

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1948  
Wednesday, October 20, 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
Dick	Carnes	Hester	Counsel
Doherty, Chairman		Jones	
Horner		Stump	
Midget, Mayor's Designee			
Neely Secretary			
Pace			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, October 19, 1993 at 12:54 p.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 1:36 p.m.

**Minutes:**

Approval of the minutes of October 6, 1993, Meeting No. 1946:

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-1** (Dick, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; Doherty "abstaining"; Ballard, Broussard, Carnes, Midget "absent") to **APPROVE** the minutes of the meeting of October 6, 1993 Meeting No. 1946.

**REPORTS:**

Chairman's Report:

Chairman Doherty announced items which will be on the City Council agenda October 21.

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee will meet at the conclusion of today's TMAPC meeting.

Comprehensive Plan Committee

Mr. Neely announced that the Comprehensive Plan Committee will meet October 27 at 11:30 a.m. in the INCOG large conference room.

Rules and Regulations Committee

Mr. Parmele announced that the Rules and Regulations Committee will meet today at the conclusion of the TMAPC meeting. He disclosed a request from the Chairman for the Rules and Regulations Committee to consider returning the election of officers to January. The Rules and Regulations Committee will consider this request at the November 17 work session.

Director's Report:

Mr. Gardner reported that the amendment to the Zoning Code on the adult bookstore definition was given first reading approval by City Council on October 14, 1993.

CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: **Z-6344-SP-4**

Applicant: Michael Thoendel

Location: South of SE/c of 61st Street South & South Mingo Valley Expressway

Date of Hearing: October 20, 1993

Chairman Doherty announced receipt of a request for continuance.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Ballard, Dick, Doherty, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes, Midget "absent") to **CONTINUE** Z-6344-SP-4 to October 27, 1993.

\* \* \* \* \*

**SUBDIVISIONS**

PRELIMINARY PLAT:

**Southern Park Estates (2783) (PD-26) (CD-8) (AG-RS-2)**  
SW/c of 106th St. S. & S. Irvington

Rezoning application Z-6411 requesting RS-2 zoning for the subject site will be considered by the TMAPC on August 25, 1993. The proposed plat is 40 acres in size and the applicant proposes 86 single-family residential lots. The applicant has requested a waiver of the subdivision regulations in regards to East 106th Street South, which has been designated a 60' right-of-way Residential Collector.

The Staff presented the plat with Phil Smith present for the applicant at the TAC meeting.

Considerable discussion was made about East 106th Street South being a Residential Collector and the need for 60' of right-of-way and 36' of paving. It was recommended by French not to waive the collector standards and require East 106th Street South as a Residential Collector. In addition, French recommended that East 106th Street South should be broken or off-set and as planned with the existing configuration to the west created too great a distance of straight paving.

Canahl questioned how the drainage would be handled and noted the west 1/2 of the tract will drain to the north and the east 1/2 will drain to the east. Discussion was made as to the capacity of the abutting regional detention pond to the north, with Smith commenting it has the capacity of a 500-year flood. Canahl stated a PFPI will be required for development.

On MOTION of CANAHL, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY PLAT of SOUTHERN PARK ESTATES and DENIAL of the waiver of the subdivision regulations in regards to East 106th Street South per the conditions listed above as well as the following conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
2. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
3. 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 owners(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
7. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
8. Street names shall be approved by the Department of Public Works/County Engineer and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
11. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
12. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic)/County Engineer. Include applicable language in covenants.
13. It is recommended that the developer coordinate with the Department of Public Works (Traffic) or County Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
14. 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.
15. The method of water supply and plans therefor, shall be approved by the City/County Health Department.
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.

19. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
20. The Zoning Application Z-6411 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
21. This plat has been referred to Bixby, Jenks & Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
23. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comments

Mr. Jones noted that one of the conditions made by the Department of Public Works/Traffic Engineering was to put a curve in 106th Street to eliminate the excessive length of the street. He noted that the engineer revised that street in an attempt to reduce traffic flow. Mr. Jones noted that this meets Traffic Engineering's requirements, and Staff recommends approval based on their recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Carnes "absent") to **APPROVE** the Preliminary Plat for Southern Park Estates and **WAIVING** the subdivision regulations requiring conformance with the Street Plan per Staff recommendation.

\* \* \* \* \*

Delaware Pointe (2983) (PD-26) (CD-8)  
East 103rd Street South and South Delaware Avenue.

Jones presented the plat with Bill Lewis in attendance at the TAC meeting.

Delaware Pointe was reviewed and approved as a Sketch Plat by the TAC on February 4, 1993, subject to conditions. The property has since been rezoned to RS-3 and the applicant is now submitting the Preliminary Plat for approval. Below is a list of conditions and comments that Staff would offer for the Preliminary Plat which were taken from the Sketch Plat review:

Fire Department recommends a temporary turnaround at the end of 104th Street, unless the stub can be shortened to less than 150'.

Water & Sewer advised applicant additional data were needed to determine the demand on the Vensel Creek lift facility. Applicant is advised to work with DPW regarding the needed data.

1. Show 35' building lines on Delaware and 101st Streets. Show a 25' rear building line on lots backing to South Florence Avenue. The 25' and 15' building lines on the interior are OK. On preliminary and final plats, indicate in the covenants that garages accessing side streets with a 15' building line shall be setback 20'.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
3. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
4. 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 owners(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
8. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
9. Street names shall be approved by the Department of Public Works and shown on plat as per DPW.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
12. It is recommended that the developer coordinate with the Department of Public Works during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
13. 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.
14. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
15. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
16. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
17. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
18. All (other) Subdivision Regulations shall be met prior to release of final plat.

Lewis mentioned he had a discussion with the Fire Department in regards to the temporary turnaround and thought the problem had

been resolved. Lewis will meet with them again and report the findings to Staff.

Jones and Lewis discussed the required setback from South Delaware and Jones mentioned he would determine the amount and get with the engineer so the proper amount might be shown.

Canahl stated that the surface drainage easement shown between Lots 16 and 17, Block 2 should be relocated to between Lots 15 and 16.

On Motion of Hill, the Technical Advisory Committee voted unanimously to APPROVE the PRELIMINARY PLAT of DELAWARE POINTE subject to the conditions listed above.

Staff Comments

Mr. Jones noted that the requirement by the Fire Department regarding temporary turnaround has been resolved since the property to the east is vacant and has a concept plan. It is believed that property will have application made for plat within the next two years and the Fire Department has agreed to waive the requirement.

Mr. Jones noted that the setback from Delaware is still to be resolved. He noted that according to the Zoning Code, Delaware is not an arterial street, requiring 35' setback, but a parkway, requiring 25' setback. From a planning standpoint it acts as an arterial. Staff believes that there should be a 35' setback from Delaware. He added that a housekeeping amendment will be drafted to clarify the Code to add parkway. Mr. Jones explained that the extra setback is needed because this is a rear yard and in other subdivisions the setback requirement must be met.

Applicant's Comments

Mr. Lewis declared that he is complying with the Code. He noted that the arterial does encroach on the lot and asked that the Planning Commission grant him relief. He asked that the setback be reduced to 25'.

There was discussion among the Planning Commission over the intent of the Zoning Code and clarifying that intent.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 8-0-1 (Ballard, Dick, Doherty, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; Midget "abstaining"; Broussard, Carnes "absent") to APPROVE the Preliminary Plat of Delaware Pointe with a 25' required yard abutting Riverside Parkway.

\* \* \* \* \*

**FINAL APPROVAL AND RELEASE:**

Shadow Ridge Park Four (PUD-298)  
South 92nd East Ave. at East 88th Place South

(PD-18) (CD-8)

Staff Comments

Mr. Jones advised that all releases have been received and Staff was recommending approval.

**TMAPC Action; 9 members present:**

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

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**REINSTATEMENT OF PRELIMINARY PLAT:**

Hunters Bend (PUD-447) (2783) Cox  
East 110th Street South & South Yale Avenue

(PD-26) (CD-8)

Staff Comments

Mr. Jones announced that this plat received preliminary plat approval from the Planning Commission on October 7, 1992. The plat approval has now expired and the applicant is now wanting to proceed with his plans. Mr. Jones advised that Staff is recommending approval of reinstating the preliminary plat for one year.

**TMAPC Action; 9 members present:**

On MOTION of DICK, the TMAPC voted 9-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to APPROVE Reinstatement of the Preliminary Plat for Hunters Bend as recommended by Staff.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

Hunters Glen II (2783)

(PD-18) (CD-8)

SE/c of East 91st Street South & South Yale Ave

**Staff Comments**

Mr. Jones advised that this plat was filed of record approximately six weeks ago and the applicant is wanting to install an additional access point on 91st East Avenue. Mr. Jones informed that Traffic Engineering has granted approval and Staff recommends **Approval** subject to the new plan.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to **APPROVE** the Change of Access on Recorded Plat of Hunters Glen II as recommended by Staff.

\* \* \* \* \*

**LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-17765 Disdier (1082)	(PD-8) (CD-2)
7913 S. Waco	RS-3
L-17776 Rex Alexander (2094)	(PD-17) (CD-6)
NW/c of E. 35th St. S. & S. 129th E. Ave.	CS
L-17784 Orcutt Dev. (793)	(PD-6) (CD-4)
1330 E. 15th St. S.	CS
L-17785 City of Tulsa (883)	(PD-18) (CD-8)
2603 E. 71st Pl. S.	RS-1
L-17786 Schifano (3493)	(PD-18) (CD-7)
6039 E. 56th Pl. S.	RS-3
L-17787 GLE, Inc. (683)	(PD-18) (CD-9)
N. of NE/c of E. 63rd St. S. & S. Trenton Ct.	RS-3
L-17791 Hyde (1993)	(PD-6) (CD-9)
4020 S. Yorktown Ave.	RS-1

**Staff Comments**

Mr. Jones announced 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 **HORNER**, the TMAPC voted **9-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to **RATIFY** the above-listed lot-splits having received prior approval.

\* \* \* \* \*

**PUD-257-5:** Minor Amendment to allow additional signage - southeast corner of East 51st Street South and South Columbia Avenue.

The applicant is requesting to increase the number of signs allowed in the PUD from two to three and an increase in the PUD permitted display surface area from 64 SF to 119 SF. The PUD is zoned OM. The zoning code limits signage in this office PUD to two signs with a total display surface area of 102 SF. The Board of Adjustment at their October 12, 1993 meeting waived these requirements for a maximum of five years to allow the proposed signs. On February 27, 1991 the TMAPC denied a similar request after the Board of Adjustment denied a variance on the signs. The additional sign proposed is a wall sign which contains 55 SF and would be placed above the fourth floor windows on the north side of the building.

Staff cannot support this request because this office PUD is no different from many others in Tulsa. Approval of this request would establish an undesirable precedent for advertising businesses in office areas rather than informing the public where a company's offices are located. Therefore, Staff recommends **DENIAL** of PUD-257-5.

Applicant's Comments

Mr. Moody acknowledged that the property is permitted two signs and explained that the prior owner erected two signs on the 51st Street frontage, a ground and monument sign. He noted that the existing signs are at capacity identifying buildings with tenants' names. He presented photographs of the subject signs. Mr. Moody gave a history of the building and renovating being done. Mr. Moody noted that one of the commitments made to a new lessee, Rich and Cartmill, was to erect a wall sign on the building. He noted that due to lease commitments with existing tenants, the building owners cannot remove the existing ground signs until expiration of leases. Mr. Moody asked that the Planning Commission modify conditions of the PUD to reflect approval granted by the Board of Adjustment to allow the proposed signs, the existing two ground signs and the wall sign for Rich and Cartmill, for five years.

Interested Parties

**Jim Clark**

**5124 South Columbia Court**

Mr. Clark, who resides in condominiums directly behind the existing building, expressed opposition to the minor amendment. He expressed opposition to additional traffic flow in the area until owners comes into compliance with the original PUD. Mr. Clark cited problems with stormwater runoff from the building onto his property which in turn flows into the basement of the property at 5145 South Columbia belonging to Thomas Rogers. He noted that stormwater runoff from this project was not handled in the manner approved by the City.

There was discussion among the Planning Commission over approving modifications to a PUD which is not in compliance. The Planning Commission instructed Staff to research conditions placed on the PUD.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to CONTINUE PUD 257-5 Minor Amendment to October 27, 1993.

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**PUD-339-4:** Minor Amendment to delete the age 55 or older restriction on the rental of 25% of the units within the project.

The applicant is requesting a Minor Amendment to delete the PUD condition relating to maintaining 25% of the units for persons 55 years of age and older. This project was originally approved for 256 elderly housing units on November 1, 1983 with a provision that the project could be changed to standard multifamily development by Minor Amendment, but only if the off-street parking and livability requirements of the Zoning Code are met.

Several Minor Amendments have been filed over the years, one of which approved reducing the number of elderly units (55 years of age and older) to 25% of the project or 64 units subject to the following parking requirements:

- \* 0.75 spaces per elderly dwelling unit
- \* 1.50 spaces per one-bedroom or efficiency unit (non-elderly)
- \* 2.00 spaces per two- or more bedroom unit (non-elderly)

The applicant was required to have 364 spaces under the above criteria and there existed 370 spaces. Eliminating the elderly housing units would require a total of 429 parking spaces, 59 spaces fewer than existing parking. The applicant can re-stripe the existing parking lots January 1, 1994 and pick up approximately 30 additional spaces for a total of 400 parking spaces. The Board of Adjustment on October 12, 1993 varied the required number of spaces to 404.

Based on the original PUD approval, Staff recommends **APPROVAL** of this Minor Amendment subject to meeting the off-street parking requirements as approved by the Board of Adjustment.

Staff inspected the apartment complex for compliance with the approved landscape plan and the condition of the screening fences. The Staff found that the complex in general was heavily landscaped when compared to many other apartment complexes. It did appear that trees along the perimeter of the complex had been planted per the approved plan. Over time, however, as trees died they were not replaced and as a result, on the north side, 14 of the planned 37 trees are not there. On the east side, 14 of the 34 planned trees are missing. On the south side fronting 101st Street, 8 of the 33 planned trees are not there. The screening fence is 8' high rather than the required 6' and is showing its age, but is generally in good repair.

Applicant's Comments

Mr. Norman, attorney representing the applicant, presented photographs to the Planning Commission of the area in question depicting a heavily landscaped area and well-kept condition of the project. He pointed out that the apartment buildings are 85 feet from the abutting property and not 15 feet which the interested party had implied at the previous meeting. Mr. Norman disclosed that he has informed his client that there may be landscaping which will need to be replaced.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to APPROVE PUD 339-4 Minor Amendment as requested.

\* \* \* \* \*

**PUD-496:** Detail Sign Plan - Walgreen's - northwest corner of East Pine Street and North Sheridan Road.

The applicant is proposing a 25' high ground sign containing 1,325 SF of display surface area, and wall signs on the sides of the building fronting East Pine Street and North Sheridan Road. All signs meet the requirements of the PUD; therefore, Staff recommends APPROVAL.

TMAPC Action; 9 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to APPROVE PUD 496 Detail Sign Plan as recommended by Staff.

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**PUD-480:** Detail Sign Plan for Albertson's Store - northeast corner of South Peoria Avenue and East 41st Street South.

The applicant is proposing two ground signs which are 25' high and contain 90 SF (150 SF is allowed) of display surface area. One will be on 41st Street and one on Peoria Avenue. Also, three wall signs are proposed on the west face of the building which have a display surface area of approximately half that permitted by the PUD. Staff finds all signs conform with the PUD standards and recommends **APPROVAL**.

**TMAPC Action; members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to **APPROVE** PUD 480 Detail Sign Plan as recommended by Staff.

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Request by the Tulsa Preservation commission to have TMAPC initiate the Historic Preservation overlay zoning process for the Swan Lake area.

Greg Warren, Staff for the Tulsa Preservation Commission, reported that the neighborhood has held educational meetings over the Historic Preservation Zoning and reported that the majority are in favor of HP zoning. He requested that TMAPC initiate action for public hearing.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Dick, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Carnes "absent") to **INITIATE** Historic Preservation overlay zoning for the Swan Lake area.

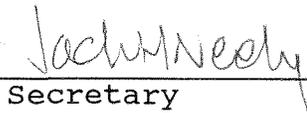
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There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: 11/3/93

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary



**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1947  
Wednesday, October 13, 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	Carnes	Gardner	Linker, Legal
Broussard	Neely	Hester	Counsel
Dick		Jones	
Doherty, Chairman		Stump	
Horner			
Midget, Mayor's Designee			
Pace			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, October, 1993 at 1:25 p.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 1:35 p.m.

**REPORTS:**

**Chairman's Report**

Chairman Doherty announced a request from Councilor Cleveland to re-examine the method of measuring the height of antenna supporting structures which are accessory to residential uses located in an AG or R districts. He instructed Staff to prepare draft language for presentation at the Rules and Regulations Committee work session October 20, 1993, with the public hearing to be set for November 3, 1993.

**Budget and Work Program Committee**

Ms. Wilson announced that the Budget and Work Program Committee will meet October 20 at the conclusion of the regularly scheduled TMAPC meeting.

**Comprehensive Plan Committee**

In the absence of Mr. Neely, Chairman Doherty announced that the Comprehensive Plan Committee will meet October 27 at 11:30 a.m. in the INCOG large conference room.

**Rules and Regulations Committee**

Mr. Parmele announced that the Rules and Regulations Committee will meet October 20 at the conclusion of the TMAPC meeting.

Director's Report

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 WILSON, the TMAPC voted 8-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Midget, Neely "absent") to APPROVE the Report of TMAPC receipts and deposits for the month ended September 30, 1993.

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ZONING TEXT AMENDMENT PUBLIC HEARING:

To amend the Tulsa County Zoning Code to require that sexually oriented businesses be set back 500' or more from not only residentially zoned areas, but also from residential dwellings zoned AG or AG-R.

**750.2 Prohibition**

No person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses as defined in Section 750.1, in an area zoned other than CS, CG, and/or CH. In addition, no person shall exercise supervisory control, manage, operate, cause the establishment or permit the establishment of any of the sexually-oriented businesses, as defined in Section 750.1, to be located closer than:

- A. **1,000 feet from any other sexually-oriented business.** The 1,000 feet shall be measured in a straight line from the nearest point of the wall of a building or portion of a building in which a sexually-oriented business is conducted, to the nearest point of the wall of a building or portion of a building in which another sexually-oriented business is conducted;

- B. **500 feet from a church.** Church as used herein shall mean all contiguous property owned or leased by a church, excluding street right-of-way, upon which is located the principal church building or structure irrespective of any interior lot lines. The 500 feet shall be measured in a straight line from the nearest point of the wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 500 feet shall be measured to the nearest building wall of the portion of the building used for church purposes;
- C. **500 feet from a school** of the type which offers a compulsory education curriculum. School as used herein shall mean all contiguous property owned or leased by a school, excluding street right-of-way, upon which is located the principal school building(s) irrespective of any interior lot lines. The 500 feet shall be measured in a straight line from the nearest point of the wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the school;
- D. **500 feet from a public park.** Public park as used herein shall mean a publicly owned property designated and used for recreational activities. The 500 feet shall be measured in a straight line from the nearest point of the wall of the building or portion of the building in which a sexually-oriented business is conducted to the nearest point on the property of the public park; and
- E. **500 feet from areas zoned residential and from a habitable dwelling zoned AG or AGR.** The 500 feet shall be measured in a straight line from the nearest point of the wall of a building or portion of a building in which a sexually-oriented business is conducted, to the nearest point on a Residential Zoning District boundary line **or from a habitable dwelling zoned AG or AG-R**; provided, however, the sexually-oriented business shall not be required to be located 500 feet from expressway right-of-way zoned in a residential classification.

Provided further that the Board of Adjustment may permit by special exception sexually-oriented businesses, as defined in Section 750.1 in an IL, IM or IH District, subject to the distance limitations set forth herein.

The establishment of a sexually-oriented business shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in Section 750.1.

Interested Parties

**John Selph**

**Tulsa County Commissioner**

Commissioner Selph noted that as the County Zoning Code now reads that a sexually-oriented business must be 500' from a residentially zoned area; however, an occupied residence within 500' of a proposed sexually-oriented business in an agriculturally-zoned area has no such restriction. The proposed change will afford homeowners in AG-zoned areas the same protection as homeowners in residentially-zoned areas. Commissioner Selph urged adoption of the proposed language.

**Terry Holden**

**RT 1, Box 204, Sand Springs 74063**

Mr. Holden, who resides within 500' of a proposed sexually-oriented business in an AG zoned area, stated that he and others in the area will soon experience the impact of the lack of the proposed requirement in the current statutes. He asked support of the proposed change to protect a similar circumstance from occurring in the future. Mr. Holden, whose church was formerly located at the location of sexually-oriented business, declared that there is inadequate police protection in the area due to its location.

Chairman Doherty declared the public hearing closed since there were no other interested parties wishing to speak.

Mr. Parmele informed that the Rules and Regulations Committee met to consider the proposed amendment and unanimously recommended that the amendment be adopted.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Midget, Neely "absent") to recommend **AMENDING** the Tulsa County Zoning Code as follow:

**750.2 Prohibition**

E. **500 feet from areas zoned residential and from a habitable dwelling zoned AG or AGR.** The 500 feet shall be measured in a straight line from the nearest point of the wall of a building or portion of a building in which a sexually-oriented business is conducted, to the nearest point on a Residential Zoning District boundary line **or from a habitable dwelling zoned AG or AG-R**; provided, however, the sexually-oriented business shall not be required to be located 500 feet from expressway right-of-way zoned in a residential classification.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: Z-6344-SP-4  
Applicant: Michael Thoendel  
Location: South of SE/c of 61st Street South & South Mingo Valley  
Expressway  
Date of Hearing: October 13, 1993

Chairman Doherty announced that the applicant has requested continuance to October 20, 1993.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Ballard, Broussard, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Midget, Neely "absent") to CONTINUE Z-6344-SP-4 to October 20, 1993.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: CZ-206 Present Zoning: AG  
Applicant: Anthony C. Eversole Proposed Zoning: RS  
Location: North of the northeast corner of 131st Street south and  
South Garnett Road.  
Date of Hearing: October 13, 1993  
Presentation to TMAPC: Anthony C. Eversole

**Relationship to the Comprehensive Plan:**

The City of Broken Arrow Comprehensive Plan designates the area as Low Intensity Residential.

According to the Zoning matrix the requested RS District is in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject tract is approximately 40 acres in size and is located north of the northeast corner of 131st Street South and South Garnett Road. It is wooded, sloping, and vacant. A 100 year floodplain approximately 300' wide crosses the tract from the northeast corner to the southwest corner. The floodway is approximately 125' wide.

**Surrounding Area Analysis:** The tract is abutted on the south and east by single-family homes, zoned RS; on the west by scattered single-family homes and agricultural uses, zoned AG; and to the north by vacant property zoned AG.

**Zoning and BOA Historical Summary:** On 4/13/71 TMAPC approved Z-3881 for rezoning of 101 acres from AG to RS on the property that adjoins the subject tract on the east and south.

**Conclusion:** The proposed residential single-family development is in accordance with the City of Broken Arrow Comprehensive Plan; however, the applicant has requested RS zoning which would allow a high density. The subject tract does not have a public sewerage system available. The White Church Creek 100-Year floodplain runs diagonally from the northeast corner of the tract to the southwest corner, which reduces the buildable land and adequate leach fields for numerous septic systems.

Therefore, Staff recommends **DENIAL** of RS and recommends **APPROVAL** for RE except the area contained within the regulatory floodway. The Planning Commission should initiate rezoning of the floodway to FD.

Staff Comments

Mr. Gardner advised that the County still has FD Floodway zoning and Staff is uncertain exactly where it should be imposed until such time as a preliminary plat is submitted with a drainage easement on it. He suggested that the Planning Commission initiate FD zoning on the portion which cannot be built upon.

Chairman Doherty confirmed with Staff that should the Planning Commission approve the application, no construction would be permitted until a plat is filed of record.

Chairman Doherty read a letter from Farhad Daroga, Broken Arrow City Planner, advising that the Broken Arrow Planning Commission, at their meeting of September 23, 1993, recommended conditional approval of the subject application with the following conditions:

- (1) Only the area out of the 100-year ultimate floodplain be zoned RS.
- (2) All 100-year floodplain areas be zoned FD or its equivalent.
- (3) Zoning be approved subject to platting, according to appropriate subdivision code guidelines; approval of the subdivision plat to be reviewed (as a referral review) by the City of Broken Arrow.
- (4) Any development plat or plans to show 100-year floodplain, which shall allow no residential structures in 100-year floodplain.
- (5) Any street crossing the 100-year floodplain should have a 100-year flood crossing (culvert/bridge).

- (6) Subject tract be developed with appropriate development standards regarding water supply and sewer approvals. Subject tract has no sanitary sewer available in this area, and should be approved through the City of Broken Arrow Engineering Department and Tulsa County Health Department.

Mr. Gardner advised that Staff is recommending RE zoning rather than RS, as recommended by the Broken Arrow Planning Commission. He disclosed that the County would permit structures to be located in the floodplain provided they are elevated one foot above the 100-year flood.

Chairman Doherty noted that there are conditions referenced above that the Planning Commission cannot address in the zoning process, but rather in the platting process.

#### Applicant's Comments

Mr. Eversole requested a one-week continuance in order to be able to convey more precise development proposals for the subject tract.

Chairman Doherty advised that the request is untimely and interested parties are present to oppose the application. It was the consensus of the Planning Commission to hear the application.

Mr. Eversole declared that he has no intention of building in the floodplain, and explained in detail how he intends to develop the subject tract. Mr. Eversole expressed agreement with Staff recommendation of RE zoning.

Ms. Wilson asked if the applicant anticipates the proposed development to be single-family and somewhat isolated, and whether there was intention of connecting to the street to the north.

Mr. Eversole responded that he anticipates this to be a development in and of itself.

#### Interested Parties

Arthur Morris	Route 18, Box 425, Broken Arrow	74011
Ruby Johnston	11634 E. 123rd Place South, Broken Arrow	74011
Dick Davisson	11435 East 128th Place South, Broken Arrow	74011
Marcella Pense	11628 East 123rd Place South, Broken Arrow	74011
Ronnie Robinson	11824 East 128th Street, Broken Arrow	74011
Harvey Geiger	12606 South 119th East Avenue, Broken Arrow	74011

The above-listed individuals made the following comments in opposition to the rezoning request.

It was noted that 3/4 of the subject tract is in the floodplain and abutting property owners expressed concern over increased flooding of their properties by the proposed development.

Concern was voiced over the cost of restoring new construction when it becomes flooded and the additional cost to tax payers.

Concern over septic tank drainage was expressed.

Residents expressed opposition to having construction restricted to outside of the floodplain due to loss of privacy.

Concern over preservation of wildlife on the existing tract was expressed. It was suggested that the area be declared a wildlife area and the Department of Wildlife purchase the property.

Area residents declared that they have not received sufficient information regarding the proposed development and how it would impact their properties.

Concern was voiced over easements adjacent to abutting properties.

Concern over increased traffic created by new development was expressed.

One resident voiced opposition to multifamily development and to a connecting road to his addition.

#### Applicant's Rebuttal

Mr. Eversole addressed concern regarding a connecting road. He advised that he proposes a crash-gate for emergency purposes only. Mr. Eversole reiterated his intention of not building in the floodplain.

Ms. Wilson asked Mr. Eversole if he anticipated fencing the entire boundary of the proposed development.

Mr. Eversole replied that he did not plan on fencing at present.

#### TMAPC Review Session

At the request of Mr. Broussard, Staff reviewed recommendations made by the Broken Arrow Planning Commission.

There was discussion among the Planning Commissioners over approving RE for the entire tract until such time as the plat identifies the floodway, at which time the Planning Commission would initiate FD zoning.

Staff amended their recommendation to approve RE zoning and notify the applicant at such time as the plat identifies the floodway. The Planning Commission will then initiate rezoning of that portion to FD.

Commissioner Dick expressed concern over the flooding problem of the subject tract and wants to ensure that a legal description is presented before a final decision is made.

Mr. Parmele noted that the applicant will be required to satisfy the County Engineer through the platting process that he can develop this tract in a manner which is not detrimental to anyone.

There was discussion over requesting that the applicant present a legal description before any action is taken.

Mr. Broussard questioned why it is so difficult to determine what the regulatory floodway is.

Mr. Gardner explained how the regulatory floodway is determined.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-2** (Ballard, Broussard, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; Dick, Midget "abstaining"; Carnes, Neely "absent") to recommend **APPROVAL** of CZ-206 for RE except for the area contained within the regulatory floodway and that the recommendation be forwarded to the County Commission with the condition that the ordinance not be published until the legal description is furnished defining that floodway.

**LEGAL DESCRIPTION**

NW 1/4 SW 1/4 Section 5, T 17 N, R 14 E, Tulsa County.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: **Z-6418** Present Zoning: RS-2/OL  
Applicant: Dan Alaback Proposed Zoning: OL  
Location: 5304 South Harvard  
Date of Hearing: October 13, 1993

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the east half of the property as Medium Intensity-Office and the west half as Low Intensity - No Specific Land Use.

According to the Zoning Matrix, the requested OL District may be found in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 1.49 acres in size and is located south of the southwest corner of 51st Street and S. Harvard Avenue. It is non-wooded and flat. There is presently a dental office on the east portion of the property which is zoned OL, and the west portion is vacant and zoned RS-2.

**Surrounding Area Analysis:** The subject tract is abutted on the north by offices, zoned CS; to the west by vacant property, zoned RS-2; to the south by a restaurant, zoned CS and to the east by apartments and a private lodge, zoned PUD-325 and RM-2.

**Zoning and BOA Historical Summary:** The subject property has been zoned OL and RS-2 since 1970.

**Conclusion:** The east half of the subject property is presently used for a dental office. The applicant is requesting the rezoning in order to meet the required off-street parking for the expansion of the office use.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6418.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to recommend **APPROVAL** of Z-6418 for OL zoning as recommended by Staff.

**LEGAL DESCRIPTION**

A tract of land 140' by 466.69' in the NE/4 of the SE/4 of the NE/4 of Section 32, T-19-N, R-13-E of the IBM, according to the U. S. Government Survey thereof, beginning at the NE corner of the above 10 acres, thence westerly and perpendicular to the East section line a distance of 466.69'; thence South and parallel to the East section line a distance of 140'; thence East a distance of 466.69'; thence North along the section line a distance of 140' to the place of beginning, and located at 5304 South Harvard Avenue.

\* \* \* \* \*

**OTHER BUSINESS:**

**PUD-478-2:** Minor Amendment - west of the northwest corner of 15th Street South and South Peoria Avenue.

The applicant is requesting that the required side yard abutting a street be reduced from 10' to 5' for Lots 1 and 10, Block 2 of Mapleview on Cherry Street. The side where the reduction is requested abuts a 50' wide private street right-of-way (14th Place) with only open space directly across the street from these lots. Also, 14th Place does not abut another residential lot. Staff believes sufficient open space exists and no other lots would be adversely affected by the reduction in required yard. Therefore, we recommend **APPROVAL** of PUD-478-2.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to **APPROVE** PUD 478-2 Minor Amendment as recommended by Staff.

\* \* \* \* \*

**PUD 386** Amended Site Plan - east side of South Memorial Drive, north of East 91st Street South.

**Staff Recommendation**

Mr. Stump announced that the applicant is planning Phase II, the performing arts portion, of the Carman Ministries development, which may or may not be built. It was noted that Phase I has adequate parking.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to **APPROVE** PUD 386 Amended Site Plan.

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**PUD-166-F:** Detail Site Plan - south of the southeast corner of 91st Street South and South Sheridan Road - Development Area 2-1.

The applicant is requesting approval of a Detail Site Plan for a car wash in Development Area 2-1. The plan appears to comply with the PUD conditions if the building walls are brick veneer, the roof line is broken by gables and the trash areas are screened from public view. With those conditions, Staff recommends **APPROVAL** of the plan.

**TMAPC Action; 9 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to **APPROVE** PUD 166-F Detail Site Plan as recommended by Staff.

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**PUD 388-B** Detail Site Plan - North of the northwest corner of 71st Street South and Trenton Avenue - Development Area 2.

The applicant is requesting approval of an office building on Development Area 2 of PUD 388-B. A parking area was previously approved with a tentative office building site. This plan now is for the actual office building. Staff finds it to be in conformance with the PUD conditions if it is only used for non-medical offices and the architectural style is similar to the office building in Development Area 1. With these conditions, Staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to **APPROVE** PUD 388-B Detail Site Plan Review as recommended by Staff.

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**PUD 282** Detail Sign Plan - west of the southwest corner of Lewis Avenue and 71st Street South.

The applicant is requesting approval of a new wall sign for the former Sheraton Kensington Hotel. The existing wall signs for the Sheraton Hotel will be removed and replaced with one wall sign for the Marriott Hotel. The new sign complies with the PUD conditions; therefore, Staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **DICK**, the TMAPC voted **9-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely "absent") to **APPROVE** PUD 282 Detail Sign Plan Review as recommended by Staff.

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**PUD-489:** Detail Sign Plan - northeast corner of 71st Street South and South Mingo Road - Lots 2 and 3, Block 1 of 71 Mingo Center.

The applicant is requesting approval of wall signs for the "Discovery Zone" and "Builder's Square". Staff has reviewed the proposed signs and finds them to be in conformance with the PUD standards. Therefore, Staff recommends **APPROVAL**.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Broussard, Dick, Doherty, Horner, Midget, Pace, Wilson "aye"; no "nays"; no "abstentions"; Carnes, Neely, Parmele "absent") to **APPROVE** PUD 489 Detail Sign Plan as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date Approved: 10-27-93

  
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Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary *Vic-Chairman*

