

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1976

Wednesday, May 25 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes, 2nd Vice  
Chairman  
Doherty  
Harris  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Pace  
Parmele  
Chairman  
Wilson

**Members Absent**

Broussard

**Staff Present**

Gardner  
Hester  
Jones  
Matthews  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 24, 1994 at 130 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:38 p.m.

**Minutes:**

Approval of the minutes of May 11, 1994, Meeting No. 1974:

On **MOTION** of, **HORNER** the TMAPC voted **9-0-1** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; Neely "abstaining"; Broussard" absent") to **APPROVE** the minutes of the meeting of May 11, 1994 Meeting No. 1974.

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**REPORTS:**

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee met in work session last week and voted to forward to the Planning Commission for review, the Citizen Participation Study, Ray Greene's request for a Zoning Officer and TMAPC consideration for Staff to make certain administrative decisions. It was also decided to conduct a special study on the request to identify which items might be approved administratively. Staff was instructed to provide the names of property owners regarding the request from the Yorktown Homeowners Association for HP overlay. The request from the mayor for detail review of the zoning provisions permitting nonresidential development of abutting residential was discussed at length and it was decided to place that item into the Conservation District

Special Study. The request for development of a Master Plan for the 2100 North Owasso Block Club it was brought to the Planning Commission's attention and noted that many of the concerns have already been addressed and Staff was instructed to send Steve Norman a letter informing him of work already completed.

#### Comprehensive Plan Committee

Mr. Neely announced that the Comprehensive Plan Committee met in work session to discuss the District 8 Plan regarding the location of water storage facilities which will be heard at public hearing later today. He informed that the Comprehensive Plan Committee met today to discuss the Brookside Study which also is to be discussed at public hearing.

#### Director's Report:

Mr. Gardner informed of items on the City Council agenda for May 26.

### **COMPREHENSIVE PLAN PUBLIC HEARING:**

Proposed Amendments to the District 8 Plan (map & text)  
regarding the location of water storage facilities

#### Plan Text:

Change 6.6.2.5 to:

Construction of proposed water storage facilities in the vicinity of 61st and Elwood Avenue should commence as soon as possible.

#### Plan Map:

Move symbol to general location now proposed by city of Tulsa Public Works Department.

#### Staff Comments

Ms. Matthews reminded the Planning Commission that the City has requested the Planning Commission to amend the District 8 Plan regarding the vicinity of the proposed storage tanks near Elwood and 61st Street. She advised that the Comprehensive Plan Committee met last week to consider this item.

Mr. Neely reported that the Comprehensive Plan Committee met last Wednesday and after extensive discussion recommended that the District 8 Plan and text not be amended.

#### Interested Parties

##### **Darla Hall**

##### **City Councilor, District 2**

Ms. Hall expressed support of the Comprehensive Plan Committee recommendation of no change to the District 8 Comprehensive Plan. She noted that the proposed location will allow the tank to sit in a saddle with surrounding vegetation providing screening from view, whereas locating the tank on the west side would make the tank's location very obvious and ruin the owner's property. She does not feel that locating the tank on the east side will be a detriment to the River Parks Authority (RPA). Ms. Hall advised of conversation with the Department of Interior in Oklahoma City advising that a land swap is possible and indicated a time frame of approximately 30 days to do so.

Chairman Parmele referred to information received referring to the commitment made to a private landowner approximately 10 years ago by the City administration on the preservation of park land along with a commitment to District 8 and Mr. Viersen that the facility will not be located on his property. He noted that two separate commitments have been made by two different administrations and those commitments need to be honored.

**Mike Buchert****Department of Public Works**

Mr. Buchert displayed maps of the subject area. He pointed out that the City of Tulsa does not own the property on either proposed location for the water tanks. He explained that the location on the west side of Elwood is in private ownership and the east side location is owned by the River Parks Authority. He detailed costs of each site, noting that the west side site may cost approximately \$300,000 less than the east side and discussed elevations. Mr. Buchert informed of discussion over the possibility of trading properties. Mr. Buchert answered questions from the Planning Commission regarding other possible sites pointing out why they would be unsuitable. He gave a review of why the decision was made by the Utility Board for selecting the location of the west side.

Ms. Wilson suggested that a water and sewer plan to be included as part of the Comprehensive Plan to avert these types of problems in the future.

Mr. Buchert answered questions regarding the wilderness site acreage liability and fencing of the area. In response to a question from Ms. Ballard, Mr. Buchert disclosed that the main reason for not wanting to place the tanks on the east side is the negative environmental effects of the elimination of 19 acres of wilderness area.

**Jim Sturdivant****15 West 6th Street 74119**

Mr. Sturdivant, representing the Trustees River Parks Authority, explained that the subject property was donated to the River Parks Authority by Mr. J.L. Reynolds with the promise that the land would be preserved as a wilderness area. Mr. Sturdivant cautioned against reneging on such pledges made to donors and the importance that the Authority maintain the integrity of its promises for the sake of past and future acquisitions. He noted that in 1987 the Superintendent of the Water and Sewer Department informed the Authority of the proposed facility and discovered then that the site was owned by the River Parks Authority and not the City of Tulsa. According to past records he noted that the Water and Sewer Department advised River Parks that the proposed location had been moved and that River Parks Property was no longer being considered. Mr. Sturdivant declared that taking 19 of their flat 50 acres in the area is a substantial adverse development and impairment of the long-term planned use and goals for this urban wilderness area.

Commissioner Harris commented that the tanks should be constructed and noted that injury will be suffered due to that construction and it was his opinion that the injury should be sustained by a public body rather than by private land owners because of a change in plans.

Mr. Sturdivant pointed out that the Statutes of the State of Oklahoma provide remedies for injuries sustained by land owners when their property is condemned.

Chairman Parmele questioned whether the grant money from the federal government would have to be repaid by Tulsa County, River Parks Authority, and the City of Tulsa if the subject land were to be used for purposes other than park use.

Mr. Doherty declared that there is an evident need for the water tanks and to develop the area, he asked Mr. Sturdivant if there is a land swap what the position of River Parks would be.

Mr. Sturdivant informed that at the last meeting of the River Parks Authority where they were asked to support the location of the tanks on River Parks property it was declined unanimously.

There was discussion over who can condemn the River Parks Authority property.

**Bruce Robson**

TMUA

Mr. Robson, representative for the Utility Authority, explained that it was only three weeks ago that they realized the proposed site for the water tanks was site specific. He questioned whether commitments made regarding land usage were made with the authority of the Utility Authority designating a specific site.

**Jackie Bubenik**

707 South Houston 74127

Mr. Bubenik, Executive Director River Parks Authority, asked the Planning Commission not to take the River Parks land for the tank and to keep it free from public intrusions. He asked them to have the courage and foresight to preserve the urban wilderness that will someday become Tulsa's crown jewel.

Mr. Bubenik answered questions from the Planning Commission.

Commissioner Harris believes that the experts reviewing this project can search the vicinity for another site which would be usable and compatible.

Ms. Wilson questioned why representatives from River Parks did not attend meetings when modifications to the District 8 were made.

Mr. Bubenik informed that he was not aware of receiving notification.

Mr. Carnes asked what the result would be if the Planning Commission decides not to amend the District 8 Plan.

Mr. Linker informed that either the Utility Board or City Council can override the Planning Commission's decision with a 2/3 vote if the matter is pursued.

There was discussion over the procedure for condemnation.

**Roy Heim**

6303 South 30th West Avenue 74132

Mr. Heim, District 8 Planning Team Chair, presented a letter of support of the location of the proposed water tanks as designated in the Comprehensive Plan from the Southwest Tulsa Chamber of Commerce. He expressed support of the District 8 Comprehensive Plan as it is and asked the Planning Commission to uphold it as well.

There was discussion over the commitment made to Mr. Reynolds regarding his donation of land to River Parks. Ms. Hall revealed that the 1/3 portion of the land donated by Mr. Reynolds was river bottom, not where the tanks would be located, and the remaining 2/3 was purchased by River Parks.

**Jon Ferris**

Box 3245 74101

Mr. Ferris, former Chairman of the District 8 Greater Tulsa Council 1980-87, referred to a letter written to Houston Adams of the Water and Sewer Department April 22, 1987, informing the Council of updating the Comprehensive Plan. The Council voted to include the following into their plan, "*Construction of the 15 million gallon water tank east of Elwood Avenue in the general location indicated on the plan map and as specified in the Capital Project Request Form and the Capital Improvements Project Request Review for fiscal year 1987 should commence as soon as possible. District 8 fully supports the construction of the water tower east of Elwood Avenue in the general location specified on the attached Capital Project Request Form as soon as possible.*" He revealed that the Capital Project Request Form states, "*to provide an additional 15 million gallon storage reservoir in southwest Tulsa*". He informed that the request was reviewed by Pat Connelly of the Department of City Development on November 24, 1986, sponsored by the Water and

Sewer Department. Mr. Ferris went on to review comments made regarding the project. Mr. Ferris gave a history of revising the District 8 Comprehensive Plan.

**Tom Dalton**

**1437 South Main 74119**

Mr. Dalton, representing Craig Ferris, informed of a written contract entered into between Dr. Reynolds and RPA. He related information regarding filing of the general warranty deed, grant and contract language and noted that no specific uses regarding a park were reserved. He declared that once the public process is complete, changes to the plan should not be made lightly and only in accordance with written adopted rules of procedure. Mr. Dalton advised that the 1988 Study suggested Lookout Mountain as a possible site for the water tank. He acknowledged that this site would be more costly than either of the two sites being discussed today. Mr. Dalton urged that this alternative be considered as a possibility. Mr. Dalton urged on behalf of Mr. Ferris that the plan not be changed.

**Charles Hardt**

**Public Works**

Mr. Hardt acknowledged that the Lookout Mountain site was identified as the number one site in the April 1988 report and was the most costly of the three sites, and noted that it was rejected because of the cost. Mr. Hardt explained that since that time the Kimberly-Clark plant developed, which was unanticipated at that time, and changed the water usage in south Tulsa. He informed that the plant is a 10 million gallon per day potential user at their peak, with the possibility of expansion doubling the size of their facility, and is a major factor in Public Works' desire to move the tank farther south. He noted that Lookout Mountain location would not be hydraulically efficient for placement of the tank today.

**Sam K. Viersen, Jr.**

**Box 280, Okmulgee 74447**

Mr. Viersen, property owner on which the tank is proposed for construction, gave a history of the property owned on Turkey Mountain and how it came to be donated. He expressed concern over the visibility impact of placing the proposed tank on the west side.

**Malcolm McCollom**

**810 south Cincinnati, Ste 210 74119**

Mr. McCollom, an active member of the cycling community, uses the River Parks land under discussion today. He informed that there are numerous trails in this area which are actively used by members of his cycle club. Mr. McCollom declared that if this land is taken present and potential users of the property will not receive compensation. He urged the Planning Commission to seek an alternative site for the tanks.

**Laurie Connors**

**1716 South Detroit**

**United Neighborhoods**

Ms. Connors, urged the Planning Commission to uphold the Comprehensive Plan. She reminded the Planning Commission that the citizenry in District 8 worked diligently through the planning process to create the District 8 Comprehensive Plan and it should be honored.

**Craig Ferris**

**1437 South Main 74119**

Mr. Ferris, owner of property on Turkey Mountain, pointed out on the map the property which would be available for the swap with River Parks. He informed that placing the tanks on the west side would adversely affect his property to the north. Mr. Ferris urged the Planning Commission to uphold the District 8 Comprehensive Plan.

Other Interested Parties

**Tom Clark**

**Tom Randall**

**2433 West 61st Street 74132**

**P O Box 280, Okmulgee 74447**

TMAPC Review

Mr. Carnes made a motion not to amend the Comprehensive Plan. The motion was seconded by Mr. Neely.

There was discussion among the Planning Commissioners over commitments made to the District 8 citizenry and the City of Tulsa through the Comprehensive Plan process and a verbal commitment to a man who donated land and it was their consensus that any commitment made by an elected official on part of the City or County carries the same moral weight of any signed contract. Mr. Doherty deemed that a policy decision of this type should be made by elected officials. Mr. Doherty made a motion to amend the motion to delete any reference to a site specific location and inform the City Council that it is the opinion of the majority of this Commission that the Viersen property, property to the west of Elwood, is an unacceptable site for the location of these tanks. The motion was seconded by Mr. Midget.

Mr. Neely expressed opposition to the amendment. He believes that elected officials will eventually review this situation. He expressed concern over the planning process and the work that went into the plan in 1987 and noted that all the information that was available today was available then. He acknowledged that mistakes were made and those who made them must be held accountable for them.

**Al Hamlett, Public Works**

Mr. Hamlett was asked how condemnation is handled. He was unable to recite a past case where the Utility Authority has condemned property.

Mr. Midget expressed support of deletion of the language because not making it site specific it also presents the ability to consider alternative sites. This would then be the decision of the City Council.

Mr. Parmele expressed support of the amendment. He disclosed his obligation to support District 8, based on the many hours of work they put into their plan and being site specific. He feels the Planning Commission and administration has an obligation to those citizens to honor that commitment; however, he also feels just as strongly that a verbal commitment has the same meaning as an individual with a written commitment. Mr. Parmele revealed that he is not in favor of the tanks being located on either site. He informed that the Comprehensive Plan is a living document, subject to change depending on physical facts and conditions and can be amended.

**TMAPC Action; 10 members present:**

On **MOTION** of, **DOHERTY** the TMAPC voted **3-7-0** (Doherty, Midget, Parmele "aye"; Ballard, Carnes, Harris, Horner, Neely, Pace, Wilson "nay"; no "abstentions"; Broussard "absent") to **AMEND** the motion to **AMEND** the Comprehensive Plan by deleting the site specific reference and to inform the City Council that it is the opinion of the majority of the Planning Commission that the property west of Elwood is unacceptable as a site for the water tanks.

**MOTION FAILED**

**TMAPC Action; 10 members present:**

On **MOTION** of, **CARNES** the TMAPC voted **6-3-1** (Carnes, Harris, Horner, Neely, Pace, Wilson "aye"; Doherty, Midget, Parmele "nay"; Ballard "abstaining"; Broussard "absent") to take no action.

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Amendments to the Brookside Study  
A Part of the Comprehensive Plan for  
the Tulsa Metropolitan Area

Exhibit A

PLAN AMENDMENTS  
PLANNING DISTRICT 6

Plan Text

Change first sentence, first paragraph, Section 3. Specific Areas to, "There are five special districts indicated on the District 6 Plan Map."

Add to first paragraph, Section 3., Specific Areas, "Special District 4 is the Northern Brookside Business Area, which includes the older commercial areas along South Peoria south of East 32nd Place to 41st Street. The Southern Brookside Business Area is Special District 5, and includes the commercial areas along South Peoria between East 41st Street to 51st Street (I-44)."

Change first sentence, second paragraph, Section 3., Specific Areas to, "Four areas of District 6 have been identified as Special Consideration Areas."

Change third paragraph, Section 3., Specific Areas to read as follows. "There are two Special Consideration Areas which are adjacent to the Northern and Southern Brookside Business Areas. These are the residential areas lying east and west of the commercial properties."

Add as 3.4 and renumber existing 3.4 accordingly:

3.4 Brookside Special Districts and Special Consideration Areas

3.4.1 The Northern Brookside Special District is the Northern Brookside Business Area.

3.4.1.1 The Northern Brookside Business Area is located along South Peoria Avenue, from East 32nd Place to 41st Street and includes the commercial frontage along 41st Street. Within this area are commercial, office and parking uses. These are pedestrian-scale, with the parking located largely to the rear of the businesses, although some on-street (parallel) spaces are designated. Center landscaped medians and period streetlighting are recent additions, privately funded through contributions of businesses and individuals.

3.4.1.2 Neighborhood-scale, lower intensity commercial and office uses are appropriate in this area, with associated parking to be located in designated areas at the rear of and adjacent to the developments or beside new construction.

3.4.1.3 Reuse of existing structures is encouraged in this area. Redevelopment is encouraged only when it can meet parking standards, as well as the design guidelines contained elsewhere in

this study. New buildings are encouraged to locate near Peoria adjacent to the sidewalks, with parking provided at the rear and beside new construction.

- 3.4.1.4 Development and redevelopment in this area is encouraged to be through the Planned Unit Development (PUD).
- 3.4.1.5 A PUD shall be required in this area if additional commercial zoning is sought or medium intensities are proposed to be spread within the boundaries of the Special District.
- 3.4.1.6 Development and redevelopment in this area should maintain the pedestrian orientation, with human-scale signage, sidewalks and other pedestrian amenities.
- 3.4.1.7 Signage should be designed to complement the area.
- 3.4.1.8 Maximum building heights should not exceed three stories within this Special District.
- 3.4.1.9 Development and redevelopment here should be in accord with the Design Guidelines, as set forth in the Brookside Study Update report, December 16, 1993.
- 3.4.1.10 The Brookside Business Association should continue to monitor development and promote this area. The Brookside Neighborhood Association should also be involved.
- 3.4.1.11 Development and redevelopment should be compatible with adjacent residential uses, and should continue to complement the surrounding areas.

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- 3.4.1.12 Development and redevelopment here should include adequate screening and buffering to avoid negative impacts on adjacent residential areas. Screening is encouraged to be in masonry walls, landscaping or combinations.
- 3.4.1.13 No further office or commercial zoning and (re)development should be allowed in this area unless adequate off-street parking is available within no more than a 300-foot radius for the commercial and office uses along Peoria. Attractive landscaping and screening should be integral parts of any (re)development.
- 3.4.1.14 Parking lot lighting should be so directed that it does not negatively affect adjacent residences. The lighting should be directed so that it does not shine into residences. If necessary, shields should be utilized to block lighting from residences' windows and yards.
- 3.4.1.15 PK zoning is appropriate if contiguous to commercial zoning or off-street parking lots. In no case should rezoning for parking result in isolated single-family lots.

- 3.4.1.16 The maximum use of existing parking facilities is encouraged here, through improved marking and maintenance, shared use agreements and/or joint developments among property owners and managers and advertising of currently underutilized but available space. The implementation of a shuttle service may be feasible for all or a portion of this area if parking continues to be a problem.
  - 3.4.1.17 The Brookside Merchants Association, along with the Brookside Neighborhood, should actively encourage the maintenance of these lots.
  - 3.4.1.18 Landscaping should be a part of any development/redevelopment in this area, especially when used to buffer residences and to provide relief from large expanses of parking.
  - 3.4.1.19 In developments or redevelopments involving more than one-story structures along Peoria Avenue, retail and office uses are encouraged to be located on the ground floor in order to retain and continue the pedestrian orientation.
  - 3.4.1.20 The possibility of creating an assessment district to provide additional amenities, such as parking facilities, and services, such as landscaping and maintenance, should be explored and implemented, if feasible.
  - 3.4.1.21 The possibility of creating a more defined and less costly version of the PUD process for application to single-lot proposals should be explored and implemented if appropriate.
  - 3.4.1.22 The development of a Conservation District designation for this and other similar areas should be explored and implemented if appropriate.
  - 3.4.1.23 The creation of cul-de-sacs on such east-west streets as East 34th and 35th Streets should be considered if through-traffic and on-street parking in the neighborhoods continue to be problems. A screening wall of attractively textured material would need to be constructed to the west of the cul-de-sacs, similar to the existing wall on the bank property, in order to eliminate parking on streets in the neighborhood and walking to the commercial businesses on Peoria Avenue. Landscaping may also be needed to enhance the transition from parking to residential.
- 3.4.2 The Northern Brookside Special Consideration Area is the Northern Brookside Residential Area. Uses here are largely low intensity residential and are expected to remain so for the planning period.
- 3.4.2.1 The Northern Brookside Residential Area is a low intensity neighborhood that lies adjacent to and on either side of the Brookside Business Area. It currently enjoys a generally supportive relationship with the Business Area, although club/restaurant patrons parking and associated problems such as noise and loitering have created some friction in the past and may

continue to do so unless some means of abatement are implemented.

- 3.4.2.2 Support code enforcement efforts to reduce/eliminate blighting influences such as illegal home occupations, structural deterioration and illegally parked vehicles in the neighborhoods.
  - 3.4.2.3 Encourage the Board of Adjustment to make more clearly-stated and enforceable decisions as a means of supporting code enforcement efforts mentioned previously.
  - 3.4.2.4 Work with the Brookside Business Association and the Brookside Neighborhood Association to address issues of mutual concern.
  - 3.4.2.5 Installation of cul-de-sacs intermittently on some of the east-west streets may be appropriate to reduce through-traffic in the neighborhoods from the commercial business district. These should be identified and explored further with the Department of Public Works-Traffic Engineering. Public ways should be kept open in the event of cul-de-sac development.
  - 3.4.2.6 The Brookside Neighborhood Association is encouraged to monitor code violations and to work with Code Enforcement staff in efforts to abate these.
  - 3.4.2.7 Any proposed redevelopment within this area should be through the PUD, to ensure compatibility with existing residential uses.
- 3.4.3 The Southern Brookside Business Area Special District is the Southern Brookside Business Area located south of 41st Street to 51st Street (I-44) along Peoria Avenue. This is a commercial and office area, primarily, with parking located in the fronts of the properties.
- 3.4.3.1 Development and redevelopment in this Special District should be through the PUD process, in order to ensure compatibility with adjacent neighborhoods, existing commercial development and continuity with the Northern Brookside area.
  - 3.4.3.2 Redevelopment of the former John Zink plant should be compatible with the surrounding residential areas, and should consider measures to avoid through-traffic in the neighborhoods and minimize noise and parking within the residential areas. Development should be limited to two stories. Any additional multifamily development in this area is discouraged, as is single-tenant use. Use of portions of the property for shuttle parking may be appropriate.
  - 3.4.3.3 In development and redevelopment in this Special District, measures should be taken to enhance pedestrian accessibility and the perception of continuity with the Northern Brookside Business Area Special District. These could include, but not be limited to, sidewalk improvements, pedestrian-scale signage and

lighting, landscaping and ground-floor retail location for structures of more than one story.

- 3.4.3.4 Development and redevelopment here should include buffering and screening, appropriate landscaping and lighting that does not adversely affect the residential areas immediately adjacent to businesses.
- 3.4.4 The Southern Brookside Special Consideration Area is the Southern Brookside Residential Area. It is largely low intensity residential and is expected to remain so throughout the planning period.
  - 3.4.4.1 These are largely lower intensity, single-family and some multifamily uses and should remain so.
  - 3.4.4.2 Any proposed redevelopment other than single-family residential in this area should be through the PUD process, to ensure compatibility with existing residential uses.
  - 3.4.4.3 Any additional multifamily development in this area is discouraged.
  - 3.4.4.4 Work with the Brookside Business Association and the Brookside Neighborhood Association to address issues of mutual concern.
  - 3.4.4.5 Installation of cul-de-sacs intermittently on some of the east-west streets may be appropriate to reduce through-traffic in the neighborhoods from the commercial business district. These should be identified and explored further with the Department of Public Works-Traffic Engineering.
  - 3.4.4.6 Support code enforcement efforts to reduce/eliminate code violations such as illegal home occupations, blight, high weeds and other practices that result in neighborhood instability.
  - 3.4.4.7 The Brookside Neighborhood Association is encouraged to monitor code violations and to work with Code Enforcement staff in efforts to abate the violations.

#### Staff Comments

Ms. Matthews reported on the Comprehensive Plan Committee recommendation for leaving existing parking lines where they are under the current study, considering placement of cul-de-sacs on some of the east west streets with a screening wall and some landscaping, and no further office or commercial zoning of redevelopment or development allowed within the area unless adequate off-street parking is available within a 300' radius for commercial and office uses along Peoria and including attractive landscaping and screening as integral parts of any of the projects. She noted that other text involves use of the PUD, keeping the Brookside Merchants Association and the Neighborhood Association involved.

Mr. Neely informed that the Comprehensive Plan Committee met today and was in unanimous support of the amendments.

Chairman Parmele noted that there were a number of interested parties in attendance and asked if there were any present not in support of the agreement reached in the Comprehensive Plan Committee. There were none.

Regarding use of the PUD, Mr. Gardner noted that if there is existing zoning and the owner wishes to utilize it they still have the option of appearing before the Board of Adjustment (BOA) to satisfy parking requirements. He noted that, regarding intensification, the Planning Commission would have more authority to require the PUD.

Ms. Wilson asked about discussion over the parking study which is anticipated to be funded in the near future and inquired as to the Comprehensive Plan Committee's recommendation.

Mr. Neely informed that the Committee decided once the parking study, in which the Department of Public Works is in negotiation over in the Brookside area, is complete if there is any new information, they would reconsider amendments at that time.

Interested Parties  
**Pam Deatherage**  
**Dorothy Watson**  
**Nancy Apgar**  
**Jane Bolen**

1516 E 36th Street  
4108 South St. Louis 74105  
3914 South Norfolk 74105  
1442 East 34th Street 74015

**TMAPC Action; 10 members present:**

On **MOTION** of, **NEELY** the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard "absent") to recommend **APPROVAL** of the proposed Amendments to the Brookside Study, a part of the Comprehensive Plan for the Tulsa Metropolitan Area as presented.

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**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**9300 Sheridan Center (PUD-206)(2283)**

**(PD-18)(CD-8)**

South of the southwest corner of South Sheridan Road and East 91st Street South.

**Staff Comments**

Mr. Jones requested that this item be stricken from the agenda until such time as the Detail Site Plan can be reviewed with the plat.

Chairman Parmele declared this item stricken.

**FINAL APPROVAL AND RELEASE:**

Home Depot North Tulsa  
NE/c of East 11th Street South & South Elgin Avenue.

(PD-1)(CD-4)

**Staff Comments**

Mr. Jones informed that the applicant is in attendance and all release letters have been received; therefore, Staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of, **DOHERTY** the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard "absent") to **APPROVE** the FINAL PLAT of Home Depot North Tulsa and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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Memorial 101  
NW/c of East 101st Street South & South Memorial Drive.

(PD-26)(CD-8)

**Staff Comments**

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

**TMAPC Action; 10 members present:**

On **MOTION** of, **DOHERTY** the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Harris, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard "absent") to **APPROVE** the FINAL PLAT of Memorial 101 and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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**ZONING PUBLIC HEARING:**

Application No.: **Z-6445**  
Applicant: Bart C. James  
Location: 9999 East 59th Street  
Date of Hearing: May 25, 1994

Present Zoning: RS-3  
Proposed Zoning: IL

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 - Industrial Area.

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

Staff Comments:

**Site Analysis:** The subject tract is approximately 78' x 5' in size it is flat, and non-wooded.

**Surrounding Area Analysis:** The subject tract is abutted on the north and east by industrial businesses, zoned IL; to the west by vacant property, zoned IL; and to the south by vacant property, zoned RS-3. The residential streets to the south, 99th and 100th East Avenues have now been barricaded by the City so that no industrial traffic can use those streets to get to 61st Street.

**Zoning and BOA Historical Summary:** Past zoning actions in this area have been to transition to industrial uses.

**Conclusion:** The subject property is identified as being within a future industrial development area with the future industrial activities. The Comprehensive Plan encourages industrial development within this area. Use of the two residential streets by industrial traffic is no longer a consideration since those streets are barricaded where they intersect 59th Street, therefore Staff recommends **APPROVAL** of **IL** zoning for Z-6445.

Other than the applicant, there were no interested parties present.

**TMAPC Action; 9 members present:**

On **MOTION** of, **DOHERTY** the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Harris" absent") to recommend **APPROVAL** of Z-6445 for IL zoning as recommended by Staff.

**LEGAL DESCRIPTION**

The West 78' of the East 304' of the South 5' of Lot 1, Block 1, Moran Addition, Tulsa, Tulsa County, Oklahoma and located at 9999 East 59th Street.

Chairman Parmele instructed Staff to draft a letter to Customer Service informing of the action taken by the Planning Commission.

\* \* \* \* \*

Application No.: Z-6446

Applicant: Kathleen Page

Location: Northeast corner of E. 21st St. & South 93rd East Avenue.

Date of Hearing: May 25, 1994

Present Zoning: RD & RM-1

Proposed Zoning: OL

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the south 300' as Special District 1. The north 200' is designated Low Intensity Residential on the west and Low Intensity No Specific Land Use on the east half.

According to the Zoning Matrix the requested OL zoning **may be found in** accordance with the Plan Map on that portion designated for Low Intensity - No Specific Land Use and Special District 1, but is **not in** accordance with the Plan Map on that portion designated as Low Intensity Residential.

Staff Comments:

**Site Analysis:** The subject property contains approximately 3 acres. The property is gently sloping, non-wooded and vacant.

**Surrounding Area Analysis:** The subject tract is abutted on the north and northwest by single-family dwellings, zoned RS-1; to the southwest by vacant land, zoned RS-1; to the east by vacant property and Sutherland lumberyard and hardware store, zoned CS; and to the south by vacant land, zoned RS-3.

**Zoning and BOA Historical Summary:** There has been no recent zoning changes in this immediate area.

**Conclusion:** The southern 300' of the subject property is the northern boundary of the designated Indian Acres Redevelopment Area and is designated low intensity residential with OL type uses along 21st Street and higher density uses along the expressway.

Staff believes the requested OL zoning would be as compatible with the surrounding development as the existing RM-1 zoning. Also any office development would be required to provide a screening fence on the north and west sides of the tract. Therefore, Staff recommends **APPROVAL** of Z-6446 for **OL zoning** and revision of the Comprehensive Plan on the north 200' of the tract to remove the residential use designation.

Other than the applicant, there were no interested parties present.

TMAPC Action; 7 members present:

On **MOTION** of, **NEELY** the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Midget "absent") to recommend **APPROVAL** of OL zoning for Z-6446 and revision of the Comprehensive Plan on the north 200' of the tract to remove the residential use designation as recommended by Staff.

**LEGAL DESCRIPTION**

Eastwood Medical Plaza, Lot 1, Block 1, West 300' thereof, and located in the northeast corner of East 21st Street and South 93rd East Avenue, Tulsa County, Oklahoma.

\* \* \* \* \*

Application No.: **Z-6447**  
Applicant: Roy D. Johnsen  
Location: 5350 South 129th East Avenue  
Date of Hearing: May 25, 1994  
Presentation to TMAPC: Roy Johnsen

Present Zoning: CS  
Proposed Zoning: IL

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1 - No Specific Land Use.

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

Staff Comments:

**Site Analysis:** The subject property contains approximately 3.7 acres. The property is flat and has a small creek that crosses through the property from the southeast to the northwest; the property is non-wooded and is vacant.

**Surrounding Area Analysis:** The subject tract is abutted on the north by a commercial business, zoned CS; to the west by vacant property, zoned IL; to the south by vacant land, zoned CS; and to the east by vacant land, owned by the Ford Glass Plant, zoned IL.

**Zoning and BOA Historical Summary:** Past zoning actions in this area have established Industrial Light zoning.

**Conclusion:** Based on the Comprehensive Plan, the existing zoning and land use patterns in the area, Staff recommends **APPROVAL** of the requested IL zoning for Z-6447.

Other than the applicant, there were no interested parties in attendance.

**TMAPC Action; 6 members present:**

On **MOTION** of, **NEELY** the TMAPC voted **6-0-0** (Carnes, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Doherty, Harris, Midget "absent") to recommend **APPROVAL** of Z-6447 for IL zoning as recommended by Staff.

**LEGAL DESCRIPTION**

A part of Lot 2, Block 4, Metro Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, and being more particularly described as follows, to-wit: Commencing at the NE corner of Lot 2, Block 4, Metro Park; thence due South, along the East line of Lot 2 a distance of 281.24' to the Point of Beginning; thence continuing due South, along the East line of Lot 2 a distance of 73.57' to a point; thence due West a distance of 0.00' to a point; thence along a curve to the right, with a central angle of 14°28'20" and a radius of 200.07', a distance of 50.54' to a point; thence due West a distance of 85.00' to a point; thence due South a distance of 161.35' to a point; thence due West and parallel with the South line of Lot 2, a distance of 488.90' to a point on the West line of Lot 2, Block 4, said point being 698.19' North of the Southwest corner of Lot 2, Block 4, thence due North along the West line of Lot 2, Block 4, a distance of 351.94' to a point; thence S 81°00'00" E a distance of 398.40' to a point; thence along a curve to the right with a central angle of 8°30'00" and a radius of 474.00' a distance of 70.32' to a point; thence S 72°30'00" E a distance of 130.00' to a point; thence along a curve to the left, with a central angle of 17°30'00" and a radius of 126.50' a distance of 38.64' to the point of beginning, and located at 5350 South 129th East Avenue.

\* \* \* \* \*

**PUD-298-13:** Minor Amendment for a Home Occupation - 9006 South 92nd East Avenue

The applicant is requesting permission to operate a style/barber shop as a home occupation on Lot 4, Block 4, Shadow Ridge IV. Hours of operation would be Monday through Friday from 9:00 a.m. to 6:00 p.m., with a limit on customers of no more than four per day. Parking would be in the double-wide driveway on East 90th Street South. The house is on a corner lot. Staff recommends **APPROVAL** of the request if limited to only one customer at a time and subject to the Home Occupation Requirements of Section 404 B.

Staff Comments

Mr. Stump noted that the subject tract is on a corner lot of a newly-developing subdivision. Mr. Gardner added that normally with a home occupation, the neighborhood is notified; however, in this case there is not yet a neighborhood, only vacant lots yet to be developed by the developer. The developer is objecting because this process is coming up before he has the ability to sell the lots, develop the homes and allow the public to become involved with the process. Mr. Gardner does not feel that Staff recommendation would change if the lots were already developed.

Applicant's Comments

Ms. Draper informed that she has been a licensed barber for 11 years and is making this request in order to be home with her two children under the age of four. She informed that her home will have a double-wide driveway with a wrap-around sidewalk to the front door, which will be used as the client entrance. Ms. Draper stressed that clients will park in the driveway only and not on the street. She declared that there will be no outdoor signs advertising the shop and business will be by referral only. Ms. Draper plans to book no more than two to four appointments per day, since she schedules appointments around her children's nap times. She disclosed that she will allow only one client at a time at her house. Ms. Draper pointed out that since the house is located at the front of the addition, it will minimize traffic flow to the rest of the area. She informed that at her previous home she had a shop which ran smoothly with no interference to the residents.

Interested Parties

**Sarah Rottchafer**

9115 East 90th Street South 74133

Ms. Rottchafer resides one block west of the proposed salon and expressed opposition to the proposed salon. She feels the additional traffic which would be generated by the salon would be a detriment to the neighborhood. Ms. Rottchafer noted that the homes in the area are worth more than \$100,000 and the proposed salon would be inappropriate for this neighborhood.

**Clem Reinkemeyer**

4032 East 111th Street 74137

Mr. Reinkemeyer, developer for the subject subdivision and representative of the six builders of the subdivision, stated that they represented the area as a single-family addition with no commercial activity. He referred to the platted subdivision covenants where it states, "no commercial activity shall be carried on upon any lot at any time". He urged that the application be denied. In response to a question from Mr. Doherty, Mr. Reinkemeyer informed that the City was made party to the covenants.

Chairman Parmele asked Mr. Linker if the City is party to the covenants and the covenants are part of the PUD, do the covenants become a condition of the PUD?

Mr. Linker replied that it is possible to have a private covenant right to prohibit commercial use no matter how the PUD is revised.

Ms. Pace noted that there are many home occupations which do not change the nature of the neighborhood, and she does not see how potential buyers will be threatened.

Mr. Reinkemeyer disclosed that potential buyers may not purchase in the subdivision because of the home occupation.

**Kevin Hardcastle**

5255 S Joplin Place 74135

Mr. Hardcastle, home builder, feels his investment in the subdivision may be harmed by the applicant's proposal and does not believe this venture to be in the best interest of the neighbors of potential home buyers.

Applicant's Rebuttal

Ms. Draper reiterated that her business will be very small and because of the location of her home, traffic will not contribute to extra traffic flow to the major portion of the residents. She informed that there will be no advertising, with her practice limited to family and friends.

**TMAPC Action; 7 members present:**

On **MOTION** of, **DOHERTY** the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** PUD 298-13 MINOR AMENDMENT as recommended by Staff and with the additional conditions proposed by the applicant.

\* \* \* \* \*

**PUD-300:** Detail Sign Plan for property located north and east of the northeast corner of East 81st Street South and South Sheridan Road

The subject tract is located north and east of the northeast corner of East 81st Street South and South Sheridan Road. The property has been approved for PUD-300 with CS and RM-1 underlying zoning and developed for the Square One Shopping Center. PUD-300 permits 1 1/2 square feet of non-flashing wall signage per lineal foot of wall.

The proposed sign ("Giggles and Wiggles") is to be mounted on the wall as shown on the enclosed exhibits. Staff recommends **APPROVAL** of the Detail Sign Plan for a non-flashing sign per PUD-300 and the proposed plans.

**TMAPC Action; 7 members present:**

On **MOTION** of, **NEELY** the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** PUD 300 DETAIL SIGN PLAN as recommended by Staff.

\* \* \* \* \*

**PUD-507:** Detail Site Plan for property located on the south side of East 71st Street South, being Lot 1, Block 1 of Woodland Hills Plaza Addition, located approximately one-half mile east of South Memorial Drive

The subject tract is on the south side of East 71st Street South, being Lot 1, Block 1 of the Woodland Hills Plaza Addition and located approximately one-half mile east of South Memorial Drive. The TMAPC has previously approved Detail Site Plans for property east and west of this tract. PUD-507 has CS and RM-1 underlying zoning.

The proposed development is for a 7,683 square foot restaurant to be called "On the Border". A total of 77 parking spaces will be provided for the restaurant and the revised parking summary for Lot 2 (686 spaces) exceeds the 634 spaces required by PUD-507. The 13.08% net landscape area exceeds the minimum 10% requirement.

Therefore, Staff recommends **APPROVAL** of the Detail Site Plan for the "On the Border" restaurant per the submitted plans and all conditions and requirements of PUD-507.

**TMAPC Action; 7 members present:**

On **MOTION** of, **NEELY** the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** PUD 507 DETAIL SITE PLAN as recommended by Staff.

\* \* \* \* \*

**PUD-411:** Detail Site Plan for part of Development Area 2 located at the southeast corner of East 98th Street South and South Memorial Drive

The applicant is requesting approval of a Detail Site Plan for property located at the southeast corner of East 98th Street South and South Memorial Drive. The subject tract is proposed to be used for automobile sales and service and is a part of Development Area 2. The proposed use is in accordance with PUD-411 and the original corridor zoning being Z-5842.

The subject tract has a net area of 4.2272 acres and has been approved for a Preliminary Plat by the TMAPC, although the area being considered for Detail Site Plan approval is slightly larger (along the east side) than was presented for Preliminary Plat approval. A final legal description of that part of Development Area 2 being considered for Detail Site Plan approval will be required from the applicant prior to this item being presented for TMAPC approval of the Detail Site Plan. If that is not the case, TMAPC approval should be conditioned upon receipt of said legal and the tract area and boundaries being in accordance with this application. The name of the plat is the Jim Norton Center.

The proposed Site Plan shows that new car parking along Memorial Drive will not use the "pod" arrangement closest to the street. New cars will be set back 40' farther from Memorial Drive than on the development to the north. Therefore, Staff considers the 1:20 parking requirement for new cars along this 40 foot frontage not applicable to the condition that no automobiles be parked or displayed along this 40 foot frontage and setback.

The submitted development standards for the proposed automobile sales and service areas are as follows:

<b>Lot Area</b>		
Gross:	221,065 SF	5.0749 acres
Net:	184,136 SF	4.2272 acres

<b>Floor Area</b>		
Building:	26,035 SF	11.78% *
Outdoor Covered Display:	3,000 SF	**
Landscape:	39,700 SF	17.96% gross
	20,800 SF	11.30 net

<b>Parking</b>		
Required:		47 total
Building:		44 spaces
Covered Display Area:		3 spaces
Provided:	45 spaces	
	(Includes 3 handicap spaces with 1 van accessible)	
Must designate 2 additional spaces to meet requirement.		

\* Remainder of Development Area 2 floor area = 13,265 SF or -9.37% net

\*\* Not included in floor area coverage

Review of the original approval for PUD-411 indicates that the proposed development meets the required PUD-411 standards for the following:

1. Maximum building height (less than 35'),
2. Minimum building setback from centerline of Memorial (minimum of 200'),
3. Minimum building setback from centerline of East 98th Street (minimum of 90'),
4. Minimum landscaped area of 15% of the gross area (17.96% proposed),
5. Minimum off-street parking requirement of one space per 600 square feet of floor area and one space per 1,000 square feet of open air display, subject to designating any of the two (2) remaining spaces for "public parking",
6. Maximum Floor Area of 0.12 or 12%.

Staff would note that although not shown specifically on the Detail Site Plan, all exterior (non-glass) surfaces shall be masonry (see PUD-411-4). Staff is supportive of the proposed PUD-411 Detail Site Plan only as follows:

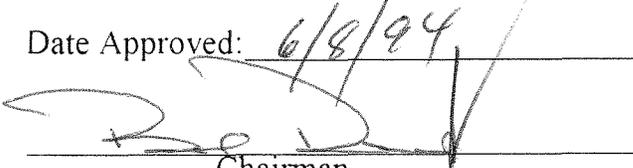
1. Subject to the proposed site being final-platted prior to issuance of a building permit in accordance with PUD-411 or subsequent amendments thereto.
2. Subject to no cars being displayed or stored in the 40 feet immediately west of the west parking lot boundary on the site.
3. Subject to meeting all other requirements of PUD-411 as originally approved or as amended.

**TMAPC Action; 7 members present:**

On **MOTION** of, **CARNES** the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Midget, Neely, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Harris, Wilson "absent") to **APPROVE** PUD 411 **DETAIL SITE PLAN** for part of Development Area 2 as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 5:00 p.m.

Date Approved: 6/8/94  
  
 \_\_\_\_\_  
 Chairman

ATTEST:

  
 \_\_\_\_\_  
 Secretary

