

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1738  
Wednesday, **March 22, 1989**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

**MEMBERS PRESENT**

Carnes  
Coutant, Secretary  
Doherty  
Kempe, Chairman  
Paddock, 2nd Vice  
Chairman  
Parmele, 1st Vice  
Chairman  
Wilson  
Woodard

**MEMBERS ABSENT**

Draughon  
Randle  
Selph

**STAFF PRESENT**

Gardner  
Jones  
Setters

**OTHERS PRESENT**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 21, 1989 at 10:40 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:33 p.m.

**MINUTES:**

**Approval of the Minutes of March 8, 1989, Meeting #1736:**

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Draughon, Randle, Selph, "absent") to **APPROVE** the **Minutes of March 8, 1989, Meeting #1736.**

**REPORTS:**

**Approval of the Report of Receipts & Deposits:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Randle, Selph, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended February 28, 1989.**

**Chairman's Report:**

Chairman Kempe reminded the TMAPC members of the April 1st workshop with the District Planning Team officers.

Committee Reports:

Mr. Paddock announced a meeting of the **Rules & Regulations Committee** was scheduled for Wednesday, April 5th, at 11:30 to review proposed Sign Code amendments.

In regard to a follow-up meeting for recommendations relating to the Infill Development Study, Mr. Paddock suggested April 5th, upon adjournment of the regular TMAPC meeting. He added the BOA members would also be invited to provide input. After confirming the TMAPC agenda items for that date with the INCOG Staff, the consensus of the TMAPC was to proceed with the suggested April 5th date and time.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Howerton Acres (PUD 179-R)(1283) SE/c of 71st St & So 92nd E Ave (CS, RM-1)

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Draughon, Selph, Randle, "absent") to **APPROVE** the Final Plat of Howerton Acres and release same as having met all conditions of approval.

AMENDMENT TO CERTIFICATE OF DEDICATION

Bent Tree (3194) SE/c of 51st Street & South Mingo Road (IL)

This property was originally platted as PUD 353 but was never developed, and the PUD was officially abandoned. Staff provided a letter from Roy Johnsen, attorney for the applicant, detailing this action. No utility easements, rights-of-way or other provisions of the plat have been changed by the abandonment of the PUD. Therefore, Staff finds no objection to the request and recommends **APPROVAL**, subject as to form by the City Attorney.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Randle, Selph, "absent") to **APPROVE** the **Amendment to the Certificate of Dedication for Bent Tree**, as recommended by Staff.

**CONTINUANCE(S):**

**PUD 190-E:** North Side of East 76th Street at Hudson Avenue  
(Applicant has requested a continuance to April 5, 1989)

Comments & Discussion:

Mr. Roy Johnsen, representing Superior Financial, reviewed his letter to INCOG requesting the two week continuance to April 5th. Ms. ~~Marcia~~ <sup>Monica</sup> Sadler (c/o Bob Nichols, 111 West 5th), an interested party, requested a 30 day continuance due to the pending court hearings with the developer of this subdivision.

Mr. Doherty moved for a three week continuance to April 12th. Mr. Parmele asked Mr. Johnsen if he had a strong objection to a 30 day continuance. Mr. Johnsen stated he would withdraw his previous request for a two week continuance in order to allow the 30 days requested by Ms. Sadler. Therefore, Mr. Doherty amended his motion for a continuance of PUD 190-E to April 19th.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Randle, Selph, "absent") to **CONTINUE Consideration of PUD 190-E Johnsen (Superior Financial)** until Wednesday, **April 19, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

ZONING PUBLIC HEARING:

Application No.: **PUD 449** Present Zoning: RS-3, IL  
Applicant: **Swimmer (Hoffmeier)** Proposed Zoning: Unchanged  
Location: NW/c of East 33rd Street North and North Lewis Avenue  
Date of Hearing: March 22, 1989  
Presentation to TMAPC by: Kermit Hoffmeier, PO Box 188, Catoosa (266-1302)

Staff Recommendation:

The applicant is proposing to establish a truck servicing establishment on a 6.58 acre (net) site at the northwest corner of East 33rd Street North and North Lewis Avenue. The east 240' of the tract is zoned IL and the west 258.5' is zoned RS-3. The tract has 635' of frontage on North Lewis Avenue on its east and 543' of frontage on Mohawk Boulevard on its north. There are two existing industrial buildings near the southeast corner of the tract within the IL zoned area.

The applicant does not propose to construct any new buildings. He is proposing to grade and pave a large portion of the RS-3 zoned area to use as a truck and trailer maneuvering area as the trucks enter and exit the buildings for truck and trailer servicing. Trucks would enter from the north off of Mohawk Boulevard and would exit onto Lewis at a point approximately 115' north of the southeast corner of the property. Truck parking is proposed to be on the east side of the tract near Lewis Avenue approximately 270' north of 33rd Street.

Since the single family homes face directly into the RS-3 portion of the tract on the south side of 33rd Street and the side of two other homes abut the tract on the west a buffer on the south and west sides of the tract is proposed. The buffer will consist of a 3' to 4' earthen berm with an 8' (minimum) screening fence constructed on the highest portion of the berm. In addition a hedge type of plant material is proposed to be planted on the side of the screening fence facing the residences.

After review of PUD 449, Staff finds that it is: (A) consistent with the Comprehensive Plan; (B) in harmony with the existing and expected development of surrounding areas; (C) a unified treatment of the development possibilities of the site and; (D) consistent with the stated proposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 449 subject to the following conditions:

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

2) **Development Standards:**

Land Area (Net):	6.58 acres total
Area A (east 240')	3.46 acres
Area B (west 258.5')	3.12 acres

Permitted Uses:

Area A	All uses allowed by right in an IL district.
Area B	A dust-free, hard surface (all-weather) for the maneuvering and short-term parking (less than 4 hours) of trucks and trailers using the facilities in Area A open space, at least 100' from the west property line. (No buildings or service facilities of any kind are allowed in Area B). [Stated as amended; see TMAPC Review Session.]

Maximum Building Floor Area:

Area A	Only the existing buildings. (Any enlargement or construction of new buildings would require a major amendment to the PUD.)
Area B	-0-

Minimum Off-Street Paved Parking:

- |        |  |
|--------|--|
| Area A | As required by the applicable Use Unit of the City of Tulsa Zoning Code                              |
| Area B | None allowed, except short term truck and/or trailer parking awaiting servicing (less than 4 hours). |

Minimum Landscaped Open Space: Area A - 10%; Area B - 50%

- 3) The screening and buffering requirements are as follows: A combination of a 3' to 4' earthen berm, an 8' tall (minimum) wooden screening fence constructed at the top of the berm. [Stated as amended; see TMAPC Review Session.]
- 4) No business identification signs shall be placed on the west walls of buildings; however, small directional signs above the service doors shall be permitted. Two ground signs shall be permitted; one at the northern entrance, and one at 33rd and Lewis, but no farther than 100' west of Lewis Avenue. [Stated as amended; see TMAPC Review Session.]
- 5) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping berming and screening fences have been installed in accordance with the approved landscape plan prior to issuance of an Occupancy Permit. The landscaping materials and screening fence required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 6) No building permits shall be issued for erection of a sign in Development Area A 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) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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, making City of Tulsa beneficiary to said covenants.

Comments & Discussion:

Mr. Paddock noted that the right-of-way on North Lewis was only 44' and the Major Street and Highway Plan called for 100', and if the zoning on this tract was approved in 1974, he asked why something was not done at that time. Mr. Gardner stated that he was not sure what occurred in 1974, but this PUD application would trigger the platting requirements as relates to right-of-way dedication. In reply to Ms. Wilson, Mr. Gardner clarified that "decorative screening fence" in condition #3 was to mean a privacy fence. He further clarified that Staff's recommendation for an 8' (minimum) fence on top of a 3' to 4' berm was due to the applicant's operation with very large trucks.

Applicant's Comments:

Mr. John Boyd (111 West 5th), attorney for the applicant, reviewed a site plan drawing showing the proposed uses by the trucking operation as to office buildings, parking areas, shop/service areas, etc. Mr. Boyd advised that the trucks, which run throughout the US, hauled petroleum based products that were not of an explosive or dangerous nature. He advised the operation was currently in Catoosa on leased property and the applicant was wanting to purchase this tract for relocation purposes, and would utilize the tract for a dispatching office and service area for the trucks. He added that 12 - 15 trucks a day would be coming into the site. Mr. Boyd advised that the office building, shop/service area and parking was all located in the IL zoned portion, and the only space needed in the RS-3 area was for truck maneuvering or swinging the trucks around to enter the service or shop area.

In regard to landscaping/buffering, Mr. Boyd stated the applicant was proposing a chain link fence around all sides of the property with landscaping on the outside perimeter area on the west and south which abutted the residential area. He added that the applicant was also investing a large amount for refurbishing the existing structures, which had previously been used for a tank manufacturing operation. Mr. Boyd submitted photos of the site to show the grading work already completed.

In regard to the Staff recommendation, Mr. Boyd stated he would like to amend the condition regarding signage, as the applicant wanted to have an identification sign on Mohawk Blvd. Mr. Gardner remarked that there were no signs indicated on the drawings evaluated by Staff, but Staff had no problem with a ground sign on the east side of the entry way (on the north side). Mr. Boyd stated that, in regard to condition #4 indicating no signs on the west wall, the applicant was proposing identification signs above the doors to direct the trucks to the types of service in the various shop stalls. He reiterated these would be for informational purposes and not of an advertising nature.

Mr. Woodard inquired if there would be any storage of liquids on the tract. Mr. Boyd advised that the only storage would be of a temporary nature, three or four hours, and the liquids would be contained in the trucks hauling the liquids, as no permanent storage would be accommodated on-site. The applicant, Mr. Kermit Hoffmeier, confirmed that the operation was for a transportation business, not a storage business, and the loaded tankers would only be on-site while the truck (tractor) was being serviced.

In regard to questions about the fence and/or berm, Mr. Hoffmeier stated that the idea of the berm along the south side of the tract was due to the low grade elevation of the site, and the size of the trucks involved. Therefore, the berm would raise the fence to approximately street level in order to properly screen the trucks from view. He added that the fencing he had in mind was of a chain link variety, for security reasons, which

would be set back somewhat in order to keep the area properly mowed. In addition, a honeysuckle type vine would be added to provide screening and privacy. Mr. Hoffmeier also proposed some lattice in the chain link fence to provide additional screening until the vine or hedge material was of an adequate height. He reviewed the grading work already completed and the refurbishing done to the existing structures, and commented that several people in the area had come by to comment on the upgraded appearance of the property.

In reply to Mr. Doherty, Mr. Hoffmeier stated the trucks would not be blocking traffic on Mohawk Blvd. while waiting to enter the security gate, as the gate would be located at least 150' down the drive into the tract. He confirmed that he would not have a problem with this as a condition. In response to Mr. Doherty regarding the screening/fencing, Mr. Hoffmeier stated that the vine and/or lattice was considered for aesthetic reasons and would, in fact, be more costly than installing a wooden privacy fence. However, he would comply with whatever the TMAPC directed.

Ms. Kempe asked what was meant by "truck service". Mr. Hoffmeier stated that this did not mean on-site storage of products for filling the trucks. He explained that, as regulated by federal government standards, the trucks must be inspected and serviced as relates to tires, brakes, lights, etc. He stressed the products transported in the trucks were motor oils that were a finished product classified as non-hazardous since they were not combustible.

Ms. Wilson repeated concerns regarding the screening/fencing height. Mr. Hoffmeier clarified that he had planned the fence to accomplish a better than 8' above grade level. He stated that a standard industrial type fence was 6'9", which would accomplish a 10' or 11' total height on top of a 3' or 4' berm. In reply to Ms. Wilson, Mr. Gardner stated Staff recommended an 8' decorative fence on top of the 3' or 4' berm, and the Commission would have to make the final determination. Mr. Carnes complimented Mr. Hoffmeier for his efforts to upgrade this tract and suggested that the applicant and neighborhood residents get together to clarify needs regarding the fencing and berming. Mr. Hoffmeier agreed and added that if the residents wanted a 8' wooden fence, he would accommodate them.

In regard to the paving requirements, Mr. Gardner clarified for Mr. Coutant that the Code refers to hard surface, all-weather materials, and there were differing degrees of asphalt or paving, as used by the County. However, loose gravel, by itself, would not meet the Code, as some type of a hardening agent would be needed to provide a dust-free surface. Mr. Carnes further clarified for Mr. Coutant that the applicant would be forced to provide a base that would accommodate the heavy trucks, and in addition, he would be forced to install a hard enough surface to withstand the turning and maneuvering of the trucks.

Interested Parties:

Chairman Kempe advised receipt of a 20 signature petition of protest, and she read letters of protest mailed to the TMAPC from Jean Patton Latimer, Frank Rodgers and O'Neil L. Cobb.

**Mr. Hubert Bryant** (2623 North Peoria), attorney for the protestants listed on the above mentioned petition, pointed out that the applicant was aware of the zoning when he purchased this tract, as there had been no change in the Comprehensive Plan for several years. Mr. Bryant submitted photos of homes in the residentially zoned areas abutting the subject tract. He also submitted photos of other industrial type uses in this area, showing how these had not been properly maintained. Mr. Bryant stated the residents did not want the noise, dust and traffic hazards from this type of operation along Mohawk Blvd. or in their neighborhoods. Therefore, he requested the application be denied due to the detrimental impact on the residential neighborhoods. In response to Mr. Doherty, who pointed out the benefits and advantages for control offered by a PUD, Mr. Bryant asked who would check the facility at night and on weekends if hours of operation were a condition of the PUD, as enforcement of the PUD conditions appeared to be the problem, not the PUD itself. He also stated concern regarding the applicant's reference to petroleum based products as the residents had been informed that the trucks would be transporting insecticides and pesticides.

Mr. Carnes commented that the other industrial developments in this area had not submitted PUD's, therefore the TMAPC had no control over landscaping, buffering, parking, etc. as they do with this application. Mr. Parmele commented that he felt this PUD, with the screening and landscaping conditions, would help the situation as the residents currently have to look across a vacant field to the existing buildings.

**Mr. O'Neil Cobb** (2623 North Peoria) protested the application as he wished to keep the IL and RS as is. He added that he had no objection to the screening fence around the portion zoned IL. He reiterated that the other industrial developments in this area had not been properly maintained.

Applicant's Rebuttal:

Mr. Boyd pointed out that this site was formerly used by a tank manufacturing establishment in the IL zoned area, and the applicant was only asking to use a small portion of the RS area to "swing" the trucks around for servicing in the existing buildings. He reiterated that no buildings were proposed for the west half (RS zoned area). Mr. Boyd commented that, due to the nature of the business, restricted hours of operation could not be adhered to as this was a 24 hour type business, but there would be very little traffic after normal business hours. He emphasized that the applicant has never carried insecticides/pesticides, and did not anticipate doing so in the future. Mr. Boyd added that, as can already be seen at the site, Mr. Hoffmeier takes great pride in properly maintaining his property and its appearance.

In reply to Mr. Paddock, Mr. Boyd stated that, even though there was to be no change in zoning, the applicant submitted the PUD in order to use that portion of the RS area to maneuver the trucks into the service area. In reply to Mr. Paddock regarding the fence materials used, Mr. Hoffmeier stated that, due to the costs of the vehicles involved (\$160,000+), security was an important factor. Therefore, he preferred the chain link with slats over a solid wooden fence. Mr. Hoffmeier confirmed, in reply to Mr. Carnes, that he was not objecting to a wooden fence if that was what the neighborhood wanted. For the interested parties, Mr. Carnes reiterated that the applicant had generously come forward with a PUD, which offered the residents an opportunity to know what controls were imposed and must be met before an Occupancy Permit would be issued.

Although not normally related to a PUD, Mr. Parmele asked how many employees were presently associated with this business. Mr. Hoffmeier answered approximately 30. Mr. Hoffmeier answered questions from the Commission as to the parking area, services provided for truck repair, etc. Mr. Hoffmeier admitted that he was aware of the RS/IL zoning on the tract, as he had originally considered building rental houses in the RS zoned area. Chairman Kempe clarified for those in attendance that this was not a zoning change in the sense of changing the RS zoning to IL zoning, as a PUD was merely an overlay with a set of conditions imposed on the existing zoning patterns.

TMAPC Review Session:

In reply to Mr. Coutant, Mr. Gardner stated that, had the applicant requested a zoning change on the RS portion to IL, then Staff could not have supported the request. But the applicant had come forward with a PUD in order to use a portion of the RS only to be able to drive the trucks on it. He added that a unique feature of this application was the fact that the applicant, through the PUD, has limited their development even in the IL portion. Mr. Gardner also pointed out that the applicant consented to spend a substantial amount for landscaping along with a chain link type fence, but he would not be required to put in the landscaping to the extent shown on the drawing if a solid wooden fence was constructed, as the purpose of the extensive landscaping was to screen and buffer.

In reply to Mr. Doherty, Mr. Gardner commented that Staff did not request a Detail Site Plan since there were no buildings being constructed. He added that the proposed paving would not even require a Building Permit, but the Commission could request the applicant to present a detailed plan once they determine the exact amount of paving needed for the proposed turning radius. Mr. Gardner commented that the primary reason IL zoning was not supported in the past on this tract was due to the two residential structures to the south, fronting into this tract, which was a unique situation. He pointed out other areas in the City, such as Park Plaza, where quality single-family homes back to an IL zoned area and the uses were compatible. Mr. Gardner added Staff felt that, through the PUD, the unique aspect of the two dwellings fronting this tract could be properly addressed.

Mr. Parmele commented that he felt the residents had a legitimate concern, however, he felt this might be the first attempt to provide some economic benefit for the entire area. He stated he would be in favor of the PUD with a solid screening fence on the south and west sides, no parking within 100' of the western boundary, and additional landscaping requirements, as the PUD with these requirements would enhance the neighborhood, and not be detrimental. In answer to Mr. Paddock regarding a condition restricting the use of pesticides, herbicides and/or insecticides, Mr. Parmele stated that he did not think that this was a legitimate imposition that the TMAPC should get into, as land use was within their jurisdiction, not interstate commerce. Mr. Parmele moved for approval of the PUD, subject to Staff's conditions, except for Area B, where the "paved" area should be amended to "dust-free, hard surface (all-weather)" and that it not be located within 100' of the west property line; amend condition #3 to require an 8' (minimum) wooden screening fence constructed at the top of the 3' to 4' berm. In regard to the Detail Landscaping Plan, Mr. Parmele added that he would be looking at this closely for the necessary plantings, shrubbery, etc. After discussion of condition #4 regarding signs, Mr. Parmele amended his motion to include the suggested wording, "no business identification signs shall be placed on the west walls of buildings; however, small directional signs above the service doors will be permitted. Two ground signs will be permitted; one at the northern entrance, and one at 33rd and Lewis, but no farther than 100' west of Lewis Avenue."

Discussion and clarification of the motion, as amended, followed with Mr. Woodard advising he could not support the motion due to his concerns with enforcement. Commission members agreed with the suggestion that the applicant discuss the Detail Site Plan and Landscape Plan with the residents prior to presentation to the TMAPC.

**TMAPC ACTION: 7 members present**

On **MOTION** of **PARMELE**, the TMAPC voted **6-1-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, "aye"; Woodard, "nay"; no "abstentions"; Draughon, Randle, Selph, Wilson, "absent") to **APPROVE PUD 449 Swimmer (Hoffmeier)**, as amended.

**Legal Description:**

The South 208.83' of the west 258.5' of the east 548.5' of the S/2 of the NE/4 of the NE/4 of Section 19, T-20-N, R-13-E; AND Lot 1, Block 1, Forrester Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; also described as the east 290.0' of the south 285.0' of the east 548.5' of the S/2 of the NE/4 of the NE/4 of Section 19, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma; AND the east 548.5' of the S/2 of the NE/4 of the NE/4 of Section 19, T-20-N, R-13-E of the IBM, Tulsa County, Oklahoma, lying south of Mohawk Blvd.

\* \* \* \* \*

Application No.: Z-6233

Present Zoning: RS-3

Applicant: Cannon

Proposed Zoning: IL

Location: North of the NW/c of East 61st Street & South 107th East Avenue

Date of Hearing: March 22, 1989

Presentation to TMAPC by: Mr. David Cannon, 10310A East 51st St. (622-7454)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1 - Industrial. According to the Zoning Matrix the requested IL District "may be found" in accordance with Special Districts.

Staff Recommendation:

**Site Analysis:** The subject tract is 1.81 acres in size and is located approximately 1,300 feet north of the northwest corner of East 61st Street South and South 107th East Avenue. It is nonwooded, flat, contains both vacant property and a single-family dwelling.

**Surrounding Area Analysis:** The tract is abutted on the north, east and south by similar single-family dwellings on large lots zoned RS-3; and on the west by vacant property for the Mingo Valley Expressway zoned RS-3.

**Zoning and BOA Historical Summary:** Several rezonings have occurred along South 107th East Avenue from residential to light industrial.

**Conclusion:** Based on the Comprehensive Plan and existing zoning patterns along South 107th East Avenue, Staff can support the requested IL rezoning. As can be seen by the previous actions on the case report, the area is in transition from residential to industrial. Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6233.

Comments & Discussion:

Chairman Kempe noted there were no interested parties in attendance on this application, and the applicant stated agreement to the Staff recommendation. In reply to Mr. Coutant, Staff clarified the right-of-way for the Mingo Valley Expressway in this area has already been purchased.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Randle, Selph, Wilson, "absent") to **APPROVE Z-6233 Cannon for IL Zoning**, as recommended by Staff.

Legal Description:

Part of Lots 8 and 9, Block 2, Golden Valley Addition to the City and County of Tulsa, Oklahoma, beginning at the northeast corner of Lot 8, thence south 229.28', west 228.30', south 95.40', west 74.27', to a point on the Mingo Valley Expressway, northwesterly 322.52', thence east 325.14 to the POB.

\* \* \* \* \*

Application No.: Z-6234 Present Zoning: AG  
Applicant: Smith (FMP) Proposed Zoning: IL  
Location: North of NW/c of North Sheridan Road and East Apache Street  
Date of Hearing: March 22, 1989  
Presentation to TMAPC by: Mr. Adrian Smith, 5157 East 51st Street (627-5861)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Industrial on the front (east) portion and Medium Intensity - No Specific Land Use on the back (west) portion.

- According to the Zoning Matrix, the proposed IL District is in accordance for the east half and "may be found" in accordance for the west half.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 10 acres in size and is located 1/2 mile north of the northwest corner of East Apache Street and North Sheridan Road. It is partially wooded, mostly vacant with farm buildings on the extreme western portion and gently sloping with the exception of a deep draw running through the middle of this tract. The property is zoned AG and is not in a regulatory flood zone.

**Surrounding Area Analysis:** The tract is abutted on the north by both mobile homes and vacant property zoned AG; on the east by the Tulsa International Airport zoned IL; on the south by both vacant property industrial uses, and a mobile home subdivision zoned IL; and on the west by vacant property zoned AG.

**Zoning and BOA Historical Summary:** Industrial zoning has been permitted along the frontage of Sheridan.

**Conclusion:** Staff can support the requested IL zoning based on the Comprehensive Plan and abutting IL zoned property to the south.

Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6234 as requested.

Comments & Discussion:

Chairman Kempe noted there were no interested parties in attendance on this application, and the applicant was in agreement with the Staff recommendation.

In reply to Mr. Doherty, Mr. Gardner clarified the established zoning patterns in the area, and advised that the proposed IL zoning was consistent with the existing zoning.

Mr. Paddock inquired as to dedication, and Mr. Adrian Smith (applicant) advised the plat was in process at this time which indicated full dedication on Sheridan Avenue.

**TMAPC ACTION: 7 members present**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Randle, Selph, Wilson, "absent") to **APPROVE Z-6234 Smith (FMP) for IL Zoning**, as recommended by Staff.

**Legal Description:**

The east 1,369.53' of the N/2 of the N/2 of the N/2 of the SE/4 of Section 22, T-20-N, R-13-E, Tulsa County, State of Oklahoma.

\* \* \* \* \*

Application No.: **Z-6235** Present Zoning: **RM-2**  
Applicant: **Walter (Holleman)** Proposed Zoning: **OL**  
Location: **NW/c of East 17th Place and South Cheyenne Avenue**  
Date of Hearing: **March 22, 1989**  
Presentation to TMAPC by: **Mr. Mike Taylor, 1625 South Boston (587-3366)**

**Relationship to the Comprehensive Plan:**

The District 7 Plan a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property (Area C), Medium Intensity - Office.

According to the Zoning Matrix the requested OL District is in accordance with the Plan Map. Planned Unit Development and/or Board of Adjustment review is encouraged in this area.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately .4 acres in size and is located at the northwest corner of East 17th Place and South Cheyenne Avenue. It is partially wooded, gently sloping, contains a two story single-family dwelling and is zoned RM-2.

**Surrounding Area Analysis:** The tract is abutted on the north and south by multi-family dwellings zoned RM-2; on the east by a law office zoned OL; and on the west by both single-family and multi-family dwellings zoned RM-2.

**Zoning and BOA Historical Summary:** Previous rezoning applications have been approved for OL and OM zoning in the immediate area.

**Conclusion:** Based on the Comprehensive Plan and existing zoning and development patterns, Staff can support the requested rezoning. This area is zoned a mixture of multifamily and office use.

Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6235 as requested.

Applicant's Comments:

Mr. Mike Taylor advised he was the prospective buyer of the tract and he intended to use the dwelling as a law office. Mr. Taylor commented that, as a strong supporter of historical preservation, he wanted to keep the structure as is. He reviewed the parking situation, advising that parking space was available across the street from the subject tract.

Interested Parties:

**Mr. Steve Everly** (1639 South Cheyenne) submitted photos of the neighborhood, and advised that the residents have previously fought many proposed changes in this area due to the historical nature of the neighborhood. He stated he was not even sure the owner (Ms. Holleman) was aware of this request, since this property was cared for by a trust, and Ms. Holleman had supported their historical preservation efforts in the past. Mr. Everly stated opposition to the zoning and requested denial of the application.

Chairman Kempe read a phone message from **Ms. Norma Turnbo**, District 7 Chairman, stating support of the OL zoning, as "they (the District 7 residents) would rather have the mansion used for an office than have it torn down".

**Mr. Peter Walter** (1319 East 35th), representing the trust, advised that Ms. Holleman (owner) was aware of the request to rezone. He stated the house has been for sale for the past three years and no offer for residential use had been submitted. Mr. Walter stated support of Mr. Taylor's application since the structure would remain as is.

Applicant's Rebuttal:

Mr. Taylor advised that, as a resident in the Mapleridge area, he has a similar style at his home, and he was making a sizable investment to keep the same style for this structure. He added that he has already checked into having the mansion placed on the National Register of Historical Places.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Randle, Selph, Wilson, "absent") to **APPROVE Z-6235 Walter (Holleman) for OL Zoning**, as recommended by Staff.

Legal Description:

Lots 4, 5 and 6, Block 11, Stonebraker Heights Addition, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.: Z-6236 Present Zoning: RS-3  
Applicant: Sublett (Marshall) Proposed Zoning: PK  
Location: NE/c of East 12th Street & South Delaware Avenue  
Date of Hearing: March 22, 1989  
Presentation to TMAPC by: Mr. John Sublett, 320 South Boston, #805 (582-8815)

**NOTE:** After the application was advertised, the attorney for the applicant modified the request for Parking (PK) only.

Relationship to the Comprehensive Plan:

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

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

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .2 acres in size and is located at the northeast corner of East 12th Street South and South Delaware Avenue. It is nonwooded, flat, contains two single-family dwellings and a garage apartment and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by an automobile service and facility and body shop zoned CH; on the east and south by single-family dwellings zoned RS-3, and on the west by Wilson Junior High School zoned RS-3.

**Zoning and BOA Historical Summary:** None

**Conclusion:** Although the Comprehensive Plan does not support the requested PK rezoning, the physical facts of the area support such a change. The two subject lots abut heavy commercial zoning (CH) to the north, face Wilson Jr. High School to the west and are no longer desirable for single-family residential use. A buffer zone, such as PK or OL, is warranted. Based on the physical facts Staff supports PK rezoning.

Therefore, Staff recommends **APPROVAL** of PK zoning as modified by the applicant.

For the record: A 6' screening fence would be required on the east boundary and a 3' fence, wall or landscaped berm on the south and west boundaries, except for one access point on Delaware Avenue. A replat or plat waiver should prohibit access on the south boundary.

**NOTE:** If approved, Staff would suggest a modification of the Comprehensive Plan to Low Intensity - No Specific Land Use to reflect the rezoning.

Applicant's Comments:

Mr. John Sublett, attorney for the applicant, advised the applicant was also the owner of the Bama Pie Company. He stated the applicant had originally intended to use one of the existing structures for an office, but due to the dilapidated condition, this would not have been feasible. Therefore, he intends to use the tract for parking. Mr. Sublett submitted photos of the subject tract and dwellings. He commented the applicant was prepared to provide any screening deemed necessary, and no additional access would be needed.

Interested Parties:

**Ms. Fran Pace**, District 4 Chairman, pointed out that the subject tract was over a block away from the main Bama Pie building. Ms. Pace read a letter objecting to any further commercial development in this area along 11th Street and Delaware Avenue, and parking (PK) was a commercial use. She also pointed out that 12th Street and Delaware Avenue were nonarterial streets. Ms. Pace presented a map indicating the properties currently owned by Mr. Marshall for commercial use.

In response to Ms. Pace, Staff confirmed that their recommendation prohibited access to 12th Street. Ms. Pace advised of a court case involving restricted access, and stated she would like to see nothing done at this location, pending the outcome of the court case.

Mr. Carnes suggested the neighborhood might benefit from having these dwellings removed due to their deteriorated condition. Ms. Pace commented that the applicant owned two other paved lots that were closer to Bama Pie that remained vacant. She added that the TU Development Plan proposed to do away with commercial on the north side of 11th Street, which would put more pressure on the south side for commercial uses.

**Mr. Don Thornhill** (1203 South Delaware) stated opposition to the request due to safety concerns with additional traffic on 12th Street. He also stated concern regarding the amount of property already owned by the applicant and what the future plans might be for development of the subject tract.

Applicant's Rebuttal:

Mr. Sublett reiterated that the applicant was not opposed to restricted access on 12th Street. He agreed that the court case issue was not a matter before the TMAPC.

Mr. Parmele confirmed Staff's recommendation that, if approved, a 3' fence or landscaped berm would be installed on the south and west boundaries, with a 6' fence on the east side. Mr. Gardner further clarified that PK zoning would not permit parking and storage of trucks, only passenger vehicles. Mr. Doherty suggested retaining RS on a small strip on the south and east to prohibit access. Mr. Sublett advised that there were two houses on the east that were owner occupied and he could not see what would be accomplished by this.

TMAPC Review Session:

Discussion continued regarding access, and Mr. Gardner commented that Limits of No Access (LNA) could be imposed when a plat or plat waiver was presented. He reminded the Commission that the applicant was required to provide 10% of landscaping with the PK zoning, and the ordinance required a 3' berm, screening fence, or a combination thereof, on the south and west, except for the access point.

Mr. Parmele commented that he felt Staff's recommendation was sound and limiting access could be done through the platting process. He added that he keeps reminding himself that this case dealt with PK, which was the least detrimental of any zoning use. Therefore, he moved for approval as recommended by Staff.

Mr. Paddock recognized Ms. Pace to address the Commission. Ms. Pace stated that, according to her interpretation of the Zoning Code, a solid fence would have to surround the property on all three sides except where the building was located, unless a BOA variance was approved. Mr. Gardner stated that berming or fencing was required on 12th Street and Delaware except for the access point on Delaware. It was never anticipated that the screening requirement would also prohibit access to a tract. Staff has always maintained that every lot has a right to access. In this case, Staff has recommended that access be restricted to Delaware Avenue.

Mr. Gardner advised the Code was being reviewed to clear up areas such as this to avoid any further misinterpretations. Mr. Sublett reluctantly mentioned the court case where Ms. Pace stated the same position, and the court determined that the intent of the Code was not to completely cut off a tract from access.

Mr. Parmele repeated his motion for approval, and agreed with Staff as to the intent of the Code to not prohibit access to a piece of property. In reply to Mr. Doherty, Mr. Gardner confirmed that no use of the property would be possible before TMAPC review of the plat or plat waiver. Mr. Parmele stated that his motion for approval per the Staff's recommendation would restrict access to Delaware Avenue only, with Limits of No Access to the east and south.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Draughon, Randle, Selph, Wilson, "absent") to **APPROVE Z-6236 Sublett (Marshall) for PK Zoning**, as recommended by Staff.

Legal Description:

Lots 13 and 14, Block 3, Signal Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Application No.: Z-6237 Present Zoning: RS-3  
Applicant: Helscel Proposed Zoning: IL  
Location: South of the SE/c of North Garnett Rd. & East Newton Place  
Date of Hearing: March 22, 1989  
Presentation to TMAPC by: Ms. Jackie S. Helscel, PO Box 636, Coweta (834-8817)

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 (Industrial).

According to the Zoning Matrix, the requested IL District "may be found" in accordance with the Plan Map. All zoning districts are considered "may be found" in accordance with Special District Guidelines.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 10 acres in size and is located south of the southeast corner of North Garnett Road and East Newton Place. It is partially wooded, gently sloping, contains single-family dwellings on the western third of the tract with the remainder of the property vacant and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by a developed single-family subdivision zoned RS-3; on the east by vacant property zoned AG; on the south by single-family dwellings on large tracts zoned RS-3; and on the west by a developing industrial park zoned IL.

**Zoning and BOA Historical Summary:** Several properties in the immediate area of the subject tract have been rezoned to industrial.

**Conclusion:** Staff is supportive of IL zoning based on the Comprehensive Plan and existing development for all of the subject tract except the platted residential lot on the north side. This lot is part of a residential subdivision and rezoning would be a clear encroachment into an established neighborhood. Due to the tract fronting Garnett and abutting proposed industrial, Staff would be more supportive of office zoning for this lot which would also act as a buffer.

Therefore, Staff recommends **APPROVAL** of IL zoning for the subject tract, less and except, Lot 2, Block 2, Modern Acres which is to remain RS-3.

For the record, Mr. Gardner noted that under the zoning ordinance, if this property was zoned IL, there would be no outside storage permitted since the entire tract was within 300' of residential, and no buildings could be constructed within 75' of the property lines.

Applicant's Comments:

Ms. Jackie Helscel, applicant, advised she was planning to construct a 25,000 square foot building to be used as an office and warehouse for light industrial. She commented that the entire building would be air conditioned for a parts assembly operation, and there was no outside storage planned. Ms. Helscel stated the tract would be fenced with the only access being on Garnett Road. In reply to Chairman Kempe, the applicant stated agreement to the Staff recommendation.

Interested Parties:

**Mr. C.A. Borthick** (1145 North Garnett) stated concern regarding the type of industrial use on the tract as to noise and air pollution. He added that he was attending this hearing to learn more about the intended use.

**Ms. Linda Bevens** (11416 East Newton Place) stated support of the applicant's proposal.

**Ms. Karen Bevens** (11419 East Newton Place) commented she also supports the applicant and the proposed use.

**Ms. Ada Wells** (11356 East Newton Place) remarked that the structures currently on the subject tract were in very poor condition, but she did not think the industrial use would be supported by other residents in this area.

Applicant's Rebuttal:

Ms. Helscel confirmed that she would be installing a connection to the city's sewer lines. She verified the existing structures would be removed.

TMAPC Review Session:

In reply to Mr. Parmele, Mr. Gardner confirmed that the Code stipulates an IL use must have "slight or no objectionable environmental influences". Mr. Paddock moved for approval of IL zoning per the Staff recommendation, which excludes Lot 2, Block 2 of Modern Acres.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Draughton, Randle, Selph, Wilson, "absent") to **APPROVE Z-6237 Helscel for IL Zoning**, as recommended by Staff, excluding Lot 2, Block 2 of Modern Acres Addition, which shall remain RS-3.

Legal Description:

The west 395.5' of Lot 1, Cooley's Subdivision, Tulsa County, Oklahoma; otherwise described as a tract beginning at the northwest corner of the SW/4 of the NW/4 of Section 32, T-20-N, R-14-E, Tulsa County Oklahoma;

thence east a distance of 437.5' along the quarter section line; thence south a distance of 199.2' to a point in the south line of Lot 1 of said Cooley's Subdivision which point is 437.5' east of the west section line; thence west along the south line of Lot 1, a distance of 437.5' to a point on the west section line which point is 199.5' south of the northwest corner; thence north along the west section line a distance of 199.5' to the POB, according to the recorded plat thereof, EXCEPT the west 42' thereof dedicated as a public road, Tulsa County, Oklahoma; AND the north 99.0' of Lot 2, Cooley's Subdivision to Tulsa County, Oklahoma according to the recorded plat thereof; AND the east 859.8' of Lot 1, LESS the east 5.0' for street, Cooley's Subdivision, Tulsa County, Oklahoma according to the recorded plat thereof.

NEW BUSINESS:

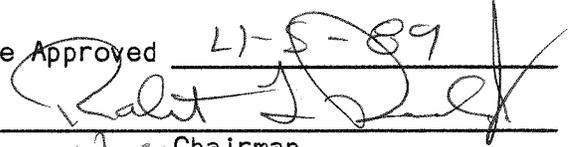
In regard to the Parking (PK) District, Mr. Paddock suggested Staff review the current text to assure that the various requirements needed were in place.

Mr. Gardner updated the TMAPC members on the work of the Mayor's Ad Hoc Committee regarding the Creek Bypass, commenting that the Committee was divided into subcommittees to review environmental concerns, drainage and bridges, and the linear park aspect. He advised a more defined set of plans for the toll road should be available by April 15th. Chairman Kempe mentioned the TMAPC was still receiving letters from south Tulsa residents regarding their concerns on the Creek Bypass. Mr. Doherty suggested, and the Commission members agreed, that the TMAPC should respond to these letters by forwarding an acknowledgment which would also advise the writer that the TMAPC had no legal authority over the Oklahoma Turnpike Authority, but the TMAPC would forward their concerns to the proper authorities.

There being no further business, the Chairman declared the meeting adjourned at 5:13 p.m.

Date Approved

4-5-89



Vice-Chairman

ATTEST:



Secretary