

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1954  
Wednesday, December 1, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, December, 1993 at 11:13 a.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 November 10, 1993, Meeting No. 1951:

On **MOTION** of **WILSON**, the TMAPC voted **6-0-1** (Ballard, Broussard, Carnes, Doherty, Pace, Wilson "aye"; no "nays"; Parmele "abstaining"; Dick, Horner, Neely, Midget, absent") to **APPROVE** the minutes of the meeting of November 10, 1993 Meeting No. 1951.

Approval of the minutes of November 17, 1993, Meeting No. 1952:

On **MOTION** of **PARMELE**, the TMAPC voted **5-0-2** (Ballard, Carnes, Doherty, Parmele, Wilson "aye"; no "nays"; Pace, Broussard "abstaining"; Dick, Horner, Neely, Midget, absent") to **APPROVE** the minutes of the meeting of November 17, 1993 Meeting No. 1951.

**REPORTS:**

**Chairman's Report:**

Referring to the editorial in The Oklahoma Eagle regarding the unconstitutionality of the composition of the Planning Commission, Chairman Doherty asked Mr. Linker if under Title 19, this Planning Commission is duly constituted and doing what the legislature intended.

Mr. Linker advised that the editorial had no merit.

Mr. Parmele asked that Mr. Linker present a written opinion as to the constitutionality of the Planning Commission operations under Title 19.

Mr. Linker advised that the constitutionality question deals with elected officials and not an appointed body, and that this Planning Commission is operating properly under Title 19.

Chairman Doherty advised that the City Council, prior to incorporation of the Riverside Conceptual Plan into the Comprehensive Plan, set up a provision for a task force to review further refinements of that plan in the functional planning stage. He announced that the Planning Commission will have a designee, Mr. Parmele, on that Task Force.

**Committee Reports:**

Ms. Wilson reported that the Budget and Work Program Committee voted unanimously to include the Southwest Tulsa Economic Development Study as a special project, allocating \$3000 for funding.

Dane Matthews announced that Staff has been asked to work on this plan with the Southwest Tulsa Chamber of Commerce and its consultant. She advised that since the District 9 Plan is scheduled to be updated, Staff believes this will be a good opportunity to be involved in the process.

**TMAPC Action; members present:**

On MOTION of WILSON, the TMAPC voted 7-0-0 (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to APPROVE the request that TMAPC's portion of the Southwest Tulsa Economic Development Study be funded as a Special Project, allocating \$3,000 from Special Projects.

Rules and Regulations Committee

Mr. Parmele announced that the Rules and Regulations Committee met in work session November 17, to discuss transitional living centers and their appropriate location within the zoning code. He reported that the committee meeting was continued to January 12, 1994, 11:30 a.m. in the INCOG large conference room, with the public hearing to be held January 19.

Director's Report:

Mr. Gardner informed of items on the City Council agenda set for December 2.

\* \* \* \* \*

SUBDIVISIONS:

WAIVER REQUEST: SECTION 213:

CBOA-1185 (Unplatted) (PD-15) (County)  
South of the southwest corner of East 126th Street North and North Garnett Road.

Jones presented the Plat Waiver with no representative in attendance at the TAC meeting.

Silva pointed out that the existing percolation test did not make the location of the lateral field on the plan and a new percolation test would be required for that location.

French recommended that the entrance from North Garnett Road meet the approval of the County Engineer.

The subject tract was approved for a Use Unit 19, golf driving range and related uses, by the Tulsa County Board of Adjustment on August 17, 1993 and is therefore subject to the platting requirements. Although the Board approved the use for a three-year time period, the applicants plan to make this a permanent use.

Staff would recommend APPROVAL of the Plat Waiver for CBOA-1185, subject to the following conditions:

1. Grading and/or drainage plan approval by the Tulsa County Engineer in the permit process.
2. Utility extensions and/or easements if needed.
3. Dedication of additional right-of-way of North Garnett Road to meet the Major Street Plan (50' required).
4. Redesign entrance into property with only one access point. Identify Limits of No Access if required by County Engineer.

5. Redesignate Private Access Street as 124th Street North.
6. Advisory note not a condition of waiver: Redesign jogging trail so it does not go around driving range.

On the MOTION of MILLER, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PLAT WAIVER for CBOA-1185, subject to all conditions listed above.

Louis Levy, representative for the applicant, expressed agreement with Staff conditions.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner Neely "absent") to **APPROVE** the Waiver of Plat for CBOA #1185 as recommended by Staff.

\* \* \* \* \*

CZ-202 (Opportunity Heights) (3392) (PD-8) (County)  
 Northeast corner of West 56th Street South and South 45th West Avenue.

Jones presented the Plat Waiver with no representative in attendance at the TAC meeting.

This property was rezoned by the Board of County Commissioners on May 24, 1993 to Industrial Light and approved by the Tulsa County Board of Adjustment for variances of the north and west setbacks on July 20, 1993.

Since the property is platted and the Board of Adjustment's approval is per a specific site plan, Staff would recommend **APPROVAL** of the Plat Waiver for CZ-202, subject to the following conditions:

1. Grading and/or drainage plan approval by the Tulsa County Engineer in the permit process.
2. Utility extensions and/or easements if needed.

On the MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PLAT WAIVER for CZ-202 subject to the above conditions.

**TMAPC Action; 8 members present:**

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner Neely "absent") to APPROVE the Waiver of Plat for CZ-202 Opportunity Heights Addition as recommended by Staff.

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**LOT-SPLIT FOR WAIVER:**

**L-17795 Helmerich & Payne, Inc. (2994)** (PD-17) (CD-5) CS  
SE/c of East 41st Street South & South Garnett Road.

It is proposed to split a 1.06-acre tract from this 20.23-acre tract. The tract currently contains no buildings.

Applicant is requesting waiver of subdivision regulations requiring sewer line abutment to the property.

Staff finds no condition of the land which would preclude sewer line abutment.

Ted Sack was in attendance and presented the lot-split and the unique situation regarding sewer service.

Jones explained the policy of INCOG Staff to recommend denial of these types of requests, but informed that if the appropriate utility was comfortable with the request and could support the application, that Staff would be in favor.

On the MOTION of FIELDS, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the LOT-SPLIT FOR WAIVER, L-17795.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Neely "absent") to recommend APPROVAL of the Lot-split L-17795 and WAIVING the subdivision regulations requiring sewer line abutment to the property per Staff recommendation.

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Z-5449 (Unplatted) (3194)  
9721 East 61st Street

(PD-18) (CD-8)

Jones presented the Plat Waiver with no representative in attendance at the TAC meeting.

Considerable discussion was made regarding 61st Street and the proposed improvements.

This approximate one-acre tract was rezoned from RS-3 to IL in 1980 by rezoning application Z-5449. The applicant has requested a Board of Adjustment special exception to permit a dog grooming facility in the existing dwelling. The Board should place sufficient conditions to safeguard any major new construction on the property. It should be noted that other Plat Waivers have been granted in the immediate area.

Staff would recommend **APPROVAL** of the Plat Waiver, subject to the following conditions:

1. Dedication of additional right-of-way for East 61st Street South to meet the requirements of the Major Street and Highway Plan (MSHP).
2. Dedication of easements for utility extensions as needed.
3. Execution of an Access Control Agreement with Traffic Engineering, Department of Public Works, if necessary.
4. Approval of grading/and or drainage plans by the Department of Public Works in the permit process.

On MOTION of Cotner, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PLAT WAIVER for Z-5449 subject to the above conditions.

A representative for the property owner was in attendance.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 7-0-1 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Wilson "aye"; no "nays"; Parmele "abstaining"; Dick, Horner Neely "absent") to **APPROVE** the Waiver of Plat for Z-5449 as recommended by Staff

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

L-17781	Agnes L. Crump (983)	(PD-18) (CD-8)
	7801 South Louisville	RS-1
L-17806	Billy McMains (2883)	(PD-26) (CD-8)
	3737 East 105th Street	RS-1
L-17811	Julie Mueller (3194)	(PD-18) (CD-8)
	9721 East 61st Street	IL

**Staff Comments**

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

**TMAPC Action; 8 members present:**

On MOTION of MIDGET, the TMAPC voted 7-0-1 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Wilson "aye"; no "nays"; Parmele "abstaining"; Dick, Horner, Neely "absent") to RATIFY the above-listed lot-splits having received prior approval.

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**CONTINUED ZONING PUBLIC HEARING**

ZONING PUBLIC HEARING

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Application No.: Z-4789-SP-3  
 Applicant: John Moody  
 Location: Southeast corner of East 71st Street South and the Mingo Valley Expressway.  
 Date of Hearing: December 2, 1993

Chairman Doherty announced receipt of an untimely request for a two-week continuance on this item. There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On MOTION of CARNES, the TMAPC voted 7-0-0 (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to CONTINUE Z-4789-SP-3 to December 15, 1993.

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ZONING PUBLIC HEARING

Application No.: Z-6425 Present Zoning: OL  
Applicant: Roy Johnsen Proposed Zoning: CS  
Location: East of the northeast corner of 71st Street and South  
Memorial Drive  
Date of Hearing: November 23, 1993  
Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity Linear Development - No Specific Land Use.

According to the Comprehensive Plan the requested CS District is in accordance with the Plan Map if an acceptable PUD accompanies the request.

Staff Comments:

**Site Analysis:** The subject property is approximately 5 acres in size and is located east of the northeast corner of 71st Street South and S. Memorial Drive. It is nonwooded, flat, vacant, and is zoned PUD-235/OL.

**Surrounding Area Analysis:** The tract is abutted on the north by single-family homes, zoned RS-3; to the east by Sam's Wholesale Store and a restaurant, zoned PUD-468; to the south and across 71st Street are apartments, zoned RM-1; and to the west are Woodland Hills Mall parking area zoned PK and Circuit City store and parking, zoned PUD-479/CS.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicate that the south 330' of the adjoining property to the west was rezoned CS accompanied by a PUD. The property abutting the subject property to the east was recently zoned PUD/CS/RM-1.

**Conclusion:** The proposed rezoning could potentially be in accordance with the linear development area guidelines along 71st Street if it were accompanied by an acceptable PUD. Staff has, however, recommended denial of the PUD; therefore, we recommend **DENIAL** of Z-6425.



AND

**PUD 235-A** Major Amendment - north side of 71st Street South at 92nd East Avenue.

The applicant is proposing to rezone the south 330' of the PUD to CS (Z-6425) and change the uses permitted in the south half of the PUD to commercial. The proposal is for a strip shopping center placed on the middle of the property facing 71st Street, with one out-parcel abutting 71st Street. The north half of the PUD would continue to be planned for office uses. The applicant is also proposing that access to the two residential streets to the north be eliminated. A signalized access to 71st Street is proposed to align with 92nd East Avenue on the south.

Staff cannot support this amendment as being a unified treatment of the development possibilities of the site as required in the PUD Chapter. By developing the 10 acres fronting 71st Street as a shopping center, visibility of the north 9 acres is basically eliminated. The original PUD provided a continuous collector street extending from a traffic light on 71st Street through the middle of the tract to its northwest corner. Under the proposed major amendment, access to the north half of the PUD is by way of two private roadways working their way through the shopping center parking lot to the east and west sides of the buildings and then north. Because of this circuitous access and a lack of visibility from 71st Street, Staff feels the north half of the property is not appropriate for office use. Staff would recommend that the north 300' be converted to single-family dwelling use with access to the north, and the remainder of the north 9 acres of the PUD converted to low-density multifamily or duplex use with access to the south. Also, a landscaped buffer should be provided between the shopping center to the south and the residential to the north. Therefore, Staff cannot support the PUD as presented by the applicant and recommends **DENIAL**.

If the Planning Commission disagrees with Staff and still feels that office use on the north 9 acres is appropriate, Staff would recommend imposing the following conditions:

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

**DEVELOPMENT AREA A**

<b>Land Area (Net)</b>	9 acres
<b>Permitted Uses</b>	As permitted by right within the CS District except no Use Unit 12A uses nor dance hall.

Maximum Building Floor Area	102,600 SF*
Minimum Landscaped Area	39,200 SF (10%)
Maximum Building Height	35'
Minimum Building Setback from Centerline of 71st Street	110'

**Ground Signs**

Ground signs shall be limited to two signs along 71st Street identifying tenants and one sign along 71st Street identifying the center and/or tenants therein. A permitted ground sign shall not exceed 25' in height, nor exceed a display surface area of 125 SF provided, however, the center identification sign may have a display surface area of 200 SF.

**Wall or Canopy Signs**

The aggregate display surface area of the wall or canopy signs shall be limited to 1½ SF per each lineal foot of the building wall to which the sign or signs is affixed. Wall or canopy signs shall not exceed the height of the building. No wall sign shall be affixed to a North building wall.

\*Changes made at TMAPC meeting.

**DEVELOPMENT AREA B**

Land Area (Net)	0.96 acres
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Permitted Uses	As permitted by right within the CS District except no Use Unit 12A uses nor dance hall.
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Maximum Building Floor Area	6,200 SF
Minimum Landscaped Area	4,182 SF (10%)
Maximum Building Height	35'
Minimum Building Setback from Centerline of 71st Street	110'

**Ground Signs**

Ground signs shall be limited to one sign along 71st identifying the establishment therein and one monument sign identifying the office park. The ground sign shall not exceed 25' in height, not exceed a display surface area of 120 SF. The monument sign shall not exceed 8' in height not 32 SF in display surface area.

**Wall or Canopy Signs**

The aggregate display surface area of the wall or canopy signs shall be limited to 1½ SF per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

**DEVELOPMENT AREA C**

<b>Land Area (Net)</b>	9.09
<b>Permitted Uses</b>	Use Unit 11.*
<b>Maximum Building Floor Area</b>	118,788 SF
<b>Minimum Landscaped Area</b>	60,000 SF
<b>Maximum Building Height</b>	
north 300' of Development Area	1 story
south 300' of Development Area	2 story
<b>Minimum Building Setback from North Boundary</b>	75'

**Ground Signs**

Ground signs shall be limited to one monument sign along 71st Street (see Parcel B) not exceeding 8' in height, nor 32' in display surface area, and one monument sign located at the turn of the interior drive (see Parcel A) not exceeding 8' in height, nor 32 SF in display surface area.

**Wall or Canopy Signs**

None are permitted in the development area.

\*Changes made at TMAPC meeting.

3. No access shall be permitted from the PUD to the residential area to the north. Only two access points are permitted on 71st Street from the PUD. Cross access shall be offered to surrounding properties to the east and west and a circulation system shall be provided similar to the one shown on the revised concept plan.
- \*4. A 20' wide landscaped strip shall be provided along the 71st Street frontage which screens parking areas from the arterial street. A 50' wide green belt area shall be established on the north boundary of the PUD in order to provide an adequate buffer for the single-family residential area to the north and be considered in the landscape plan for approval. This buffer strip should be established and planted with trees prior to occupancy of any buildings in the PUD. This will not prohibit the

Planning Commission from requiring a berm be established in the future should an office develop be submitted for site plan approval.

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. 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.
7. 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.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12 feet within 150' of the north boundary of the PUD.
10. 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.
11. No Building Permit shall be issued until the requirements of Section 1107E 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 the City beneficiary to said Covenants.
12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

\*Changes made at TMAPC meeting.

Applicant's Comments

Roy Johnsen, attorney for the applicant, reviewed the zoning history of the subject property and development of properties surrounding it. He informed that the owner wishes to sell the south 10 acres for retail-type use, retaining office use on the north portion of the property. He declared that there is no controversy over the commercial portion of this project. Mr. Johnsen advised of disagreement over reduced visibility and insufficient access for the northern portion of this tract for office zoning. He distributed copies of aerials of the subject tract to the Planning Commission. Mr. Johnsen pointed out the distance from the north line of the proposed building to the south line of the nearest single-family lot is 630'. He took issue with Staff recommendation, that from a market standpoint, the north 10 acres will not be viable at the rear of the property for office development because of lack of visibility and access. Mr. Johnsen presented the site plan, described internal circulation, and potential access points giving effective passageways between commercial tracts. He advised that Jon Eshelman, Traffic Engineering, expressed support of the layout presented. Mr. Johnsen noted that access will be from 71st Street, so that 91st East Avenue and 93rd East Avenue will not need to be extended, which was of major concern to area residents. However, he noted that area residents have conveyed that developing the northern portion single-family would be a better use of the property from their perspective. Mr. Johnsen explained that if the property is not developed single-family, the residents requested that a berm be installed. He presented photographs indicating topographical differences on the property, noting that all but one of the residences have screening fences. He pointed out a line of trees existing approximately 30' from the residences' fence line, and advised that the initial proposal in 1980 was for a 20' landscaped strip between residences and the proposed office. He advised that the commercial development proposed for the southern portion of the property will not affect residents of the Burning Tree neighborhood. There will be approximately 600' open space setback between the two properties, and noted that if this application is approved and office use does not develop there is no detrimental effect on the neighborhood. Mr. Johnsen declared that residences will have the same situation as currently exists, a large open space with existing trees and no through-streets. However, if the property develops for office use, it would be an appropriate buffer. Mr. Johnsen advised that the applicant would not agree to constructing a berm, but has agreed to landscaping within the north 50' to supplement existing trees. He pointed out that a berm would not be appropriate if the area were to develop single-family and would kill existing trees.

Interested Parties

**Frank Spiegelberg**

**9032 East 67th Street 74133**

Mr. Spiegelberg, attorney for the Burning Tree South Homeowners Association, Inc. and area resident, requested that a condition be placed on the PUD to not open up South 93rd East Avenue and South 91st East Avenue for through-traffic. He believes this will be detrimental to property owners. Mr. Spiegelberg acknowledged that area residents initially requested a berm on the northern portion of the property, that streets be stubbed and other things be done as the southern portion of the property is developed. He declared that a greenbelt is imperative if the northern portion is to be developed as offices. Mr. Spiegelberg revealed that he anticipated no protests from homeowners should the northern portion be developed single-family and if 91st and 93rd East Avenues were to be connected to homes of construction similar to those already existing. He expressed concern over the impact of office development on existing residences and expressed support of a berm to serve as a sound barrier, to deter vehicles driving across the land and as a buffer from viewing an office complex. Mr. Spiegelberg reported that the Burning Tree South Homeowners Board of Directors voted to support Staff recommendation for single-family development on the northern portion of the subject tract. However, should the area develop as office, they request that a 50' greenbelt with a berm be constructed to match the one already existing to block noise and traffic; that landscaping be installed in the northern portion of the property as the southern portion is developed; closure of 91st and 93rd East Avenues should continue and that bars, taverns, night clubs, pool halls, and dance halls be prohibited. Mr. Spiegelberg concluded, declaring that area residents would not be opposed to office use so long as sufficient buffering exists between existing homes and proposed office development.

**Charles Norman**

**2900 Mid-Continent Bldg. 74103**

Mr. Norman, attorney representing the property owners, advised having negotiated with Mr. Spiegelberg and Mr. Ed Wardell in 1980 when this application was initially submitted. He reported on results of those negotiations. Mr. Norman advised that the application presented today is acceptable to the property owners and believes 600' of separation from commercial utilizing office development standards is just as acceptable now as it was in 1980. Mr. Norman requested that maximum building height of offices within the north 200' of the property be limited to one story in height, rather than 300' as recommended by Staff. He voiced support that landscaping be planted on the north boundary at this time, which will start landscaping growth until the remainder of the property is developed. Mr. Norman declared that it would be useless to install screening behind the commercial building when there is 600' of separation from residences to the north. Mr. Norman requested that office use remain subject to the development standards recommended by Staff, with exception of 50' landscaped area.

### Staff Comments

Mr. Gardner informed that Staff does not get involved in what the market might hold for a parcel of property. He noted that Staff was not originally supportive of going that deep with OL, but as long as there was frontage to 71st Street, the original plan for office could have worked. Mr. Gardner cautioned that the subject area may become parking for an expansion of Woodland Hills Mall and would be permitted the way the PUD is written without further approval. He cautioned that the argument may be made that the northern portion will not be valuable for office because it is blocked by commercial shopping

### Applicant's Rebuttal

Mr. Johnsen disclosed that the subject tract was approved as an office concept and a concept plan was presented showing an office park with a narrative referring to a campus theme establishing landscape requirements, etc. He failed to see how this could authorize that this convert to a parking area for Woodland Hills Mall, and believes it would have to appear before the Planning Commission before it could occur. Mr. Johnsen reiterated that the applicant is requesting office use, as originally approved on the north boundary. Mr. Johnsen agreed to the condition, as suggested by Chairman Doherty, that the northern portion could not be used for parking for other than onsite office use without a major amendment. Regarding the berm, Mr. Johnsen declared that if office use does not develop, the neighborhood is not detrimentally affected by the open space with landscaping. Mr. Johnsen advised that the applicant conveyed to him that the north 50' of the property be the landscaped area with plantings to be in the north 20' due to existing trees.

Mr. Johnsen addressed the areas of difference with Staff. Development Areas A and B within the commercial site are proposed for a restaurant site, possibly a bank, and the main shopping area. He requested that the landscaped area within both the tracts be 10% in the aggregate rather than on each parcel.

Mr. Stump informed that the new PUD Chapter requires 10% per development area.

Mr. Johnsen disagreed with the interpretation of the PUD Chapter requirement.

### TMAPC Review Session

Ms. Pace noted that area residents feel it is important to have continuity regarding provision of a berm and questioned whether a 50' landscape buffer would be sufficient at a future time to allow continuance of the berm.

Mr. Stump informed that 50' should be sufficient, but noted that the trees to be planted would be lost.

There was discussion among the Planning Commission over linking 91st and 93rd East Avenues, forming a cul-de-sac, and if a permanent stubbing were approved, whether it would create a condition that would require waiving subdivision regulations.

Mr. Linker advised that he would research the item.

Mr. Carnes questioned the wisdom of not extending the stubbed streets.

There was discussion over connecting the collector streets to provide flow into the area if the property is developed for residential.

Mr. Parmele stated that leaving office in place is appropriate for the present. Mr. Parmele made a motion for approval with changes as discussed: Development Area A maximum building floor area be 102,600, and landscaping as recommended by Staff; Development Area C maximum building height of the north 200' be limited to one story; condition #4, that a 50' wide greenbelt be established on the north boundary, This will not prohibit the Planning Commission from requiring that a berm be established in the future, should office development be submitted for site plan approval, and eliminated Use Unit 10 in Area C. The motion was seconded by Mr. Midget.

Ms. Wilson suggested using the terminology of greenbelt versus landscaped area. Regarding maximum building height in the north 200', she made a motion to amend the main motion to include the north 300'. Motion seconded by Ms. Ballard.

**TMAPC Action; 7 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **4-3-0** (Ballard, Carnes, Pace, Wilson "aye"; Broussard, Doherty, Parmele "nay"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **AMEND** the motion to limit the maximum building height in the north 300' of Development Area C to one story.

**TMAPC Action; 7 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** Z-6425 for CS zoning as recommended by Staff and PUD 235-A as amended.

**LEGAL DESCRIPTION Z-6425**

The South 330' of the East Half of the Southwest Quarter of the Southeast Quarter of Section 1, Township 18 North, Range 13 East of the I.B.M., Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, and located east of the northeast corner of 71st Street South and South Memorial Drive.



**LEGAL DESCRIPTION PUD 235-A**

The East Half of the Southwest Quarter of the Southeast Quarter of Section 1, T-18-N, R-13-East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof.

\* \* \* \* \*

**ZONING PUBLIC HEARING:**

ZONING PUBLIC HEARING

Application No.: **Z-6427** Present Zoning: RS-3/RM-1  
Applicant: TMAPC Proposed Zoning: RS-3/RM-1/HP  
Location: Between East 15th Street on the north, East 21st Street on the south, Peoria Avenue on the west and Utica Avenue on the east.  
Date of Hearing: December 1, 1993

**Relationship to the Comprehensive Plan:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the major portion of the subject property as Low Intensity Residential with the exception of an area in the southeast corner of 17th Street and S. Peoria Avenue, that lies 800' east of Peoria Avenue and 600' south of East 17th Street, which is designated by the Comprehensive Plan as Medium Intensity Residential.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 45 acres in size and is bounded on the north by E. 15th Street, on the south by E. 21st Street, to the west by S. Peoria Avenue and on the east by S. Utica Avenue. It is nonwooded, gently sloping, and has many single-family and multifamily residential dwellings zoned RM-2, RS-3 or RD.

**Surrounding Area Analysis:** The tract is abutted on the north by E. 15th Street with OL, CS and CH zoning and includes restaurants, retail shops and a school; to the east are offices and a bank which is located in the southeast corner, with OL, OM and CH zoning. The property is abutted on the south by single-family homes and a public park, zoned RS-2; and to the west by single-family homes and a small area in the northwest corner which includes restaurants and offices and is zoned OL, OM, and CS.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicate that there have been relatively no change within the subject area and only a very few zoning cases that have occurred on property surrounding the subject property which have been for OL uses, with the exception of the OH zoning that was granted for St. John's Hospital and related facilities on the northeast corner of 21st Street and Utica Avenue.

Staff recommends that the Swan Lake area be designated HP and that the Design Guidelines proposed by the Preservation Commission be **APPROVED**.

Chairman Doherty informed of the possibility of flawed notice on this item. He noted the number of individuals who have taken time off from work to attend today's meeting and suggested that interested parties be given the opportunity to give their input. After input is received he will entertain a motion to continue this matter to January 5, 1994, at which time additional input will be received and the Planning Commission can take action.

Interested Parties

<b>Greg Warren, Tulsa Preservation Commission Staff</b>		
<b>Cindi McArtor</b>	<b>1724 South Trenton</b>	<b>74120</b>
<b>Historic Preservation Zoning Coordinator, Swan Lake District</b>		
<b>Bob Turner</b>	<b>2468 South Owasso Place</b>	<b>74114</b>
<b>Wally &amp; Creighton Pendarvis</b>	<b>1524 East 20th Street</b>	<b>74120</b>
<b>Doug Tayrien</b>	<b>1363 East 20th Street</b>	<b>74120</b>
<b>Ann Burke</b>	<b>1509 East 19th Street</b>	<b>74120</b>
<b>Lois Bartlett</b>	<b>1530 East 19th Street</b>	<b>74120</b>
<b>Dennis Zigrang</b>	<b>1737 South Peoria</b>	<b>74114</b>
<b>Johnna Thruston</b>	<b>1720 South Detroit</b>	<b>74120</b>
<b>Donna Sheriff</b>	<b>9947 South Urbana</b>	<b>74137</b>
<b>Tom Kellogg</b>	<b>1716 South Trenton</b>	<b>74120</b>
<b>Bernadette Pruitt</b>	<b>1640 East 17th Street</b>	<b>74120</b>
<b>Rodger Erker</b>	<b>6307 South Lewis Place</b>	<b>74105</b>
<b>Patricia Dickey</b>	<b>1404 East 20th Street</b>	<b>74120</b>
<b>John Ruffing</b>	<b>1638 East 17th Place</b>	<b>74120</b>
<b>Paul Atkins</b>	<b>1638 East 17th Place</b>	<b>74120</b>
<b>Jim Bloomfield</b>	<b>1320 East 15th Street</b>	<b>74120</b>
<b>Cherry Street Association</b>		
<b>Bill Harrington</b>	<b>1606 East 17th Place</b>	<b>74120</b>
<b>Jan Soule'</b>	<b>1569 Swan Drive</b>	<b>74120</b>

The above-listed individuals made the following comments. To fully inform all property owners about HP zoning, three public meetings were held. There were articles in their monthly newsletters, and notices sent to every property owner to voice concerns or opinions about HP zoning.

According to a color-coded map indicating responses from property owners, the majority are in favor of HP zoning for the Swan Lake District. There were approximately 97% in support of HP zoning or who have taken a neutral stance. It was noted that commercial

property has been excluded from the application. It is the desire of the neighborhood that the stated area obtain HP overlay zoning.

Benefits from HP overlay zoning will allow the Swan Lake neighborhood to enjoy the following benefits: potential increase of property values, preservation of the historic integrity of the neighborhood, Swan Lake will become a more desirable neighborhood due to the stability HP zoning will give the district, and property owners and merchants along Cherry Street will benefit.

An individual who owns apartment houses and a duplex in the area voiced support of overlay zoning, believing that it will help his investments.

Preservation of the character of the neighborhood will remain intact and preservation of the wide range of architectural styles and quality of construction of existing homes.

HP overlay will protect against intrusion into the area and deterioration.

Area residents expressed concern over the Helmerich & Payne property requesting exclusion.

One representative from the Maple Ridge Condominiums expressed support of HP overlay zoning, believing that it will have benefits regarding control of curb-side appearance of structures within the district, preservation and enhancement of real estate values and creation of additional neighborhood solidarity.

A representative from the Maple Ridge Board voiced support of HP overlay zoning.

HP overlay will ensure that vacant lots will foster construction compatible with existing structures.

There was concern that construction on the Helmerich & Payne now-vacant lot will negatively impact property values and quality of life in the neighborhood. Residents do not want this lot to become another parking garage.

It was noted that there is support of HP overlay within Lot 27, a portion owned by Helmerich & Payne, and concern was expressed that a high-rise might be constructed.

A representative from the Cherry Street Association expressed support of HP overlay zoning.

Preserving the architectural heritage of the area and environmental responsibility were areas of concern.

Representative Russ Roach was in the audience and expressed support of the HP overlay zoning.

### TMAPC Questions

Chairman Doherty asked Ms. McArtor if property owners were in favor of the request made by Helmerich & Payne regarding exclusion of their property from the overlay zoning.

Ms. McArtor replied that area property owners are asking that the entire area be included in the overlay.

Ms. Wilson asked Ms. Dickey if the Helmerich & Payne vacant lots are a point of contention among area residents.

Ms. Dickey declared that construction on these lots will have direct impact on area residents' property values and controls over the subject property are appropriate.

**Pam Deatherage** **1516 East 36th Street 74105**  
**District 6 Planning Team Chair**

Ms. Deatherage, Planning District 6 Chair, expressed support of HP overlay zoning. She noted that if Helmerich & Payne intend to develop the Block 27 property, that it could be compatible with HP zoning and be included in the zoning change.

**Norma Turnbo** **1822 South Cheyenne 74119**  
**Tulsa Preservation Commission Chair**

Ms. Turnbo expressed support of the overlay zoning, noting the historical significance of the area. She pointed out that only 3% are opposing the overlay zoning.

**Steve Mackey** **1579 East 21st Street 74114**

Mr. Mackey, General Counsel of Helmerich & Payne, Inc., expressed opposition to including the property at the southeasternmost portion of the zoning application, Block 27. He pointed out that there is little historical value in the residential areas of block 27, with only four occupied residences, and that the majority of the property is used and zoned for multistory office together with parking. Mr. Mackey deemed that the inclusion of Block 27 was less for the historical value than as a buffer for areas that wish to obtain HP overlay. He noted that portions of the subject property were previously approved by the Board of Adjustment for off-street parking. Based on the unanimous request of the majority of residential property owners in Block 27, he requested that it be excluded from HP overlay.

Ms. Wilson asked if HP overlay were to exclude Lot 27, future development would be compatible to residentially-zoned HP properties.

Mr. Mackey declared that presently there are no development plans for the subject area. He advised that Helmerich & Payne, Inc. subsidized the Swan Lake renovation and owns Utica Square, and believes that future plans will be of no less quality than any other development done in the past.

Mr. Parmele referred to a letter from Jim East, President, Swan Lake Neighborhood Association, indicating that Helmerich & Payne would present current development plans for properties in Block 27.

Mr. Mackey informed that presently there are no development plans for these lots. In response to a question from Chairman Doherty, Mr. Mackey advised that future use is anticipated to be residential.

With no other interested parties present wishing to address the Planning Commission, Chairman Doherty reiterated that no action would be taken because of the possibility of flawed notice.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Neely "absent") to CONTINUE Z-6427 to January 5, 1994.

\* \* \* \* \*

ZONING PUBLIC HEARING

Application No.: Z-6428 Present Zoning: RM-1  
Applicant: TMAPC Proposed Zoning: RS-4  
Location: All properties lying between N. Cincinnati Avenue on the west, E. Ute Place on the north; Missouri Pacific R.R. right-of-way on the east; and E. Pine Place on the south.  
Date of Hearing: December 1, 1993  
Presentation to TMAPC: Donna Peters

**Relationship to the Comprehensive Plan:**

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within Special District 1 - (NDP) Neighborhood Development Plan.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 97 acres in size. It is nonwooded, flat, and contains single-family dwellings, duplex dwellings and vacant lots RM-1.

**Surrounding Area Analysis:** The subject area is abutted on the north and northeast by single-family dwellings and vacant property, zoned RS-3; to the east by the Missouri Pacific Railroad right-of-way, single-family and duplex dwellings and vacant property, zoned RM-1; and to the south by single-family dwellings zoned RS-3. To the southwest of the subject area is vacant property zoned CS.

**Zoning and BOA Historical Summary:** The history of zoning actions in this area indicate that although this area is primarily single-family, it was zoned RM-1 through blanket zoning in 1970.

Staff recommends **APPROVAL** of RS-4 zoning for this area in order to preserve and enhance the single-family character of the neighborhood.

Staff Comments

Ms. Peters displayed a map indicating both responses of support and nonsupport for the rezoning application. She reported meeting with area residents to explain the proposed zoning and address concerns. Ms. Peters informed of overwhelming support for rezoning. Of 466 lots in the area 449, 96.4%, are single-family with the remaining 17 lots being multifamily. She advised that none of those opposing the zoning application are multifamily.

Interested Parties

**Petronella Davis** **1547 North Elgin 74106**

Ms. Davis, a resident of the area for 11 years, expressed support of the proposed rezoning. She informed that the majority of area residents support single-family zoning. She believes an area zoned multifamily would have a detrimental effect on the neighborhood by creating crowded conditions in area schools.

TMAPC Action; 8 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Doherty, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Neely "absent") to recommend **APPROVAL** of Z-6428 for RS-4 zoning as recommended by Staff.

LEGAL DESCRIPTION

Lots 1-4, Block 1, Lots 1-4, Block 2, Lots 1-6, Block 3, Pershing Addition; Lots 1-6, Block 1, Lots 1-11, Block 4, Lots 1-5, Block 5, Roosevelt Addition; Lots 16-36, Block 1, Lots 14-17, Block 3, Lots 15-32, Block 5, Lots 1-10, Block 6, Lots 1-42, Block 7, Lots 1-42, Block 8, Lots 1-16, Block 9, Lots 1-26, Block 10, Lots 1-13, Block 11, Lots 1-30, Block 12, Meadowbrook Addition, (less and except street right-of-way dedicated to City); Lots 1-3, Block 1, Strobel Addition; Lots 1-8, Block 1, Lots 1-4, Block 2, Lots 1-12, Block 3, Lots 1-18, Block 4, Lots 1-4, Block 5, Dickison-Goodman Addition; Lots 1-16, Block 1, Lots 1-32, Block 2, Lots 1-16, Block 3, Lots 1-16, Block 4, Lots 1-32 Block 5, Lots 1-16, Block 6, Investors Addition; Lots 1-12, Block 1, Lots 1-12, Block 2, Lots 1-6, Block 3, Lots 1-12, Block 7, Lots 1-12, Block 8, Harding Addition;; Lots 1-5, Block 1, Lots 1-10, Block 2, Lots 1-5, Block 3, Dunbar Addition; and all located between E. Pine Street to the north, E. Virgin Street on the south, N. Cincinnati Avenue on the west and east to the west right-of-way of the Union Pacific Railroad.

\* \* \* \* \*

**OTHER BUSINESS**

**PUD-481-4:** Minor Amendment to increase signage for Bank IV - northwest corner of East 71st Street South and the Mingo Valley Expressway.

The applicant is requesting to have two ground signs rather than the one allowed in Development Area D1, and to increase the display surface area of the ground signs from 75 SF to 123 SF. One ground sign would be 25' tall and contain 96 SF while the other would be 4.5' tall and contain 27 SF. This amount of signage is still well below what is permitted in a CS district and should be compatible with the rest of the PUD. Therefore, Staff recommends **APPROVAL** of new ground sign standards for Development Area D1 as follows:

Two ground signs are permitted, one with a maximum height of 25' and display surface area of 96 SF, and the other with a maximum height of 4.5' and display surface area of 27 SF.

**DETAIL SIGN PLAN**

If PUD-481-4 is approved, Staff recommends **APPROVAL** of the ground signs for Bank IV in Development Area D1.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** PUD 481-4 Minor Amendment and Detail Sign Plan as recommended by Staff.

**PUD-469-1:** Minor Amendment for an elementary school - east of the northeast corner of Mingo Road and 96th Street North.

The Owasso Public Schools are requesting approval of a portion of PUD-469 (12.33 acres) for an elementary school. This area of the PUD was approved for single-family residential. The PUD did, however, provide for allowing uses permitted in an R District by special exception as a Minor Amendment. Staff can support this proposed use as being compatible with the original PUD. Therefore, Staff recommends **APPROVAL** of PUD-469-1 with the following development standards:

Minimum Building Setback	
From centerline of 96th Street	110'
From centerline of future road on the west boundary of the tract	80'
From the east boundary of the tract	100'
From the north boundary of the tract	100'
Maximum Building Floor Area	60,000 SF
Maximum Building Height	1 story
Minimum Parking Lot Setbacks	
From the east boundary	50'
From the north boundary	50'

There were no interested parties in attendance.

**TMAPC Action; 7 present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** PUD 469-1 Minor Amendment as recommended by Staff.

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**PUD-176:** Detail Sign Plan - northwest corner of East 81st Street South and South Yale Avenue.

The applicant is requesting **APPROVAL** of a new ground sign on South Yale Avenue and a new wall sign on the south face of the building, both for Valley National Bank. The ground sign will be 25' high and will contain 108 SF of display surface area. It is over 100' from the nearest existing ground sign. The wall sign contains 38 SF of display surface area. Both signs comply with the PUD requirements; therefore, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** PUD 176 Detail Sign Plan as recommended by Staff.

\* \* \* \* \*



**PUD-339:** Revised Detail Site and Landscape Plans - north and east of the northeast corner of East 101st Street South and South Sheridan Road.

The applicant is proposing a modified parking arrangement for the Galleria Apartments which will provide the required 404 parking spaces. By the use of 8.5' wide spaces as approved by the BOA, the applicant's plan does provide the required number of spaces. Therefore, Staff recommends **APPROVAL** of the revised Detail Site Plan.

Additionally, a revised Landscape Plan has been submitted for the perimeter of the PUD. Since earlier site visits by Staff determined that a number of trees shown on the original approved Landscape Plan did not exist, the applicant's plan proposes to rectify this situation. After review of the plan, Staff feels it provides an attractive, cohesive vegetative buffer along the perimeter of the apartment complex where it abuts a single-family residential district. Therefore, Staff recommends **APPROVAL** of the revised Landscape Plan.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** PUD 339 Revised Detail Site and Landscape Plans as recommended by Staff.

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**PUD-300:** Detail Sign Plan - 8013 South Sheridan Road.

This proposal is to replace existing wall signage on a retail store having 43' of frontage on both the west and north sides of the strip center. The signs are well within the permitted 1.5 SF of display surface area per foot of building wall. Therefore, Staff recommends **APPROVAL**.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **APPROVE** PUD 300 Detail Sign Plan as recommended by Staff.

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**PUD-316-4:** Minor Amendment to reduce required rear yard - 9323 South 85th East Avenue - Lot 29, Block 9, Oak Leaf II.

The applicant is proposing a Minor Amendment to reduce the required rear yard from 20' to 12' in order to allow a covered patio for a new dwelling. Staff can find nothing unique or unusual about this lot compared with others in the subdivision. In Staff's opinion, if this amendment is approved, then all similar lots would be entitled to the same reduction in rear yards which Staff believes is not appropriate. Therefore, Staff recommends **DENIAL** of PUD-316-4.

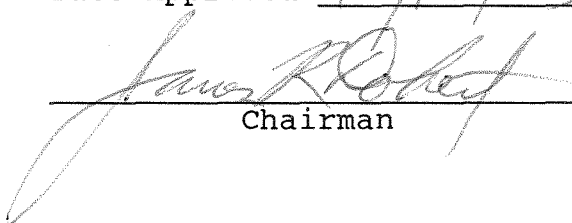
There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

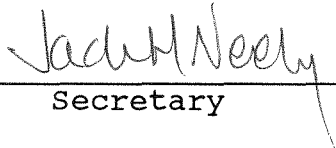
On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Dick, Horner, Midget, Neely "absent") to **DENY** PUD 316-4 Minor Amendment as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date Approved: 12/15/93  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary