

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1930  
Wednesday, June 2, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes, 2nd Vice Chairman	Ballard Broussard	Gardner Hester	Jackere, Legal Counsel
Dick Doherty, Chairman	Neely	Stump Wilmoth	
Horner Midget, Mayor's Designee			
Pace Parmele, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, May 28, 1993 at 1:21 p.m., as well as in the Reception Area of the INCOG offices.

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

**Minutes:**

Approval of the minutes of May 19, 1993, Meeting No. 1930:

On MOTION of CARNES, the TMAPC voted 7-0-1 (Carnes, Dick, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; Horner "abstaining"; Ballard, Broussard, Neely "absent") to APPROVE the minutes of the meeting of May 19, 1993 Meeting No. 1928.

**REPORTS:**

Chairman's Report

Chairman Doherty announced that Robin Buerge has tendered his resignation from the Planning Commission due to business obligations. He advised that Commissioner Dick has appointed Baker Horner to complete that term. Chairman Doherty noted that Mr. Buerge's resignation left a vacancy in the TMAPC officers and appointed Jack Neely as TMAPC Secretary.

Committee Reports:

Mr. Carnes announced that the Comprehensive Plan Committee received a briefing by Tulsa Development Authority (TDA) Staff on the plan amendment regarding Pine and Cincinnati (NE & NW corners) intersection. He announced that the Comprehensive Plan Committee found the project to be in accordance with the Comprehensive Plan.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to FIND the TDA proposal of reclassifying the Pine and Cincinnati intersection to Low Intensity- Residential or Low Intensity-No Specific Land Use to be in conformance with the Comprehensive Plan.

\* \* \* \* \*

**Rules and Regulations Committee**

Mr. Parmele reported it was the consensus of the Rules and Regulations Committee to forward recommended revisions of the Parking and Landscape Ordinance to the City Council.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

Tracy Park II (1493) (PD-5) (CD-5) (RS-3)  
East 27th Street and S. Memorial Drive

**Staff Comments**

This plat has a "sketch plat" approval by TAC on 2/18/93 subject to a number of conditions as listed in the minutes of that meeting. Since that time, the plat of Hodges Addition has been vacated by instrument approved by City Council on 5-6-93. That document reserved the right-of-way on Memorial and on South 77th E. Avenue. This action will require some changes in the title and description of the plat, subject to approval of City Legal Department, as follows:

- (a) Under the title block, indicate that this is "A subdivision of a portion of the NE/4, SE/4 of Section 14, T-19-N, R-13-E, formerly known as Lots 1 and 4, Block 1, Hodges Addition, and addition in the City and County of Tulsa, Oklahoma".
- (b) Since the plat was vacated, show the adjacent land to the west as "Unplatted-City of Tulsa Park".
- (c) Show a note on S. Memorial and on S. 77th E. Avenue that they are "Dedicated by Plat # 3202, Hodges Addition".

(The "panhandle" that includes E. 27th Street is now "unplatted land" so a street dedication is necessary from the City if recommended by Legal Department. (This has been done. Recorded Book 5502, Page 1390).

Other conditions previously addressed or required on this submittal are as follows:

(3) COVENANTS:

1. Legal description; use "metes and bounds" description followed by "formerly known as . . .," etc.
2. Include a paragraph describing the purpose of Reserve A. Also designate Reserve A as a utility easement so no gap will exist between the two subdivisions.
3. Under Section I, D & E, Add: "The foregoing covenants set forth in this paragraph shall be enforceable by the City of Tulsa or its successors, and the owner of each lot agrees to be bound hereby."
4. Section I-E, line 6 after "Public Works", add "or his designee",
5. Section I: Add a paragraph "F":
6. Section II-2(a), add: "or encroach into any easements."
7. Section II-5: add: "Garages that access a side street with a 15' building line shall be set back a distance of twenty (20') feet"
8. Section II-7: Change "Owasso" to "Tulsa".
9. Other minor changes as recommended by City Attorney and per copy furnished applicant.

A copy of the TAC minutes of 2/18/93 was also provided with Staff comments in the margin.

The Staff presented the plat with the applicant represented by Bill Lewis.

Mr. Lewis advised that they would like to revise the language required in item (e)5, above, regarding replacement of driveway paving. Staff, TAC, and utilities advised that a new draft of the covenants should be submitted with the changes listed herein as well as the change proposed by applicant. These would be subject to review and approval of format by City Attorney as well as the utilities.

In discussion of the street improvements, Mr. Lewis advised that the actual paving on 27th Street is right up to the south property line, leaving nothing between the curb and property line. A very large area exists between curb and property line on the north side of 27th Street. DPW had two requirements: (1) the existing curb line on the street should provide 12' between curb and property line and (2) the existing alignment at the traffic signal on Memorial should not be changed. Discussion followed about the actual street improvements being off-set in the right-of-way and the City's requirements for distance to property line. DPW (J. Herbert) explained that when the street was constructed the property was zoned commercial so at that time, they had no objection to not having the separation between curb and property line. The residential zoning came after the fact and the street was already in place. Staff urged the applicant and DPW to try to

work out a solution. However, the two conditions above are a condition of approval from DPW unless modified by that Department.

On MOTION of DIXON, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Tracy Park II, subject to the conditions outlined previously by Staff and TAC as well as the following:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. Show ONG easement on Memorial. Some additional easements may be needed on north and west side of plat.  
(a) ONG advises that no additional cover may be removed over the existing H.P. gas line on Memorial.
2. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat.
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. Fee-in-lieu of detention will be allowed.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division). (Including realignment of medians in 27th Street. Show reverse curves on "bulbs" at interior corners.)
7. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Engineering). Show LNA at backs of Lots 17 & 18, Block 1 at the cul-de-sac on 27th Court and at the back of Lot 11, Block 1 abutting the end of the service road on Memorial. (OK)
8. Street names shall be approved by the Department of Public Works and shown on plat as per DPW.

9. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
10. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
11. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
12. All (other) Subdivision Regulations shall be met prior to release of final plat.

Interested Parties

**Rosie Moon**

**6601 E. 60th Pl**

Ms. Moon, owner of property north of the subject tract, was present as a neighborhood representative to ensure there were no changes made to the plat presented to area residents. Ms. Moon also expressed that area residents would like to ensure there will be no opening on E. 27th Drive South that goes through the park.

Mr. Wilmoth informed that it is not part of this plat and that the park belongs to the city.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Carnes, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely "absent") to APPROVE the Preliminary Plat of Tracy Park II subject to conditions as recommended by Staff.

\* \* \* \* \*

REINSTATEMENT OF PRELIMINARY PLAT:

Gilcrease Hills Village II, Block 26 (2702) (PD-11) (CD-1)  
West Queen Street & North Tacoma Avenue

RM-1

Staff Comments

This plat has been processed up to a draft final, but was not completed and the preliminary approval expired 11/15/92. This is actually a large "infill" plat instead of a lot-split. Queen Street is already in place, as well as other improvements. Staff still has all the past and current files on this plat and does not see any problem with a reinstatement of preliminary approval. It must still go through the "Draft Final" process and the final plat must be approved by the Planning Commission, so additional reviews will be a part of the process. **APPROVAL** of the request is recommended with a new expiration date of June 2, 1994.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to **APPROVE** the reinstatement of the Preliminary Plat of Gilcrease Hills Village II, Block 26 as recommended by Staff.

\* \* \* \* \*

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17714 (2203) Wilkins/Cannon (PD-16)(CD- 3)			
East 30th St., East of Sheridan			IL
L-17715 ( 274) Sackett/Hall (PD-19)(County)			
16633 E. 128th St. S.			RE
L-17716 (2883) Schick/Haynes (PD-26)(CD- 8)	4228 E. 103rd St.		RS-1
L-17717 (3503) Kernaghan/Schuller (PD-16)(CD- 3)			
7204-7240 E. Pine St.			CH
L-17719 (2503) TDA (PD-2)(CD- 1)	522 E. Queen		RM-1
L-17720 (1892) Curry (PD-23)(County)			
2604-2612-2620 South 67th W. Ave.			RS-1

Staff Comments

Mr. Wilmoth announced that Staff has found the above listed lot splits to be in conformance with the lot-split requirements.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Carnes, Dick, Doherty, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely "absent") to RATIFY the above-listed lot-splits having received prior approval.

\* \* \* \* \*

CONTINUED ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: Z-5956-SP-2 Present Zoning: CO  
Applicant: John Moody Proposed Zoning: CO  
Location: Southeast corner of 107th East Avenue and 61st Street South.  
Date of Hearing: June 2, 1993  
Presentation to TMAPC: John Moody

The subject tract is at the southeast corner of 107th East Avenue and 61st Street South. A previous corridor site plan on the subject property proposed a convenience store at the northwest corner of the tract. That site plan was denied by a 7-1-0 vote of TMAPC on 10-28-92 and was appealed to the City Council; the applicant withdrew his appeal. The new corridor site plan proposes exactly the same location and layout for the proposed convenience store, and in addition, a 6,000 SF restaurant site in the northeast corner of the tract, with its only access directly onto 61st Street South. The applicant has also provided a traffic analysis from DeShazo, Starek and Tang, Inc., indicating the amount of traffic expected to be generated by the convenience store and restaurant. This study clearly shows that a high number of cars and traffic movement would be generated by the two proposed developments in an

already congested area. The comparison with the number of trips generated by 50,000 SF of office space and 200 units of apartments is inappropriate, at best. This site's current access and visibility is not appropriate for more than one-tenth of the office space and apartment units proposed in the traffic study.

The proposed restaurant site's only access is directly onto 61st Street, which is a violation of Section 804 of the Corridor Chapter. This section requires that the principal access to any corridor development be from internal collector service streets.

In order to recommend approval of a corridor site plan the Planning Commission must find that:

1. The proposed corridor development is consistent with the Comprehensive Plan.
2. The proposed corridor development harmonizes with the existing and expected development of surrounding areas.
3. The proposed corridor development is a unified treatment of the development possibilities of the project site.
4. Provision has been made for proper accessibility, circulation, and functional relationships of uses.
5. The proposed corridor development is consistent with the stated purposes and standards of this Chapter.

It is Staff's opinion that the proposal is not consistent with the Development Guidelines portion of the Comprehensive Plan, which states that high intensity development is not appropriate when "existing development has significantly impaired the accessibility of the corridor".

Also requirements numbers 4 and 5 have not been met by this proposed development because of the unsafe and improper location of the access point onto 107th East Avenue and the primary access being onto 61st street for the restaurant site.

For the above-stated reasons, Staff recommends **DENIAL** of Z-5956-SP-2.

Applicant's Comments

**John Moody**

Mr. Moody, attorney representing Schwab-Fox Communications Company, owner of the tract, and Sam Qureshi, purchaser, distributed supporting documentation to the Planning Commission. Mr. Moody gave a detailed history of the subject tract. He distributed an engineering drawing submitted to his client when the city approached them for purchase of right-of-way for 107th East Avenue. Mr. Moody cited the problems imposed on the subject tract by development around it. Mr. Moody informed that he met with Charles Hardt and Darryl French, Traffic Engineering, where they confirmed

an access point exists on 107th East Avenue and that the proposed location for a convenience store is acceptable and would not present an increased traffic problem from the City of Tulsa's standpoint. Mr. Moody acknowledged that a compromise was discussed with Mr. Hardt and Mr. French, which they asked the applicant to make in order to resolve what is going to be a conflicting traffic problem at some point, unless this application is approved. Mr. Moody displayed a drawing depicting the subject tract and described existing properties surrounding the tract, noting lack of access to the rear portion of this tract. Mr. Moody noted that development of properties surrounding the subject tract have caused it to be isolated and landlocked. Mr. Moody advised that the principal access proposed for the convenience store is to the collector street, another access point is on 61st Street. He noted that this would be consistent with other Planning Commission actions at corridor sites where the tract was located at the corner of the corridor collector street and an arterial street. Mr. Moody detailed the problems the owner has had in attempting to sell this property.

Mr. Moody addressed the perceived traffic problem and advised that in discussions with Traffic Engineering, they agreed that the best solution for this traffic situation is to limit any development of the property, other than that which is being presented today. Mr. Moody declared that the applicant has imposed a voluntary condition that the southern portion of the tract and the area containing the drainageway will not be developed. Mr. Moody referred to the traffic study by DeShazo, Starek & Tang, Inc. and highlighted findings. Mr. Moody presented a comparison of traffic which may be generated should apartments and offices be constructed on this tract, versus the applicant's proposal of a convenience store and restaurant. He noted that convenience stores generate most of their business from pass-by traffic, vehicular traffic which already travels the street. Mr. Moody referred to the traffic study and reported that it was conducted comparing the morning rush hour and evening rush hour traffic. He advised that the conclusion of the study was that the proposed development would generate fewer cars than additional multifamily and office during the rush hour. Mr. Moody referred to photographs taken every five minutes, from 7:30 a.m. to 8:00 a.m., of traffic at the intersection of East 61st Street and South 107th Avenue to take a physical count of the number of cars indicating that traffic backup was not a problem on this day.

**Lowell Morrill**

**7302 E. 74th St. 74133**

**Ralph Jones Real Estate**

Mr. Morrill distributed the photographs taken at the intersection to which Mr. Moody referred. Mr. Morrill reviewed each photograph and advised that at most nine cars were stacked for approximately a 22-second delay.

**John Moody**

Mr. Moody presented photographs depicting lack of traffic on the access road. Mr. Moody presented photographs of other convenience

stores in the City which are not located at the intersections of arterial streets, which the city has permitted and where there is an access point close to the intersection. Mr. Moody emphasized the proximity of curb cuts and driveways on the collector street to the intersection with the arterial street. He declared that the applicant's proposal is not that inconsistent with what has been approved elsewhere in terms of the distance from East 61st Street. Mr. Moody advised that other convenience stores are not so close to the subject area as to create market saturation for the location of these types of stores.

Mr. Moody concluded that access is available to the subject tract on 61st Street. If the entire tract were developed and if access were forced onto 107th E. Avenue, there would be more traffic generated than by the applicant's proposal. He advised that the applicant will not apply for the restaurant site until granted a variance by the Board of Adjustment waiving the requirement of the Zoning Code that access shall be principally on a collector street. Mr. Moody feels that by voluntarily agreeing to limit additional development on this tract unless and until such time as a collector street could be extended to the rear of the property, there will be no development on that tract other than what is being proposed.

Mr. Doherty asked who would be responsible for maintenance should the remainder of the tract remain undeveloped.

Mr. Moody advised that the owner would be responsible.

#### Interested Parties

**Tom Gorman** 6212 S. 107th E. Avenue, Apt. #2 74133  
Mr. Gorman, resident of South Port Apartments, declared that there are existing traffic problems in the area. He advised that cars have been stacked up to 20 deep on 107th E. Avenue. Mr. Gorman expressed concern over traffic safety. Mr. Gorman also expressed concern over future traffic exiting the convenience store going west on 61st Street. He questioned the demand for a convenience store at this location.

**Jamie Dillbeck** 810 S. Cincinatti 74119  
Ms. Dillbeck, representative of the owner of Sugarberry and Preakness apartments, expressed concern that the subject property is not properly zoned for the use requested by the applicant and should not be. She stated that the access requested would create additional traffic problems. Ms. Dillbeck voiced concern over the additional pass-by traffic which will cause additional congestion to 107th East Avenue. Ms. Dillbeck asked that the merits of this case be studied and not consider other areas where similar situations have worked.

**Marjorie Ward** 7506 E. 88th Place  
Ms. Ward, manager of South Port Apartments, voiced concern over existing traffic problems and the additional hazard the convenience store will create. Ms. Ward asked the Planning Commission to

consider the engineering report which was previously submitted regarding traffic in the area.

#### Staff Comments

Mr. Gardner reminded the Planning Commission that corridor zoning is not commercial zoning and does not permit commercial development as a matter of right. He advised that the subject tract has access to 61st Street and allows primary access to the curve on 107th East Avenue, which a four car stack will prohibit. He advised that property owners received notice when the surrounding plats were being developed and voiced no objections. Mr. Gardner stated that the applicant wants the high intensity of a convenience store and a restaurant, but can't provide the necessary corridor access. The existing irrigation company would not in one month produce the amount of traffic a convenience store would in one week. The Traffic Engineer required that the irrigation company move access to the west away from the curve and the last written communication from the Traffic Engineer was that no access should be allowed on the curve.

#### Applicant's Rebuttal

##### **Vickey Taylor**

##### **Schwab Fox Properties**

Ms. Taylor advised that, in December, the applicant was refused the site plan for the convenience store and then returned with a site plan for the store and restaurant because he was informed the Planning Commission did not want to deal piecemeal with a corridor-zoned piece of property. Ms. Taylor disclosed that in meeting with Mr. Hardt in December, he relayed that he did not believe access should be denied on 107th E. Avenue because of the history behind the property, and since surrounding property owners have access; however, he requested they voluntarily restrict development of the property. Ms. Taylor informed that is why the southernmost portion of the property has no development planned. Ms. Taylor stated that convenience store traffic will not draw in additional traffic, but draws from the existing traffic. She feels that with surrounding apartments, this use is compatible for the area.

##### **John Moody**

Mr. Moody pointed out that the applicant filed this new application because of the Planning Commission's wanting to review the entire plan.

#### TMAPC Review Session

Mr. Moody answered questions from the Planning Commission regarding meeting with Traffic Engineering and about the traffic study.

Chairman Doherty noted that the purchaser has offered to leave undeveloped and maintain the vacant portion behind the subject tract, and that the Planning Commission could make this a condition of approval of the site plan. He asked what enforcement mechanism there would be if the owner fails to maintain the property.

Mr. Jackere advised that when property fails to be maintained the City mows it and attaches a lien on the entire property, including improvements, and this would be foreclosed as any other property. In addition there is a fine of up to \$100 per day for the violation of failing to mow.

Mr. Midget assured the Planning Commission that complaints are pursued through Code Enforcement.

Mr. Midget asked Staff if the applicant agreed to work out mutual access onto the subject property, if there was a consensus with the adjacent property owner.

Mr. Stump stated that Darryl French advised that access is not appropriate directly from 107th E. Ave. onto this tract, but they would consider it if mutual access crossing the irrigation company's property could be worked out. He advised that this is not what is being proposed today.

Mr. Carnes stated that he will support the applicant's proposal. He feels the applicant has made a good trade off and will not compound the traffic problem.

Mr. Parmele recalled that when this item was discussed earlier, one of the reasons given to the applicant for denial was that the Planning Commission and Staff wanted to see the entire tract developed under one site plan. The other basis was that no access be permitted to 107th East Avenue. He feels the City has placed the owner in this position. He believes the issue is basic, whether a convenience store is an appropriate land use for 107th E. Avenue and 61st Street. He noted that the applicant presented many instances in the City where convenience stores are adjacent to multifamily with collector streets going to the interior. Mr. Parmele advised that a convenience store on a collector street at a primary or secondary arterial and close to an expressway seems to him to be an appropriate land use. He believes the applicant has done everything possible to develop the site to its highest and best use and still be compatible with surrounding neighborhood. He does not believe the traffic problem will be an issue nor should the number of convenience stores in the area.

Chairman Doherty expressed concern over traffic being drawn across the intersection, accepting that convenience store traffic is pass through traffic and no one goes out of their way to get to one. He believes the proposed store would draw traffic which will provide additional congestion and opportunity for accidents. He noted, however, this condition exists in other areas of the City and motorists manage to avoid it. Chairman Doherty expressed doubt that Traffic Engineering will approve a light that short a distance east of the expressway. He advised that he would support the motion reluctantly because of the open space and minimal density this will provide, and shared Staff's concern that this is not an appropriate use. Given the problems that have been imposed on the tract by development around it and because he believes this will be

the least objectionable development for the entire area and for the city, he will reluctantly support the motion.

Ms. Wilson expressed difficulty in supporting the motion since it is in a corridor and because there are development rules that apply to it.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 6-2-0 (Carnes, Dick, Doherty, Horner, Midget, Parmele, "aye"; Pace, Wilson "nay"; no "abstentions"; Ballard, Broussard, Neely "absent") to recommend APPROVAL of Z-5956-SP-2 as submitted noting that the balance of the tract is to remain undeveloped other than the area for the convenience store and the area east of the creek which is to be developed only upon successful application to the Board of Adjustment for a variance of the access requirements of Section 804.

**LEGAL DESCRIPTION**

The South 1254.47 of the East Half of the East Half of the Northwest Quarter of the Northwest Quarter of Section 6, T-18-N, R-14-E of the IBM, Tulsa County, Oklahoma and being located on the southeast corner of East 61st St. and S. 107th East Avenue.

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ZONING PUBLIC HEARING

Application No.: PUD 405-A/Z-5722-SP3 Present Zoning: CO  
Applicant: Ted Sack Proposed Zoning: CO  
Location: West and north of the northwest corner of Memorial Drive  
and the Creek Turnpike.  
Date of Hearing: June 2, 1993  
Presentation to TMAPC: Ted Sack

**PUD 405-A**

The applicant is requesting that Use Unit 4, transmission tower be added to the list of permitted uses in Development Area 1-E. A 150' high monopole tower is proposed near the southeast corner of Lot 2, Block 4, Tract B, "9100 Memorial", as well as a 12' x 18' building. The building and tower will be enclosed by a 6' chain link fence.

Staff can support this added use in this specific location and recommends APPROVAL as requested.

AND

Z-5722-SP3 Corridor Site Plan at same location as PUD 405-A.

Staff can support the use (monopole transmission tower 150' in height) and the location; therefore, Staff recommends **APPROVAL** of Z-5722-SP3.

TMAPC Comments

Mr. Parmele announced that he would be abstaining from the above-listed agenda items due to a conflict of interest and left the dais.

Applicant's Comments

**Ted Sack** 110 S. Hartford Suite 131, 74120  
**Sac & Associates**

Mr. Sack advised that he and Darrell Walker of Cellular One would answer any questions from the Planning Commission. There were none.

Interested Parties

**Jeff Hassell** 2000 Bank IV Center, 74119  
**Gable & Gotwals Law Firm**

Mr. Hassell, representing Liberty Bank, Owasso; Bank IV Oklahoma; and John Williams advised that his clients are co-owners of the property southeast of the subject tract. Mr. Hassell expressed concern that the construction of the tower on the proposed site will have an adverse affect on the marketability of his clients' property. Mr. Hassell voiced concern that the presence of a tower will decrease the number of potential buyers for the tract. He asked that the applicant explain why it would not be possible to construct the tower farther west of the proposed site, away from his clients' property.

Applicant's Rebuttal

Mr. Sack advised that property to the west is zoned corridor and will probably be developed single-family. By erecting the tower at the proposed site it will be farther away from residential. He pointed out that the tower is similar to the light standards at expressway interchanges.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Dick, Doherty, Horner, Midget, Pace, , Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Parmele "absent") to recommend **APPROVAL** of Major Amendment PUD 405-A for a transmission tower and recommend **APPROVAL** of Z-5722-SP-3 Corridor Site Plan as recommended by Staff.

LEGAL DESCRIPTION

A tract of land being a part of Lot 2, of Block 4, "9100 Memorial", an Addition in the Northeast Quarter of Section 23, T-18-N, R-13-E, in the City of Tulsa, Tulsa County, Oklahoma, and being described as follows, to-wit: Commencing at the

Southeast corner of said Lot 2; thence due West along the South line of Lot 2 of Block 4 a distance of 335.16'; thence S 75°44'59" W along a Southerly line of Lot 2 a distance of 46.62' to the Point of Beginning of said tract of land; thence continuing S 75°44'59" W along said Southerly line a distance of 61.90'; thence due North a distance of 105.24'; thence due East a distance of 60.00'; thence due South a distance of 90.00' to the Point of Beginning of said tract of land.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: PUD 405-B/Z-5722-SP-4 Present Zoning: CO  
Applicant: Ted Sack Proposed Zoning: CO  
Location: Southwest corner of 93rd Street South and Memorial Drive.  
Date of Hearing: June 2, 1993  
Presentation to TMAPC: Ted Sack

TMAPC Comments

Mr. Parmele previously announced that he would be abstaining from the above-listed agenda items due to a conflict of interest and left the dais.

Staff Comments

The applicant is requesting to add Use Unit 14 uses to the uses permitted on Tract D of Lot 2, Block 4, 9100 Memorial Addition. Specifically, a Wolfe Nursery (garden center) is proposed on the tract. Because of the opening of the Creek Turnpike and construction of other commercial developments in the area, 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 405-B 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 405-B subject to the following conditions:

1. Use Unit 14 be added to the list of permitted uses on Tract D of Lot 2, Block 4, 9100 Memorial Addition, with a maximum permitted building floor area for Use Unit 14 principal or accessory uses being 30,000 SF.
2. All of the previous requirements of PUD 405, as amended, shall apply.

AND

The request is for approval of a Corridor Site Plan for Wolfe Nursery, a garden center on Tract D of Lot 2, Block 4, 9100 Memorial Addition. Accompanying this Site Plan is Major Amendment PUD 405-B to allow Use Unit 14 uses on this tract. If PUD 405-B is approved, Staff recommends **APPROVAL** of the Corridor Site Plan as presented.

Mr. Stump advised that earlier at the lot-split there was a requirement for mutual access across the front of the lots so they will use a common entrance onto Memorial and so both would have a access to a driveway or curb cut on 93rd Street. With the layout proposed Staff would like to assure there will be a mutual access easement running along the frontage of 93rd Street to the western boundary of the tract.

The applicant expressed agreement with Staff recommendation.

There were no interested parties present.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Dick, Doherty, Horner, Midget, Pace, , Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Parmele "absent") to recommend **APPROVAL** of Major Amendment PUD 405-B and Z-5722-SP-4 Corridor Site Plan as recommended by Staff.

**LEGAL DESCRIPTION**

A tract of land being a part of Lot 2, of Block 4, "9100 Memorial", an Subdivision of part of the NE/4 of Section 23, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the most Easterly Southeast corner of said Lot 2; thence N 00°01'14" W along the Easterly line of said Lot 2 for 150.00' to the Point of Beginning of said tract of land; thence due West for 380.30'; thence due North for 292.57' to a point on the Northerly line of said Lot 2' thence S 84°43'14" E for 0.00' to a point of curve; thence Easterly along the Northerly line of said Lot 2 and along a curve to the left with a central angle of 7°36'13" and a radius of 1094.00' for 145.18' to a point of tangency; thence N 87°40'33" E along said tangency and continuing along the Northerly line of Lot 2 for 214.47' to a point of curve; thence Easterly, Southeasterly, and Southerly along the Northerly and Easterly line of said Lot 2 and along a curve to the right with a central angle of 100°11'55" and a radius of 30.00' for 52.46' to a point of tangency; thence S 07°52'28" W along said tangency and along the Easterly line of said Lot 2 for 73.17'; thence S 00°01'14" E along the Easterly line of said Lot 2 for 190.96' to the Point of Beginning of said tract of land.

\* \* \* \* \*

**OTHER BUSINESS**

**Reconsider Parking and Landscape Revisions to Tulsa Zoning Ordinance.**

Mr. Parmele reported on the Rules and Regulations Committee meeting to review changes to the Parking and Landscape Ordinance. He reported the following recommendations made by the Committee:

- 1) there be no designated compact parking spaces, and all parking spaces to be a minimum width of 8.5';
- 2) a reaffirmation of previous landscaping recommendations;
- 3) alternative compliance;
- 4) automobile dealers parking requirements for customers to meet the landscaping requirements, but outdoor storage of autos for sale would not be considered as parking spaces under the Ordinance.

Mr. Parmele advised that the Rules and Regulations Committee recommends that the Landscape Ordinance go forward to the City Council as previously approved with the above-listed changes.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Carnes, Dick, Doherty, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely "absent") to recommend APPROVAL of the Parking and Landscape Ordinance and transmit to the City Council.

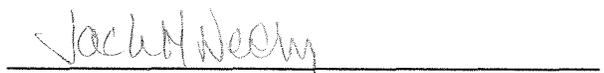
\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 3:05 p.m.

Date Approved: 6/16/93

  
Chairman

ATTEST:

  
Secretary

