

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2026

Wednesday, June 28, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Boyle, 2nd Vice
Chairman
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Ledford
Pace
Taylor

Members Absent

Ballard
Horner
Midget
Selph

Staff Present

Gardner
Hester
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, June 26, 1995 at 9:15 a.m., in the office of the County Clerk at 9:05, as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of June, 14 1995, Meeting No. 2024:

On **MOTION** of **TAYLOR**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of June 14, 1995 Meeting No. 2024.

REPORTS:

Chairman's Report:

Mr. Carnes referred to a letter from Craig Ferris, President of Turkey Mountain Property Owners Association and Vice Chairman, District 8 Planning Team, requesting that the City Attorney render an opinion on Title 19 Sec. 863.7 and Sec. 863.8. relating to amending the District 8 Comprehensive Plan. He asked for Mr. Linker's comments.

Mr. Linker informed that the Legal Department contacted James Unruh, attorney for the Utility Board, by telephone regarding this matter. Mr. Linker advised that it is important for Mr. Unruh to study the statutes to determine what action should be taken.

Chairman Carnes instructed Staff to transmit a letter to Mr. Ferris informing that the City Legal Department has contacted Mr. Unruh regarding this matter and to contact Mr. Linker if there are further concerns.

Committee Reports:

Comprehensive Plan Committee

Ms. Gray reported that the Comprehensive Plan Committee met today to consider a request from the bicycling community to incorporate Federal Standards for bicycle lanes, American Association of State Highway and Transportation Officials (AASHTO), into the Major Street and Highway Plan (MSHP). She disclosed that the Comprehensive Plan Committee recommended that a public hearing date be set for this item.

After conferring with Staff, it was decided to hold the public hearing on August 2, 1995.

Rules and Regulations Committee

Mr. Doherty reported on the update of the Conservation Zoning District Study provided by Dane Matthews. He informed that it was the consensus of the Rules and Regulations Committee to direct Ms. Matthews to continue with the proposal development.

Mr. Doherty reported on the Rules and Regulations Committee review of the tent and open air activities permitting process with the majority of the discussion centering around the problem experienced from street corner vendors. He informed of the advice from legal counsel that the Zoning Code is adequate to control this problem and no amendment is necessary. It was determined that there is an enforcement problem and the Rules and Regulations Committee voted to request that the Planning Commission correspond with the Mayor requesting that for a limited period of time, perhaps the next 30 days, that City police be requested to assist in enforcing those zoning laws, specifically directed at street corner vendors in an attempt to bring this problem under control. Chairman Carnes instructed Staff to prepare such a letter for his signature.

Mr. Doherty informed of the decision by legal counsel that tents in parks used for customary park uses do not require a zoning clearance permit under the Zoning Code and that tents in school yards are still under consideration.

* * * * *

LOT-SPLIT FOR DISCUSSION:

L-18090 Susan Kennedy (J. Gaberino)(2093)
2408 East 30th Street South.

(PD-6)(CD-9)

It is proposed to split a tract of land described as the west approximately 50' of Lot 11 & Lot 12, Block 5, South Lewis Park Addition into two lots. It is Staff's opinion that both lots will meet the Bulk and Area requirements for the RS-2 District. However, there is an existing house on the property. The proposed lot-split would cut through the portion of the dwelling that is a screened porch. The applicant is asking that the TMAPC approve this lot-split with the condition that no deeds be released on either of the newly created lots until the screened porch is removed from the existing dwelling.

Staff Recommendation

Mr. Stump informed the Planning Commission that Staff can support the lot-split if its approval is made conditional upon removal of all structures within 5' of the new interior side lot line.

Applicant's Comments

Larry Henry, 1000 OneOK Plaza, 100 West 5th Street 74103, attorney for the applicant presented a copy of the plat. He informed that the applicant is agreeable with Staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **APPROVE** L-18090 as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6492

Applicant: Mark Hine

Location: Southwest corner of East Latimer Street North & North Quincy Avenue
1014 North Quincy.

Date of Hearing: June 28, 1995

Presentation to TMAPC: Mark Hine

Present Zoning: OL

Proposed Zoning: CH

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use - Special District 2, Industrial Area.

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

Staff Comments:

Site Analysis: The subject property is 140' x 450' in size, it is flat and non-wooded and contains a truck rental and storage facility.

Surrounding Area Analysis: The tract is abutted on the north, across Latimer Street, by an equipment company, zoned IM; to the east, across Quincy Avenue, by single-family dwellings, zoned RM-1; to the south by single-family dwellings, zoned OL then RM-1; to the west by single-family dwellings and vacant land, zoned CH and RM-1.

Zoning and BOA Historical Summary: The subject tract was zoned OL in 1970 and has been used for a non-conforming truck rental and storage facility for several years.

Conclusion: The Comprehensive Plan designates the property on the south side of E. Latimer as Low Intensity - No Specific Land Use. The Comprehensive Plan also recommends activities to be designed and maintained so as to minimize effect upon adjacent residential areas. High intense zoning should only occur when adjacent to existing like zoning. Staff cannot support the requested CH zoning and recommends **DENIAL** of CH zoning for Z-6492.

TMAPC Comments

Mr. Boyle noted that the subject property is adjacent to similarly zoned property (CH) to the west of the subject property and an even more intense zoning (IM) to the north. He asked why those zonings would not be relevant in considering the subject tract.

Mr. Gardner explained that when CH was first zoned to the west, on Peoria Avenue, the subject property was the transition or buffer. He explained that normally high intensity development would be limited north of Latimer where the industrial district is located. Mr. Gardner informed that the CH-zoned property immediately west of the subject property was zoned at a later date. He noted that the subject property is an interior tract, although it is across from an industrial district, with houses facing the tract. Mr. Gardner pointed out that CG zoning would permit the use requested with Board of Adjustment (BOA) approval.

Applicant's Comments

Mark Hine, 1012 North Quincy, informed that he lives and offices in the house just south of the subject area. Mr. Hine explained that he has owned and operated *Budget Movers* at this location for four years. He explained that this is a 24-hour moving service and it is essential for him to be on location to ensure the safety of the moving trucks and to prevent vandalism. Mr. Hine explained that his plans are to make the northern portion of the property into a playground for area children. He disclosed that since purchasing the property he has helped to improve the neighborhood and has an excellent relationship with area residents. Mr. Hine presented a petition signed by area residents in support of the proposed zoning change, as well as photographs of his property and the surrounding area.

Responding to inquiry from Ms. Pace, Mr. Hine informed that access to the subject tract is from North Quincy Avenue and that presently there is no fencing on the tract.

There was discussion regarding rezoning only the southern portion of the lot; however, it was determined that doing so would establish an irregular zoning pattern.

Mr. Doherty expressed concern of allowing commercial zoning to encroach into the residential area considering the other uses that would be allowed under CH zoning. He also expressed doubt that this tract would redevelop residentially and conceded that the Comprehensive Plan should be amended.

Ms. Pace was concerned that the entrance to the property is opposite long range planned residential development.

Mr. Boyle informed that he could support this application considering existing CH-zoned property to the west of the tract and support from the neighborhood.

Responding to inquiry from Ms. Pace, Mr. Gardner informed that this area may be included in the Springdale Study, but in this instance the tract is not zoned residential and would not be a tract that the Study designates for residential use.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-2-0** (Boyle, Carnes, Doherty, Gray, Ledford "aye"; Pace, Taylor "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to recommend **APPROVAL** of Z-6492 for CH zoning as requested by the applicant.

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, 7, & 8, a Subdivision of Lots 1 and 2, Block 4, Capitol Hill Second Addition to the City of Tulsa, Tulsa County, Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6490 & Z-6490-A**

Applicant: TMAPC

Location: Yorktown Neighborhood generally between East 15th & East 21st Streets and South Utica & South Lewis Avenues.

Date of Hearing: June 28, 1995

Presentation to TMAPC: Martin Steinmetz

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential on the major portion of the area with the north 600' being designated as Special Consideration Area - Cherry Street - Area D-Residential.

Staff Comments:

Site Analysis: The subject property contains approximately 74 acres in size, it is approximately 250' south of E. 15th Street; 175' east of S. Utica Avenue; it is north and east of St. John's Medical Center and offices; is approximately 160' north of E. 21st Street; several of the lots on the east boundary, front S. Lewis between E. 16th Street and E. 20th Street; it also includes those lots that face S. Yorktown between E. 15th Street and E. 17th Street. The property contains single-family dwellings, Barnard Elementary School, and the YWCA property. The properties included are zoned PK, RS-3 and OL.

Zoning and BOA Historical Summary: The subject tract was zoned RS-3 in 1970 and has remained single-family residential. The only rezoning in this area has occurred on perimeter lots such as the expansion of St. John's Hospital to the west and the YWCA expansion on the east boundary rezoning under Planned Unit Developments.

Conclusion: The Tulsa Preservation Commission has recommended that the Yorktown Neighborhood have the Historic Preservation Supplemental Zoning applied to it with the Design Guidelines that the Preservation Commission has developed. Staff would note that the west 40 feet of Lots 6, 7, and 8 of Block 1, Orcutt Addition, which is zoned PK, was not shown in the HP area of the map that was prepared by the Preservation Commission, but was included in the legal description they provided. It appears this parking lot was not intended to be in the HP supplemental district. Staff included the current YWCA buildings on S. Lewis Avenue and the parking lot owned by the YWCA at the southwest corner of E. 20th Street S. and S. Lewis Avenue with the notice for Z-6490-A. The Preservation Commission and the YWCA intend that these parcels be included in the HP Supplemental District.

Interested Parties

Martin Steinmetz

1763 South Xanthus 74104

Mr. Steinmetz, President of the Yorktown Neighborhood Association (YNA), detailed the chronology of events resulting in this application. He presented a map depicting those residents supporting this application, those opposed and those with no opinion. Mr. Steinmetz noted that St. John Medical Center and Bank IV residential properties were excluded from the HP area. He disclosed that the YWCA voluntarily asked to be included in the HP area, as well as Barnard Elementary School. Mr. Steinmetz reported on special guidelines addressing participation of schools in the HP district.

Kathleen Page**320 South Boston, Suite 1400 74103**

Ms. Page, former president of the YWCA, stated that she currently has no position with the YWCA. She detailed the history of the YWCA's request to be included in the HP zoning. Ms. Page commented on the importance of giving back to the neighborhood stability along the edge of commercial development. She pointed out that new guidelines (Section 9c) were developed for new nonresidential construction in the Yorktown Historic District to be sensitive to an institutional historic character. Ms. Page expressed support of these guidelines and requested that all the YWCA property be included in this request, both residential and the OL-zoned property.

Jim & Ann Brackett**1203 East 25th Street 74135**

Mr. Brackett informed that he and his wife reside in the Maple Ridge District, but own property in the subject area and expressed opposition to the application. He informed of serving on the Maple Ridge Board when they were applying for HP overlay zoning. Mr. Brackett feels that the Yorktown neighborhood has revived itself and believes that the private sector through resale will continue to reverse the situation. He expressed concern that future home buyers in the area be made aware that HP overlay restricts their property rights. Mr. Brackett reported on difficulties homeowners have experienced in HP overlay zoned areas when making repairs to their homes or should a property owner wish to raze a structure. He distributed photographs and materials supporting his arguments. Mr. Brackett presented a page of a *Montgomery Ward* catalog (1922) depicting houses typical of mail order houses for the working class, which are similar to those in the Yorktown Neighborhood, and he questioned the historic value of these types of homes. Mr. Brackett concluded stating that government intrusion is not necessary. Mr. Brackett asked that his property be exempt from the HP overlay zoning.

Nancy Davis**2232 East 19th Street 74104**

Ms. Davis gave details of the educational meeting presented by Greg Warren of the Urban Development Department. She noted that the concerns expressed by Mr. Brackett were addressed at those meetings and Mr. Warren answered questions to the satisfaction of those concerned. Ms. Davis explained that the neighborhood has experienced revitalization because of the sense of togetherness within the neighborhood. She commented on the unique architecture in the area.

Nell Bradshaw**1628 South Victor 74104**

Ms. Bradshaw commented on intrusion into the area of commercial and expressed concern that without HP overlay zoning the area may not continue to be revitalized.

Mr. Steinmetz informed that Greg Warren verified the veracity of the map presented. He noted that the guidelines of HP overlay zoning for the Yorktown Neighborhood differ from those of Maple Ridge, Gillette and Swan Lake, making them as liberal as possible, yet still remaining within the ordinance. Mr. Steinmetz advised that real estate agents are required to disclose to purchasers that HP zoning exists in an area and its definition.

Ms. Gray asked if there is a letter from Tulsa Public Schools regarding their agreement to be included in the HP overlay zoning.

Mr. Steinmetz acknowledged that there is a letter from Tulsa Public Schools agreeing with inclusion and he explained that there are specific guidelines for the school. He briefly explained the procedure the school must follow regarding compliance. Mr. Steinmetz noted that special consideration was given to the schools budget regarding compliance.

Greg Warren

Tulsa Preservation Commission

Mr. Warren informed that Eric Nelson, attorney for Tulsa Public Schools, worked to produce guidelines for Barnard Elementary School with the Tulsa Preservation Commission (TPC). He explained that the school wanted to be included in the overlay zoning. Mr. Warren answered questions from the Planning Commission regarding procedures the school, as well as individual property owners would follow for obtaining a Certificate of Appropriateness, appeals, etc.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **APPROVE** Z-6490 and Z-6490-A for Historic Preservation (HP) Overlay Zoning and the Design Guidelines as recommended by the Tulsa Preservation Commission. (The area zoned PK near the northwest corner of the area under consideration is excluded from the HP designation since it was not included in the area recommended by the TPC.)

LEGAL DESCRIPTION Z-6490 & Z-6490-A

All of Blocks 1 and 2, Bell McNeal Addition; All of Bungalo Court Addition; All of Block 1, Edgewood Place Addition; Lots 1 and 24, Block 2, Edgewood Place Addition; Lots 12 thru 17, Block 1, Hopping's Addition; All of Maywood Addition, less and except Lots 1 thru 4 and the N 170' of Lots 5 & 6, Block 1, and the N 170' of Lots 1 & 2, Block 2; All of Blocks 3, 4, and 5, Maywood Addition; Lots 3 thru 5, and the east 100' of Lots 6, 7, and 8, Block 1, Orcutt Addition; Lots 1 thru 8, Block 16, Orcutt Addition; All of Block 4, Reddin III Addition; All of Blocks 1, 3, & 4, Weaver Addition; All of Block 2, less Lots 16 thru 23, Weaver Addition; All of Blocks 1 thru 8, Lots 1 & 2, Block 9; Lots 1 thru 10, Block 10, and Lots 1 thru 10, Block 11, all in Woodward Park Addition, City of Tulsa, Oklahoma.

ZONING PUBLIC HEARING:

Application No.: **PUD-312-A**

Applicant: Charles Norman

Location: Northwest corner of East 51st Street South & South Garnett Road.

Date of Hearing: June 28, 1995

Presentation to TMAPC: Charles Norman

The applicant is proposing a major amendment to PUD-312-A which deletes from the PUD the area used by the City of Tulsa for a storm water detention facility and alters the development areas, permitted uses, and intensities of use.

The tract is approximately 80 acres in size and is zoned IL and PUD-312. It is vacant except for 13 existing outdoor advertising signs, most of which are non-conforming. East of the tract is vacant and zoned IL; to the south is zoned IL and contains single story industrial buildings; to the west is the Mingo Creek, then the Mingo Valley Expressway and then industrial development zoned IL; to the north across the Broken Arrow Expressway are office complexes zoned CO and IL. The tract is bisected by a drainage channel that empties into the detention pond at the northwest corner of PUD-312.

Staff can generally support the uses and intensity of uses proposed for this retail, office, hotel, motel, mixed use complex. The location appears to be ideal for higher intensity levels of these uses. Staff's only reservation is that the existing rather unsightly outdoor advertising signs near or fronting Garnett or 51st Street need to be removed when development of the tract begins.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-312-A to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-312-A subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards Modifications:

Development Area A

Maximum Building Height: None
Minimum Building Setbacks: 100' plus 1' for every foot of building height above 50'
From the Centerline of S. Garnett Rd

Minimum Landscaped Open Space: As required by Section 1104.E of the Tulsa Zoning Code

Signs:

No ground signs are permitted until all existing outdoor advertising signs within 150' of the centerline of Garnett are removed and all but one of the existing outdoor advertising signs along the Broken Arrow is removed. Once these signs are removed the following ground signs are permitted:

- 1.) One Center and/or tenant sign along Garnett Road with a maximum height of 35' and a maximum display surface area of 280 SF.
- 2.) One monument style sign not to exceed 4' in height nor 60 SF of display surface area.

Wall signs are permitted as provided for in Section 1103.B.2

Development Area B

Maximum Building Height: None

Minimum Landscaped Open Space: As required by Section 1104.E of the Tulsa Zoning Code

Signs:

- 1.) One outdoor advertising sign (including existing signs) is permitted along the Mingo Valley Expressway frontage.
- 2.) All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

Development Area C

Permitted Uses: Outdoor Advertising Signs are not permitted
Maximum Building Height: 45'

Minimum Landscaped Open Space: As required by Section 1104.E of the Tulsa Zoning Code

Signs:

- 1.) No outdoor advertising signs are permitted
2. Wall and ground signs shall comply with Section 1103.B.2 of the Tulsa Zoning Code.

Development Area D

Maximum Building Height; 45'
Minimum Landscaped Open Space: As required by Section 1104.E
of the Tulsa Zoning Code

Signs:

No ground signs are permitted until all existing outdoor advertising signs are removed from the development area. Once removed signs as provided for in the outline development plan are permitted.

Development Area E

Maximum Building Height; None
Minimum Landscaped Open Space: As required by Section 1104.E
of the Tulsa Zoning Code

Signs:

- 1.) Ground signs - one monument sign per lot may be permitted, not to exceed 8' in height nor 32 SF in display surface area
- 2.) Wall signs shall comply with the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

Development Area F

Maximum Building Height; None
Minimum Building Setbacks:
From centerline of Garnett Rd 100' plus one foot for every foot of
building height above 50'

Minimum Landscaped Open Space: As required by Section 1104.E of the
Tulsa Zoning Code

Signs:

No ground signs are permitted until all existing outdoor advertising signs are moved from the development area. Once removed signs as provided for in the outline development plan are permitted.

3. In any development area automobile and light truck sales may be permitted by minor amendment.
4. The TMAPC may require as a condition of approval of any development in Development Area B that the collector street system shown on the conceptual plan be completed.
5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Applicant's Comments

Charles Norman, attorney for the applicant, informed that the only area of difference with Staff is in Development Area "D" regarding signage. He revealed that the proposed purchaser of this lot is an outdoor furnishings, garden and lawn supply and hobby goods store expected to occupy a building of over 100,000 SF. Mr. Norman advised that the proposed tenant has a standard sign which they would like to install, 7.5' x 40' containing 300 SF of display surface area. He requested that they be allowed to amend their outline development plan so that the ground sign in area "D" be a maximum area of 300 SF and 35' in height.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph" absent") to recommend **APPROVAL** of PUD 312-A Major Amendment as recommended by Staff amending the outline development plan for signage in Development Area "D" as requested by the applicant and stated below:

The ground sign in Development Area "D" to be a maximum area of 300 SF and no more than 35' in height.

LEGAL DESCRIPTION

A tract of land that is part of the SE/4 of Section 30, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Beginning at a point that is the SE corner of said Section 30; thence S 89°59'19" W along the Southerly line of Section 30 for 1,610.71'; thence N 00°00'40" W for 445.84'; thence N 28°26'09" W for 182.51'; thence N 50°36'05" W for 268.77' to a point of curve; thence Northwesterly and Northerly along a curve to the right with a central angle of 42°00'00" and a radius of 681.94' for 499.89' to a point of tangency; thence N 08°36'05" W along said tangency for 211.38'; thence S 69°26'46" E for 0.00' to a point of curve; thence Southeasterly, Easterly and Northeasterly along a curve to the left with a central angle of 91°09'27" and a radius of 231.00' for 367.52' to a point tangency; thence N 19°23'47" E along said tangency for 98.76' to a point of curve; thence Northeasterly and Easterly along a curve to the right with a central angle of 57°07'18" and a radius of 101.00' for 100.69' to a point of tangency; thence N 76°31'05" E along said tangency for 199.26'; thence S 87°35'21" E for 330.48' to a point of curve; thence Easterly and Northeasterly along a curve to the left with a central angle of 37°03'30" and a radius of 174.00' for 112.54' to a point of tangency; thence N 55°21'09" E along said tangency for 224.67'; thence N 21°50'36" W for 0.00' to a point of curve; thence Northwesterly and Northerly along a curve to the right with a central angle of 22°15'27" and a radius of 371.00' for 144.12' to a point of reverse curve; thence Northerly and Northwesterly along a curve to the left with a central angle of 48°04'01" and a radius of 374.00' for 313.76' to a point of tangency; thence N 47°39'10" W along said tangency for 25.36' to a point on the Southerly R-O-W line of the Broken Arrow Expressway; thence S 67°23'31" E along said R-O-W line for 382.96'; thence S 58°34'31" E along said R-O-W line for 906.81' to a point on the Easterly line of said Section 30; thence due South along said Easterly line for 1,715.90' to the POB of said tract of land, and located on the NW corner of E. 51st Street S. and S. Garnett Rd., Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6467-SP-2** Corridor Site Plan

Applicant: John Moody

Location: East of Northeast corner of Mingo Valley Expressway. & South Mingo Road.

Date of Hearing: June 28, 1995

Presentation to TMAPC: John Moody

The applicant is proposing to install a 50' high 14' x 48' outdoor advertising sign adjacent to the Mingo Valley Expressway near the southeast corner of the tract included in corridor zoning case Z-6467. The site plan submitted does not provide sufficient information to determine the exact location of the sign.

Most of the surrounding land to the north and east is vacant and zoned AG with the Haikey Creek floodplain immediately adjacent to the subject tract. To the west is the CO zoned tract that has been approved for a golf driving range. Across the expressway to the south is vacant CO and AG zoned land. It is anticipated that the entire triangle formed by 91st Street South,

Mingo Road and the Mingo Valley Expressway may develop non-residentially or with multifamily residential projects. Also the area immediately across the expressway is expected to develop at medium intensity. Therefore this site appears to be appropriate for outdoor advertising. Since the type of future development of the tract immediately east of the subject tract has not yet been determined, it appears prudent to not allow the billboard to be immediately adjacent to this tract.

Staff recommends APPROVAL of the corridor site Plan if the sign location is moved to a point at least 200' west of the subject tract's eastern boundary abutting the Mingo Valley Expressway right-of-way and subject to meeting all the requirements of the Section 1221 F of the Tulsa Zoning Code.

TMAPC Comments

Mr. Doherty suggested that it might be more appropriate to reference the northeast corner of the property since it does not appear that any development would occur into the southern tip of remaining land.

Mr. Stump recommended that the sign be allowed no greater than 50' from the west boundary of the subject tract, might be more appropriate phrasing.

Mr. Moody acknowledged that this would be acceptable; however, he noted that there is a creek through the area and the sign may be too close to it.

Mr. Moody noted that under corridor zoning and Use Unit 21, if the expressway is elevated more than 10' higher than the abutting property the sign can be 60' high. He informed that the expressway is actually between 35' and 40' higher than the ground elevation at this point. Mr. Moody requested that that the sign be allowed to be increased to 60' high as permitted by corridor zoning.

TMAPC Action; 7 members present:

On MOTION of DOHERTY, the TMAPC voted 7-0-0 (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to recommend APPROVAL of the CORRIDOR SITE PLAN for Z-6467-SP-2 as recommended by Staff locating the sign within 50' of the west boundary of the subject tract and should topography prevent location, Staff would be allowed to approve it within 100' from the west boundary and allow the sign to be a maximum of 60' high as requested by the applicant.

LEGAL DESCRIPTION

Part of Government Lots 1 & 2, Section 19, T-18-N, R-14-E of the IBM, according to the U.S. Government survey thereof, City of Tulsa, Tulsa County, State of Oklahoma, more particularly described as follows: The East 300' of the following described tract, beginning at the Southwest corner of said Government Lot 1; thence N 1°09'35" W along the West line thereof a distance of 260.09' to a point; thence N 88°50'25" E a distance of 50.00' to a point; thence N 1°09'35" W a distance of 69.80' to a point; thence N 88°58'08" E a distance of 1,169.43' to a point on the East line of said Lot 1; thence S 1°21'18" E along the said East line a distance of 210.43' to a point; thence S 43°40'29" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,549.72', a central angle of 2°47'59", a distance of 173.45' to a point; thence S 43°31'32" E a distance of 70.00' to a point; thence S 46°28'28" W a distance of 0.00' to a point of curve; thence along said curve to the right, said curve having a radius of 3,619.72', a central angle of 19°39'41", a distance of 1,242.13' to a point; thence N 12°28'12" W a distance of 203.96' to a point; thence N 1°09'33" E a distance of 264.68' to a point; thence S 88°50'25" W a distance of 60.00' to a point on the West line of said Lot 2, thence N 1°09'35" W along said West line a distance of 254.94' to the point of beginning, and being located in the northeast corner of Mingo Valley Expressway and South Mingo Road, Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6493**

Applicant: . Georgeiana Brown

Location: North of the northwest corner of East 61st Street South & South Mingo Road.

Date of Hearing: June 28, 1995

Presentation to TMAPC: Robert Parker

Present Zoning: *RS-3*

Proposed Zoning: *CS*

Relationship to the Comprehensive Plan:

The District 18C Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested CS zoning is not in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 200' x 250' in size, is located on the west side of S. Mingo Road and north of E. 61st Street S.. It is flat and partially wooded and has a single-family dwelling on it.

Surrounding Area Analysis: The tract is abutted on the north and south by single-family dwellings, zoned RS-3; to the west by vacant floodway property, zoned RS-3; and to the east by vacant property, zoned RS-3.

Zoning and BOA Historical Summary: The subject tract was zoned RS-3 in 1970. The history of zoning actions in this area indicate that IL zonings have been approved north of the subject tract in Special District 1, Industrial.

Conclusion: The subject property is not identified as being within the future industrial special district, nor within the medium intensity node at 61st Street and S. Mingo Road. Therefore, Staff recommends **DENIAL** of CS zoning for Z-6493. Since this lot is isolated between the industrial special district to the north and a medium intensity - commercial node to the south, it appears the Comprehensive Plan should be amended to include this lot in the industrial special district.

Applicant's Comments

Robert Parker, attorney for the applicant, Jane Howie, described the surrounding area. He informed that the potential purchaser is the owner of Silk Windsor, a men's store, who would like to make this property the national headquarters. He declared that this property is in transition.

Mr. Doherty was concerned that the requested rezoning would allow retail sales on the site. He noted that IL zoning would allow retail use by exception through Board of Adjustment relief. Mr. Doherty deemed that commercial use this far north would be spot zoning.

Corrie Egge

9950 East 97th Street

Ms. Egge is a realtor who has listed the subject property. She informed that the potential purchaser has expressed that IL zoning would allow him to use the property.

It was the consensus of the Planning Commission that IL zoning would be more appropriate for the subject tract.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **CONTINUE** Z-6493 to July 26, 1995 in order to advertise for alternative zoning and **WAIVER** of additional fees other than out-of-pocket costs (advertisement, sign, postage, etc.).

* * * * *

Application No.: **Z-6494**
Applicant: Eloise Cox
Location: 1109-1111 South Gary Place.
Date of Hearing: June 28, 1995
Presentation to TMAPC: Mike Cox

Present Zoning: *RM-2*
Proposed Zoning: *CS*

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested CS zoning is **not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 50' x 140' in size it is flat, non-wooded, contains a single-family dwelling, and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north and east by a restaurant and a parking lot, zoned CH; to the south by a single-family dwelling, zoned RM-2; and to the west by a parking lot for the adjoining commercial businesses, zoned OL, that front E. 11th Street.

Zoning and BOA Historical Summary: The subject tract was zoned RM-2 in 1970. The property is abutted on the north by property considered by the Comprehensive Plan as Area C - Special Consideration District for the TU area. Further encroachment into the neighborhoods on the south side of E. 11th Street, than is allowed by the Comprehensive Plan, is discouraged. Staff therefore recommends **DENIAL** of CS zoning for Z-6494. Staff could support OL zoning as exists west of the subject tract.

Applicant's Comments

Mike Cox

8968 East 13th Street 74112

Mr. Cox, brother of the property owner, explained that his sister has recently returned from out of state to start a business in Tulsa. He explained that the condition of the subject property and surrounding properties make it unsuitable for residential occupancy. Mr. Cox presented photographs of the surrounding area depicting commercial business abutting the property on two sides and office light on the third side. He explained the applicant's intent to install a privacy fence south of the property to shield the residential area from the subject property. Mr. Cox informed that Bob Butler, President of the Renaissance Neighborhood Association, was supportive of this application. He addressed area residents' concerns that undesirable businesses may be allowed on the subject tract, noting that the small size and location would be prohibitive to these types of businesses due to insufficient parking. Mr. Cox informed that signage and access would be on the north side of the property.

Responding to questions from Chairman Carnes, Mr. Cox informed that the existing garage will be razed and that parking for six to seven vehicles would be made available on the property.

Interested Parties

Norma Hamilton

1146 South Gary Place 74104

Rebecca Hamilton

1140 South Gary Place 74104

The above-listed individuals presented a letter of opposition to the proposed rezoning request; however, they state that they are not opposed to light office.

Harold

~~Gary~~ Staires, owner of property at 1140 south Gary Place, expressed concern over encroachment of commercial into a residential area and he was concerned over other uses that would be allowed under commercial zoning that would be undesirable to area residents. He noted that there is property to the south zoned RM-2. Mr. Staires stated that he would not be opposed to OL zoning.

TMAPC Comments

Chairman Carnes announced receipt of three letters from the neighborhood opposing the rezoning application.

Ms. Pace disclosed communication with the applicant. She declared that this area represents poor planning design. Ms. Pace declared that commercial zoning is too intense for the subject property and was concerned that other uses allowed under commercial zoning would be injurious to the neighborhood.

Mr. Doherty informed that initially he was opposed to any nonresidential zoning into the area. He noted that the strip center has OL zoning behind it; however, regardless of the zoning the physical use of the shopping center property is commercial. Mr. Doherty informed that the Planning Commission has the opportunity to establish a solid demarcation between residential and nonresidential. He understands concerns that by allowing CS zoning an individual could raze the house and put an undesirable use on the property especially if that CS zoning could be aggregated with the CH to the front of the property. He deemed that this 50' lot is too small for removing a house and erecting any stand-alone commercial structure. However aggregating that 50' lot with the CH to the front could be significant intrusion into that neighborhood.

Responding to inquiry from the Planning Commission, Elouise Cox, owner of the subject property, informed that OL zoning would not accommodate her business. She informed that area residents were concerned over adequate fencing of her property. Ms. Cox assured residents that a fence would be erected before the business was operational. She also assured the Neighborhood Association that she would work to fence the rear of the shopping center.

Ms. Pace asked Staff if commercial zoning is granted on this application if that would open the entire strip to Gary Avenue for commercial zoning.

Mr. Gardner explained that this tract is at the node and is buffered by RM-2 zoning and is across from commercially zoned property, which makes the subject property distant from the other OL zoned property to the west.

Ms. Pace was opposed to granting the proposed CS use abutting residential.

There was discussion over the least intensity of zoning that would allow for limited retail sales as the applicant proposes.

Mr. Gardner explained that if more than one principal use is permitted parking must be provided for each of the principal uses based on the square footage being used within the building. He informed that for what the applicant proposes, CS is the lowest zoning possible.

Because of the history of this neighborhood and efforts to separate land uses, Ms. Pace revealed that she cannot support this application.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-1-0** (Boyle, Carnes, Doherty, Gray, Ledford, Taylor "aye"; Pace "nay"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to recommend **APPROVAL** of Z-6494 for CS zoning as requested by the applicant.

LEGAL DESCRIPTION

Lot 22, Block 1, East Lawn Addition, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, and located south of the southeast corner of E. 11th Street South and South Gary Place, Tulsa, Oklahoma.

* * * * *

OTHER BUSINESS:

Proposal for Tax Incentive District in Lot 3, Block 1, Cherokee Expressway Industrial District.

Mr. Doherty reported that the Rules and Regulations Committee met today to consider the proposal for a Tax Incentive District for Lot 3, Block 1, Cherokee Expressway Industrial District. He informed that this item was reviewed by the Tulsa County Tax Increment Finance Review Committee and they found it to be eligible and appropriate. Mr. Doherty advised that the Rules and Regulations Committee determined this item to be appropriate and in harmony with the Comprehensive Plan and voted to recommend approval to the full Planning Commission.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; "abstaining"; Ballard, Horner, Midget, Selph" absent") to **APPROVE** the proposal for a Tax Incentive District for Lot 3, Block 1, Cherokee Expressway Industrial District finding it to be appropriate and in harmony with the Comprehensive Plan (Tulsa County Tax Incentive Finance District #1)

* * * * *

Adopt an amended fee schedule for filing and processing City of Tulsa rezoning applications, and Board of Adjustment applications.

Mr. Doherty informed that the Rules and Regulations Committee considered amending the zoning and Board of Adjustment fees schedule. He advised that it was the consensus of the Rules and Regulations Committee to recommend to the Planning Commission that these recommendations be adopted. (Attachment at the end of the minutes.)

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **ADOPT** the amended fee schedule for filing and processing City of Tulsa rezoning applications, and Board of Adjustment applications.

* * * * *

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TMAPC Action; 7 members present:

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TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Horner, Midget, Selph "absent") to **ADOPT** the amended fee schedule for filing and processing City of Tulsa rezoning applications, and Board of Adjustment applications.

There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date Approved: 7/12/95

[Signature]
Chairman

ATTEST:

[Signature]
Secretary

Exhibit A
City of Tulsa
Rezoning and Board of Adjustment Fees Schedule

I. ZONING MAP AMENDMENTS

ZONING CATEGORIES	BASE FEE	SLIDING FEE
A. Low Intensity AG, AG-R, RE, RS, RS-1, RS-2, RS-3, RS-4, RD		
1. 5.0 ACRES OR LESS	\$ 150.00	
2. each additional acre increment and/or fraction thereof		\$ 2.00
3. Maximum	300.00	
B. Medium Intensity RT, RM-T, RMH, RM-O, RM-1, RM-2, PK, OL, OM		
1. 5.0 ACRES OR LESS	250.00	
2. each additional acre increment and/or fraction thereof		5.00
3. Maximum	700.00	
C. High Intensity RM-3, OMH, OH, CS, CG, CH, CO, SR, IR, IL, IM, IH		
1. 5.0 ACRES OR LESS	450.00	
2. each additional acre increment and/or fraction thereof		10.00
3. Maximum	800.00	
D. Multiple Zoning Classifications *		
1. Highest of base fees ** (A-1, B-1, C-1)		
2. Plus per acre cost per category *** (A-2, B-2, C-2)		
3. Maximum	800.00	

*In addition to charging the highest base fee in the multiple zoning application (See above) the highest sliding fee shall be charged for the total area included in a multiple zoning classification request, unless the applicant calculates and records on the zoning application the specific number of acres for each classification requested.

** Only one base fee (**A-1, B-1, C-1**) shall be charged for the multiple zoning classification requests and it shall be the highest of the base fees per type of zoning requested.

***The applicant shall be charged, in addition to the highest of the base fees, a sliding fee (**A-2, B-2, C-2**) for each acre of each category requested, except the first 5 acres of the highest category which has already been charged in the base fee.

- E.** HP Zoning District Fees based on Item (**A**) Low Intensity
- F.** CORRIDOR SITE PLAN REVIEW fee is determined by Intensity of use and based on items **A, B & C**

G. Planned Unit Development

	BASE fee	Sliding
1. Residential		
o 10.0 ACRES OR LESS	\$ 300.00	
oo Each additional acre or fraction thereof over 10.0 up to & including 100.0		\$ 5.00
ooo Each acre or fractional thereof over 100.0		\$ 1.00
oooo Maximum	\$1,000.00	
2. Nonresidential		
o 10.0 ACRES OR LESS	450.00	
oo Each additional acre or fraction thereof over 10.0 up to & including 100.0		\$ 5.00
ooo Each acre or fractional thereof over 100.0		\$ 1.00
oooo Maximum	1,000.00	

- H.** MAJOR AMENDMENT to PUD shall be considered a *new* application with fees as per **G-1** and **G-2** except as specified below
- a. Special Exception uses as PUD Amendments in Low Intensity (**A**) \$ 200.00
- b. Special Exception uses as PUD Amendments in Medium & High intensities (**B & C**) \$ 300.00
- I.** ABANDONMENT of a Planned Unit Development \$ 200.00

II. BOARD OF ADJUSTMENT FEES

Category	Fee
A. Variances (Bulk & Area)	\$ 150.00
B. Special Exception	150.00
C. Minor variance & exception	100.00
D. Special exception for mobile home	100.00
Waiver of 1 year time limit for mobile	50.00
E. Appeal of administrative officials' decision	100.00
F. Special exception to park RV's	25.00
G. Agenda Fee (amended site plans)	25.00

III OTHER ZONING RELATED FEES

- A.** Zoning Letters \$ 10.00
- B.** Any item requiring placement on the Agenda for which no fee is established \$ 25.00
- C.** Zoning Ordinance Publication Fee \$ 100.00
- D.** Minor Amendment to a CO Site Plan
NO Publication, MAIL 300' radius \$ 150.00
\$ 400.00
- E.** MINOR Amendment to PUD (NO Publication, NOTIFY 300' by mail) \$ 150.00
\$ 400.00
- F.** PUD Sign Plan, Site Plan or Landscape Plan EACH \$ 25.00

The above fees do not include the cost of publication, notice, posting of signs, notice to property owners (within 300' radius of property), or postage.

