aye"; no "nays"; no "abstentions"; Broussard, Wilson "absent") to APPROVE the Final Plat of The Woodlands and RELEASE same as having met all conditions of approval as recommended by Staff.

\* \* \* \* \*

**ZONING PUBLIC HEARING:**

ZONING PUBLIC HEARING

Application No.: Z-6410 Present Zoning: OL  
Applicant: Roy Ferguson Proposed Zoning: CS or IL  
Location: Northeast corner of South Mingo Road and 99th East Avenue.  
Date of Hearing: August 11, 1993  
Presentation to TMAPC: Roy Ferguson

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the area as Special District 1 - Industrial Area. Future industrial development within District 18 is encouraged within this specific area; however, the Comprehensive Plan indicates that commercial uses are not appropriate.

**Staff Comments:**

**Site Analysis:** The subject lot is approximately 90' x 168 in size and is located in the northeast corner of 61st Street South and S. Mingo Road. The property is non-wooded, flat, and has a vacant single-family home on it.

**Surrounding Area Analysis:** The tract is abutted on the north by single-family homes zoned RS-3; on the east by a vacant automotive shop that is zoned IL; to the south is a church and vacant lot, zoned RS-3; and to the west is vacant property that is zoned PUD-368, OL and IL.

**Zoning and BOA Historical Summary:** The area is in transition to industrial uses.

**Conclusion:** The proposed CS zoning would minimize the impact of industrial activity on the existing residential neighborhoods, but based on the Comprehensive Plan, is not appropriate. Industrial development has been designated by the Comprehensive Plan for this area.

Therefore, Staff recommends **DENIAL** of the CS zoning and **APPROVAL** of the IL zoning which would require the applicant to seek a special exception by the Board to allow the proposed music store.

Applicant's Comments

**Roy Ferguson**

Mr. Ferguson distributed a photograph of the existing structure at the subject location. He proposes to place a music store at this location. Mr. Ferguson, owner of Roy and Candy's Music, advised that he has operated this business for many years and has always maintained his business in an acceptable fashion. He perceives that his business will improve the area, and explained that the building will face 61st Street South to keep traffic off 99th East Avenue,, which accesses the residential area. Mr. Ferguson explained that the building will be renovated and a privacy fence will be installed.

Interested Parties

**Karen Hicks**

**5945 South 99th East Avenue 74146**

Ms. Hicks presented a petition to the Planning Commission from area residents requesting the zoning on the subject property not be changed and remain OL.

Ms. Hicks, representing area residents, expressed concern over increased traffic the proposed store will create, posing a safety problem to school children. The Union 6th and 7th grade center, across the street from the subject property, and area residents. She also explained concerns over proper drainage. Ms. Hicks distributed a map indicating zoning of the area surrounding the subject tract and gave a detailed description of each property. She advised that 99th East Avenue has no curbs and will not accommodate parking on the 18' wide street. Ms. Hicks distributed a map indicating topography of the area. She pointed out that any change in the contour of the land will promote flooding on the area residences. Ms. Hicks declared that a parking lot or retention wall will intensify water flow. She declared that presently residents experience excessive water run-off after rains. Ms. Hicks expressed concern that if the subject property is rezoned the business could remain open 24-hours which would not be conducive to a residential neighborhood's atmosphere. Concern was also expressed over the noise which would be created by a music store. Ms. Hicks stressed the importance of retaining the neighborhood as a residential area and not be imposed on with a more intense zoning. Ms. Hicks presented photographs of area residences depicting well-maintained homes.

Ms. Hicks answered questions from the Planning Commission regarding the type of development she would like to see in the area.

Chairman Doherty explained that the Board of Adjustment can accommodate most of the concerns expressed.

Applicant's Rebuttal

Mr. Ferguson assured area residents that he intends to be a good neighbor. He noted that at his present location a residential neighborhood also abuts his store and he has never received a noise complaint. Mr. Ferguson disclosed that his store hours are from 9:00 a.m. to 6:00 p.m., and assured area residents that loud music will not be played. He disclosed that he plans to install a screening fence.

TMAPC Action; 9 members present:

On MOTION of NEELY, the TMAPC voted 8-0-1 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace aye"; no "nays"; Parmele "abstaining"; Broussard, Wilson "absent") to recommend APPROVAL of Z-6410 for IL zoning as recommended by Staff.

LEGAL DESCRIPTION

Lot 7, Block 2, Guy Cook Subdivision, Tulsa County, Oklahoma.

\* \* \* \* \*

**PUD-298-9:** Minor amendment for Lot 5, Block 1 of Shadow Ridge Park Third - 9102 East 90th Street.

The applicant is requesting a reduction in the required rear yard from 20' to 15' for construction of a single-family dwelling. Staff can support the request primarily because the area to the rear of this lot is a drainage area which will not be developed; therefore, there is no need for a 20' rear yard. Staff, therefore, recommends APPROVAL of PUD-298-9 as requested.

TMAPC Comments

Mr. Neely questioned whether it is anticipated that other applications may be filed for the same type of request.

Mr. Stump advised that most of the lots in this particular subdivision have already been developed; however, in other subdivisions there are similar requests currently being processed.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays" no "abstentions"; Broussard, Wilson "absent") to APPROVE PUD-298-9 Minor Amendment.

\* \* \* \* \*

**PUD-320-A-4:** Minor Amendment to Lot 38, Block 1, Litchfield - southeast corner of Delaware Place and 83rd Street South.

The applicant is requesting a reduction in the required front yard from 20' to 15' to construct a single-family dwelling. Staff cannot support this request because the portion of the dwelling that will be 15' from the roadway easement is the garage. If granted, this would produce a driveway less than 20' long and since the street right-of-way is only 30', there is 10' less distance from the front property line to the curb of the street. Because of this, Staff recommends **DENIAL** of PUD-320-A-4.

TMAPC Discussion

Mr. Parmele asked if other requests for reduction have been permitted in this area.

Mr. Stump advised that a recent application, which the Planning Commission approved last week, regarding relief for the corners of a house had been requested, but none having to do with the driveway.

There was a lengthy discussion regarding the short driveway of the subject property, traffic patterns at this location and the problem of vehicle stacking. It was noted that this is a private street which is being affected. Discussion ensued regarding repositioning the house on the subject lot.

Applicant's Comments

**Gary Keele** **1822 South 1st Street, Broken Arrow**

**Representing Cooper Properties**

Mr. Keele advised that the subject is a 5' X 5' right triangle. He pointed out that this lot has nothing else surrounding it. Mr. Keele advised that many options have been reviewed on how to accommodate this dwelling on the subject lot and no solutions have been discovered, other than the requested relief.

In response to a question from Mr. Horner, Mr. Stump advised that the length of the driveway on the east side is approximately 27' and 17' on the west.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **5-3-1** (Ballard, Dick, Horner, Midget, Parmele aye"; Carnes, Doherty, Neely "nay"; Pace "abstaining"; Broussard, Wilson "absent") to **APPROVE** PUD 320-A-4 Minor Amendment per the site plan submitted.

\* \* \* \* \*

**PUD-496:** Detail Landscape Plan - northwest corner of Pine Street and Sheridan Road.

The applicant's landscape plan for a Walgreen's store generally agrees with the landscaping scheme shown on the concept plan submitted as part of the original PUD in October of 1992. All the trees in the plan are placed on the west and north sides of the development across the street from single-family residential. There are 12 trees proposed, of which 4 are existing trees of 12" caliper or greater. According to the draft landscape ordinance, this development would require 22 trees in the street yards and an additional 4 trees in the parking areas. The plan's existing trees would count double according to the draft ordinance, but that would still mean the plan was 10 trees short of the required 26 trees. Also, most of the parking spaces are not within 50' of a landscaped area containing a tree. Therefore, Staff recommends **DENIAL** of the proposed landscape plan.

Mr. Stump advised that the applicant is revising the Detail Landscape Plan and is requesting a one week continuance.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele aye"; no "nays"; no "abstentions"; Broussard, Wilson "absent") to **CONTINUE** PUD 496 Detail Landscape Plan to August 18, 1993.

\* \* \* \* \*

**PUD-481:** Detail Landscape Plan - Lot 2, Block 1 of Mingo Marketplace.

The applicant's landscape plan complies with the PUD conditions and exceeds all the requirements of the draft landscape ordinance except having a landscaped area containing a tree within 75' of all parking spaces. In Staff opinion, the additional trees provided - 20 more than required - compensate for the distance between landscape areas in the parking lot. Therefore, Staff recommends **APPROVAL** of the Detail Landscape Plan for Lot 2.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele aye"; no "nays"; no "abstentions"; Broussard, Wilson "absent") to **APPROVE** PUD 481 Detail Landscape Plan for Lot 2, Block 1 as recommended by Staff.

\* \* \* \* \*

**PUD-489:** Detail Landscape Plan for Lots 2 and 3, Block 1 of 71 Mingo Center.

Staff has reviewed the proposed landscape plan for Lots 2 and 3 and finds that it complies with the PUD conditions and the draft landscape ordinance. Therefore, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Carnes, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele aye"; no "nays"; no "abstentions"; Broussard, Wilson "absent") to **APPROVE** PUD 489 Detail Landscape Plan for Lots 2 and 3, Block 1 as recommended by Staff.

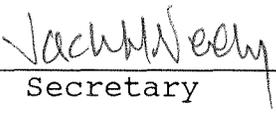
\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date Approved: 8/25/93

  
Chairman

ATTEST:

  
Secretary