

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1988  
Wednesday, August 24, 1994, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

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

**Members Absent**

Ballard  
Wilson

**Staff Present**

Gardner  
Hester  
Jones  
Moore  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 23, 1994 at 10:05 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:37 p.m.

**Minutes:**

Approval of the minutes of August 10, 1994, Meeting No. 1986:

On **MOTION** of, **CARNES** the TMAPC voted 7-0-1 (Carnes, Gray, Harris, Doherty Horner, Pace, Parmele "aye"; no "nays"; Neely "abstaining"; Ballard, Midget, Wilson "absent") to **APPROVE** the minutes of the meeting of August 10, 1994 Meeting No. 1986.

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**REPORTS:**

Committee Reports:

Comprehensive Plan Committee

Mr. Neely informed of a meeting scheduled with Mr. Norman, Mr. Steinmetz, and members of the Yorktown Neighborhood Association on Friday, September 9, at 3:30 p.m., in the INCOG large conference room to discuss whether or not there are alternatives to the St. John Medical Center request to expand boundaries.

Rules and Regulations Committee

Mr. Doherty reported that the Rules and Regulations Committee will meet Wednesday, September 7, at 11:30 a.m. in the INCOG large conference room.

Director's Report:

Mr. Gardner reported on zoning items which will be heard by the City Council on August 25.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

College Parke Second (PUD-306)(2083)  
East 95th Street South at South College Place.

**(PD-18)(CD-2)**

There was considerable discussion regarding utilization of private streets, whether the street system is determined to be a cul-de-sac, and the proposed 16' paving width, which is against the Fire Department's current policy requiring 20' of paving width.

Roy Johnsen, applicant, advised that if there is concern among the Planning Commission regarding access, that he would request a continuance since the engineer was not in attendance to answer questions.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** the **PRELIMINARY** of College Parke Second to September 7, 1994.

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**FINAL APPROVAL AND RELEASE:**

Five Acre Woods (PUD-503)(2183)

**(PD-26)(CD-8)**

North of the northwest corner of East 101st Street South & South Yale Avenue.

Mr. Jones announced that all release letters have been received and Staff recommends approval of final release.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** the **FINAL PLAT** of Five Acre Woods and **RELEASE** same as having met all conditions of approval as recommended by Staff..

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**CONTINUED LOT-SPLIT FOR DISCUSSION:**

L-17933 Earl W. & Toni S. Arnold (583)

**(PD-18)(CD-9)**

2612 E. 69th St.

*RS-1*

It is proposed to split Lot 1, Block 2, Sherrelwood Estates, a corner lot, into 2 tracts (18,118 SF, and 17,734 SF). Each lot will contain more square footage than the minimum required (13,500 SF) in an RS-1 zoned district. Paula Hubbard, Chief Zoning Officer, has informed us that in her opinion, TRACT B complies with the minimum lot width requirement of 100 feet.

Tract B has the minimum 30 feet of required frontage along East 69th Street. It has 26.71 feet of frontage along South Birmingham Avenue. Tract A has a 15-foot wide extension of the main lot south along Birmingham in order to abut the sewer line that runs through the south portion of the lot.

**Staff Comments**

After reviewing the subject lot-split, Mr. Gardner concluded that the lot-split as comprised does not meet the Subdivision Regulations, which states that the lot must have an average width of 100'. He detailed how that determination was made and explained how the lot could be configured to meet lot width requirements. Mr. Gardner revealed that during research it was discovered that there is nothing in the ordinance that dictates which street must be fronted if there is frontage on two dedicated streets. He informed that this shortcoming will be reviewed in future amendments to the Subdivision Regulations. Mr. Gardner declared that as presented, the subject lot-split does not meet Subdivision Regulations. In conferring with Paula Hubbard it was discovered that she did not use the formula that was given to her by the Engineering Department for calculations; therefore, her letter stating that the lot-split meets requirements is invalid.

Chairman Parmele informed the applicant that, as presented, the lot-split does not meet Subdivision Regulations and if he chooses, an amended application may be filed which may meet the Subdivision Regulations.

Applicant's Comments

Mr. Arnold informed that he will instruct the engineer to take the necessary steps to ensure that Subdivision Regulations are met.

Mr. Doherty informed the applicant that some of the Planning Commissioners are having difficulty in supporting this lot-split, and reconfiguring the boundaries in an attempt to meet Subdivision Regulations may not meet their approval. Mr. Doherty declared that he would have difficulty supporting the application under any circumstances.

In response to inquiry from Chairman Parmele as to the proper procedure, Mr. Linker advised that the item could be continued to a date certain to allow the applicant time to amend the application.

Interested Parties

Steve Harris  
Kathy Davis  
Sarah Young

7002 South Birmingham Court 74136  
6931 South Birmingham Place 74136  
6825 South Birmingham Avenue 74136

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE LOT-SPLIT FOR DISCUSSION L-17933** to September 14, 1994.

Ms. Young informed that she will not be able to attend the meeting on September 14, 1994. Chairman Parmele instructed her to submit a letter expressing her opposition. Commissioner Harris informed that a letter from Ms. Young was included in the agenda packet.

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**REVISED RESTRICTIVE COVENANTS:**

Revised restrictive covenants for Dickens Commons, plat number 4891.

**Staff Comments**

Mr. Jones informed that Dickens Commons is a plat which was filed a number of years ago and through a minor amendment, the PUD conditions were amended. One of the conditions of approval was that the new restrictions be filed of record by separate instrument. Mr. Jones informed that he and Mr. Linker have been working with the developer and Engineering, and the covenants are in the final stages of development. Mr. Jones advised that Staff recommends approval of the subject document, subject to final approval of the Legal Department for final wording.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** the **REVISED RESTRICTIVE COVENANTS** for Dickens Commons, plat number 4891 as recommended by Staff and subject to final approval of the Legal Department.

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**CONTINUED ZONING PUBLIC HEARING:**

Application No.: **Z-6451/PUD 516** Present Zoning: AG  
Applicant: Roy Johnsen Proposed Zoning: RM-2, RM-0 or OM, RM-O and PUD  
Location: SE/c of East 101st Street South & South Yale Avenue.  
Date of Hearing: August 24, 1994

Chairman Parmele announced that the applicant has requested a three-week continuance in an attempt to reach agreement with area Neighborhood Associations as to how the application might be readvertised.

There were no interested parties in attendance.

Mr. Stump informed that in order to give proper notice and readvertise, this item cannot be heard until September 21, 1994.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** Z-6451/PUD 516 to September 21, 1994.

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## **ZONING PUBLIC HEARING:**

Amendment to the Tulsa City and Tulsa County Zoning Codes  
to require that all motorized vehicles offered for sale  
which are designed for travel upon public streets  
be parked, stored, or displayed on an all-weather surface.

### **SECTION 222. MOTORIZED VEHICLES**

All motorized vehicles which are designed for travel upon public streets and which are being parked, stored or displayed for sale shall be parked, stored or displayed on an all-weather material as defined in Section 1800. Definitions.

The Board of Adjustment may, as a special exception, permit the storage and/or display of motorized vehicles for sale if located behind the building setback line on a surface other than one consisting of an all-weather material.

#### **Staff Comments**

Mr. Gardner introduced the public hearing item reviewing the specific amendment to the Zoning Code as relates to the recommendation. Mr. Gardner informed that Code Enforcement and Staff interpretation of the present ordinance is that vehicles must be parked on a paved surface. He related details of an application heard by the Board of Adjustment (BOA) where a debate ensued over whether the merchandise is displayed for sale if it is being parked, stored or displayed. The BOA ruled that the present code language does not include the "storing" and/or "display" of motor vehicles. Because of the ruling by the BOA the above amendment has been proposed.

Mr. Doherty informed that the Rules and Regulations Committee found the proposed amendment to clarify the Zoning Code and address the parking issue.

#### **Interested Parties**

**Thomas Marsh**

**15 West 6th Street 74119**

**Attorney and Executive Director of the Tulsa Automobile Dealers Association**

Mr. Marsh informed that the Tulsa Automobile Dealers Association consists of approximately 35 car dealers in the City. The association met today and unanimously opposed this revision to the Zoning Code. Mr. Marsh explained that due to automobile manufacturers closing their plants to retool for building new models every June through September, the dealers are required to purchase the year-end vehicles to carry them through until a new supply of vehicles is available. He advised that this causes overcrowding in the car lots and dealers must seek other sources for parking these vehicles until such time as they can be moved to the dealership property. Mr. Marsh pointed out that other businesses (such as oil field supply companies and other heavy duty equipment dealers, etc) store inventory on surfaces other than all-weather surfaces. He deems the requirement to seek yearly BOA relief will create an undue hardship on the dealer. Mr. Marsh discerns that this ordinance singles out automobile dealers. He suggested rewording the ordinance so it will be livable for automobile dealers. Mr. Marsh suggested notifying the Oklahoma Motor Vehicle Commission, which regulates car dealers, to ensure that before a license is granted to an automobile dealer, it have appropriate surfaces at its established place of business on which to park, store or display vehicles.

Mr. Gardner declared that parking of motor vehicles has always been regulated, but due to a recent interpretation of the Zoning Code, the method has changed. He informed that the debate before the BOA is whether that vehicle is being parked, stored or is merchandise for sale. Staff concludes that they are being parked, but the BOA, in reviewing the ordinance and the manner in which the ordinance was written, came to the conclusion that the vehicle is not being parked, but being stored or displayed as merchandise for sale, creating a loophole in the Zoning Code.

TMAPC Review Session

Commissioner Harris questioned whether the proposed ordinance would include salvage yards.

Mr. Doherty declared that it was not the intent to include salvage yards and pointed out that they are covered under other portions of the Zoning Code.

Commissioner Harris informed that the way the amendment reads certain salvage vehicles could be included within the wording. He also questioned whether this amendment would be appropriate for the rural areas of Tulsa County.

Candy Parnell, Zoning Enforcement Officer, answered questions from the Planning Commission regarding how vehicles parked in back yards in a residential area are handled. She also explained how her determination regarding parking of vehicles came to be overturned by the BOA.

Mr. Doherty made a motion for continuance to September 7, 1994, noting that there will be a Rules and Regulations Committee meeting September 7, at 11:30 a.m. where this item can be further discussed should there be a need to do so. Mr. Neely seconded the motion.

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**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** the Amendment to the Tulsa City and Tulsa County Zoning Codes to require that all motorized vehicles offered for sale which are designed for travel upon public streets be parked, stored, or displayed on an all-weather surface to September 7, 1994.

\* \* \* \* \*

Application No.: Z-6456

Applicant: Joel Hersh

Location: North of the northeast corner of West 51st Street South & South 34th W. Avenue.

Date of Hearing: August 24, 1994

Presentation to TMAPC: Joel Hersh

Present Zoning: RS-3

Proposed Zoning: PK

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

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

Staff Comments:

**Site Analysis:** The subject tract is approximately 50' x 140' in size, it is flat, non-wooded, has a single-family dwelling on it and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north, south, and west by single-family dwellings, zoned RS-3 and to the east by a Braum's ice cream business and a parking lot zoned CS.

**Zoning and BOA Historical Summary:** The request to rezone the lot located to the northeast of the subject tract was approved for CS zoning in 1992 to allow additional parking for the Braum's ice cream store.

**Conclusion:** The Comprehensive Plan supports low intensity residential. Due to the density of surrounding development, the nature of the site, and to preserve the predominately single-family residential character of the neighborhood, Staff recommends **DENIAL** of PK zoning for Z-6456.

Applicant's Comments

Mr. Hersh, Staff Lawyer for Braum's, presented a rendering reflecting the use of the subject property and surrounding area. He explained that the intended use of the subject property is to provide self-contained employee parking for the store. Mr. Hersh gave a detailed description of how the property would be developed and the company's desire to acquire both houses to the south of the subject property for a more functional parking arrangement for the Braum's store.

Interested Parties

**Darla Hall, City Councilor**

Councilor Hall, speaking on behalf of the Carbondale neighborhood, declared that to place a parking lot in the middle of a residential area would be extremely intrusive. Employees arriving at 5:00 a.m. and leaving around 12:00 midnight will be very disruptive to nearby properties. Councilor Hall requested that the Planning Commission preserve the single family residential character of the neighborhood and deny the request.



Mr. Doherty asked if there would be less resistance from area residents if Braum's were to acquire the lots next to 51st Street South and apply for a PUD providing landscape buffer, screening, etc., to provide parking.

Councilor Hall replied that 33rd West Avenue is an arterial street and there would be no problem expanding that direction, but 34th West Avenue is a residential street and those residents do not want intrusions created by parking, noise, lights, etc.

Interested Parties

**Don Ramsey**  
**Clara Cunningham**

**8308 South 33rd West Avenue 74132**  
**5028 South 34th West Avenue 74107**

The Planning Commission was presented with a petition with 30 signatures opposing further encroachment into their neighborhood by Braum's.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **DENY Z-6456** for PK zoning as recommended by Staff.

**LEGAL DESCRIPTION**

Lot 15, Block 8, Carbondale Third Addition to the City of Tulsa, and located north of the northeast corner of West 51st Street South and West 34th West Avenue

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Application No.: **Z-6457**  
Applicant: Gloria F. Huckaby  
Location: West of the northwest corner of East 121st Street South & South Sheridan Road.  
Date of Hearing: August 24, 1994  
Presentation to TMAPC: Gloria Huckaby

Present Zoning: AG  
Proposed Zoning: RS-1

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1.

According to the Zoning Matrix the requested RS-1 District **may be found in** accordance with the Plan Map. Special District 1 allows RS-1 zoning without a PUD.

Staff Comments:

**Site Analysis:** The subject property contains approximately 13.42 acres and is located west of the northwest corner of 121st Street South and S. Sheridan Road. It is wooded, flat on approximately the south 400', steeply sloping on the northern 920', vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north, west and south by vacant property, zoned AG; and to the southeast by a single-family dwelling, and on the northeast by vacant land, zoned AG.

**Zoning and BOA Historical Summary:** Past zoning actions in this area have established single-family development to the north and west of the subject tract.

**Conclusion:** The Comprehensive Plan designates the property as Special District 1 and indicates that development should be limited to low intensity residential uses. The Plan also recommends special care and attention be given by new development to preserve the natural vegetation and soil profiles as the area is made up of steep slopes that have extremely high erosion potential. Therefore Staff can recommend **APPROVAL** of RS-1 zoning for Z-6457.

TMAPC Comments

Since this area suffers from existing drainage, Ms. Pace asked if Staff believes the area, classified as flood zone, can handle runoff from additional development.

Mr. Stump informed that the subject property is not in the regulatory flood plain; however, he conceded that the area does suffer from localized drainage problems which will be addressed through the platting process.

Applicant's Comments

Ms. Huckaby expressed agreement with Staff recommendation. She informed of contacting Doug Vincent, District 26 Chairman, regarding interest from area residents and he related that no interested parties contacted him regarding the application. Ms. Huckaby informed of contacting Public Works regarding detention and was advised that onsite detention would be required.

Interested Parties

**Doug Vincent**

**10530 South Urbana 74137**

**District 26 Chairman**

Mr. Vincent confirmed that the applicant did contact him regarding the application and no interested parties contacted him opposing the application. He expressed support of residential development in the area, rather than commercial, and urged the Planning Commission to pay careful attention to flooding problems in the area.

**James Garrett**

**6105 East 121st Street 74008**

**Bill Ramsey**

**Box 40, Bixby 74008**

**W. Bruce Charles**

**6107 East 121st Street, Bixby 74008**

The above-listed individuals made the following comments:

Since development has begun in the area the drainage has continued to deteriorate, with greater incidences of water running across 121st Street, with standing water remaining longer and in greater amounts.

Bar ditches at 121st and Sheridan are continually full of sand due to the poor drainage situation.

Residents fear that the subject property will intensify existing runoff problems and threaten their homes.

Residents fear that this development, without infrastructure improvements and an environmental impact study, would be dangerous and create further harm and damage to the area's environment and ecological system.

Anticipated increased traffic from development will further congest the existing traffic problem.

Photographs were presented depicting standing water and sand remaining on the roadway after rainfall.

Planning Commissioners were asked to resolve the above-stated problems before further development is approved.

Chairman Parmele informed that the Master Drainage Plan has been completed for the area and contains recommendations which will prohibit certain development until some things occur to alleviate the problem. He reported on plans for the Fry Ditch improvements to improve drainage in the area.

#### Applicant's Rebuttal

Ms. Huckaby informed being aware of the drainage problems interested parties described. She reported on plans designed to alleviate present standing water problems. Ms. Huckaby expressed confidence in the engineers to develop a solution to help solve existing drainage problems. She does not believe the development will contribute to existing drainage problems.

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#### TMAPC Review Session

Commissioner Harris, after conferring with the County Engineer, Ray Jordan, reported that Tulsa County, City of Tulsa and the City of Bixby have been working on the drainage issue in the subject area for some time.

It was the consensus of the Planning Commission that the platting process will address the issues of stormwater runoff.

Chairman Parmele instructed that interested parties be notified of preliminary and final plats and of any TAC meetings regarding the subject property.

Ms. Pace questioned whether Public Works agrees that the subject area can accommodate drainage from RS-1 density.

Chairman Parmele informed that Public Works bases its decision on 100% urbanization.

Mr. Gardner informed that interested parties appear to be asking that a moratorium on development be declared until drainage problems are solved. He explained that such a moratorium is a City policy matter and not a zoning issue.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to recommend **APPROVAL** of Z-6457 for RS-1 zoning as recommended by Staff.

**LEGAL DESCRIPTION**

The E/2 of the E/2 of the SW/4 of the SE/4, and the north 901.86' of the W/2 of the W/2 of the W/2 of the SE/4 of the SE/4 of Section 34, Township 18 North, Range 13 East, in Tulsa County, State of Oklahoma, according to the United States survey thereof.

\* \* \* \* \*

Application No.: **Z-6458**

Present Zoning: RS-3

Applicant: Jack McNulty

Proposed Zoning: IL

Location: North of Admiral between South 129th East Avenue & South 145th East Avenue

Date of Hearing: August 24, 1994

Presentation to TMAPC:

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District - Industrial.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately 5.35 acres in size and located north of Admiral Place between S. 129th East Avenue and S. 145th East Avenue. It is nonwooded, gently sloping, is vacant and is zoned RS-3.

**Surrounding Area Analysis:** The subject tract is abutted on the north and west by I-44 and I-244 Highway right-of-ways, zoned RS-3; to the east by a large truck repair business, zoned IL; to the southeast by vacant property, zoned AG; and to the southwest by vacant land, zoned CG.

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

**Conclusion:** The Comprehensive Plan supports industrial development in this area. Staff recommends **APPROVAL** of the requested IL zoning for Z-6458.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to recommend **APPROVAL** of Z-6458 for IL zoning as recommended by Staff.

**LEGAL DESCRIPTION**

**DESCRIPTION TRACT 1**

A TRACT OF LAND IN GOVERNMENT LOT TWO (2), SECTION FOUR (4), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO- WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT TWO (2); THENCE S88°40'40"W, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 293.76 FEET TO A POINT, SAID POINT BEING 1,029.19 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID GOVERNMENT LOT TWO (2); THENCE S0°53'51"E, PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 688.99 FEET TO A POINT ON THE SOUTH LINE OF SAID GOVERNMENT LOT TWO (2); THENCE S88°43'42"W, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 394.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°43'42"W, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 634.63 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT TWO (2); THENCE N0°53'51"W, ALONG THE WEST LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244; THENCE N89°03'02"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244, A DISTANCE OF 265.19 FEET; THENCE N66°51'48"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244, A DISTANCE OF 399.11 FEET; THENCE S0°53'51"E, PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 267.15 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 2.36 ACRES, MORE OR LESS. SUBJECT TO AN EASEMENT FOR PUBLIC HIGHWAY PURPOSES ACROSS THE SOUTH 40 FEET THEREOF, RECORDED IN BOOK 901 AT PAGE 554.

DESCRIPTION TRACT 2

A TRACT OF LAND IN GOVERNMENT LOT THREE (3), SECTION FOUR (4), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT THREE (3); THENCE N0°53'51"W, ALONG THE EAST LINE OF SAID GOVERNMENT LOT THREE (3), A DISTANCE OF 120.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244; THENCE N85°55'29"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244, A DISTANCE OF 400.66 FEET; THENCE N75°49'40"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244, A DISTANCE OF 293.95 FEET; THENCE S68°13'35"W FOR A DISTANCE OF 0.00 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244 ON A CURVE TO THE LEFT WITH A RADIUS OF 5629.58 FEET OF A DISTANCE OF 96.31 FEET; THENCE S1°16'18"E, PERPENDICULAR TO THE SOUTH LINE OF SAID GOVERNMENT LOT THREE (3) AND ALONG SAID SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 44 AND 244, A DISTANCE OF 201.11 FEET TO A POINT ON THE SOUTH LINE OF SAID GOVERNMENT LOT THREE (3); THENCE N88°43'42"E, ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT THREE (3), A DISTANCE OF 771.39 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 2.99 ACRES, MORE OR LESS. SUBJECT TO AN EASEMENT FOR PUBLIC HIGHWAY PURPOSES ACROSS THE SOUTH 40 FEET THEREOF, RECORDED IN BOOK 901 AT PAGE 553, AND SUBJECT TO AN EASEMENT ACROSS THE NORTH 25 FEET OF THE SOUTH 65 FEET THEREOF, RECORDED IN BOOK 2742 AT PAGE 59.

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Application No.: **Z-6459**

Applicant: Bill Ward

Location: West of the northwest corner of East Apache & North 141st East Avenue.

Date of Hearing: August 24, 1994

Presentation to TMAPC:

Present Zoning: AG

Proposed Zoning: IH or IM

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 2 - Industrial.

According to the Zoning Matrix the requested IM and IH **may be found in** accordance with the Plan Map. All zoning districts are considered **may be found in** accordance in Special Districts.

Staff Comments:

**Site Analysis:** The subject property contains approximately 5 acres and is located west of the northwest corner of Apache Street and N. 141st East Avenue. It is partially wooded, flat, vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the east by an auto salvage, zoned IM; to the north by vacant property, zoned IH; to the south and west by vacant property, zoned IL.

**Zoning and BOA Historical Summary:** IM zoning has been approved on the property to the north and east and IL zoning has been approved on the south and west adjoining property.

**Conclusion:** The requested IH zoning does not appear to be in keeping with the IM zoning on the adjoining properties, but Staff can support the IM zoning; therefore Staff recommends **DENIAL** of IH zoning and **APPROVAL** of IM zoning for Z-6459.

TMAPC Comments

Ms. Pace inquired as to whether fencing of the subject property would be required.

Mr. Gardner informed that a fence would be required if there is adjacent residential zoning and if the property is used for a salvage operation.

The applicant informed that he intends to install a fence.

Interested Parties

**Paul Mauler**

**Bill Ward**

**13802 East Apache 74116**

**15009 East 73rd Place North 74055**

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Wilson "absent") to recommend **APPROVAL** of Z-6459 for IM zoning and **DENIAL** of IH zoning as recommended by Staff.

**LEGAL DESCRIPTION**

The East Half of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter, Section 21, T-10-N, R-14-E, Tulsa County, and being located west of the northwest corner of East Apache and 141st East Avenue.

\* \* \* \* \*

Application No.: **Z-5444-SP-2 C**

Applicant: Dewayne Wilkerson

Location: Southeast corner of East 41st Street South & South 109th East Avenue.

Date of Hearing: August 24, 1994

**Staff Comments**

Mr. Stump informed that because of the extent of the changes proposed, Staff recommends this item be **CONTINUED** for further review to the next TMAPC meeting.

**TMAPC Action; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Wilson "absent") to **CONTINUE** Z-5444-SP-2-C to September 7, 1994.

\* \* \* \* \*

Application No.: **CZ-213**

Applicant: Stephen L. Oakley

Location: Northwest corner of East 66th Street North & North Peoria Avenue.

Date of Hearing: August 24, 1994

Present Zoning: RS

Proposed Zoning: CG

**Staff Comments**

Mr. Stump informed that the applicant gave Staff an incorrect legal description; therefore, he requested that this item be stricken from the agenda.

Chairman Parmele declared the item stricken from the agenda.

\* \* \* \* \*



Application No.: **PUD-518**

Applicant: Roy Johnsen

Location: Northwest corner of East 91st Street South & South Sheridan Road.

Date of Hearing: August 24, 1994

Presentation to TMAPC: Roy Johnsen

Present Zoning: RS-2, RS-3, RM-1

Proposed Zoning: PUD/RS-2, RS-3, RM-1

Chairman Parmele announced that the applicant is requesting a continuance to September 7, and noted that the request is not timely,

Mr. Johnsen advised that the continuance is being requested to permit further redesign in response to Staff concerns regarding street grades.

There were interested parties present, and they expressed no opposition to the request for continuance.

**TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** PUD 518 to September 7, 1994.

\* \* \* \* \*

Application No.: **PUD-481-5**

Applicant: Robert Weeks/Richard L. Bowen

Location: Lot 1, Block 1, Mingo Marketplace - north of East 71st Street South and west of the Mingo Valley Expressway.

Date of Hearing: August 24, 1994

Minor Amendment to allow increased height of the entrance canopy - Best Buy;

The applicant is requesting approval to increase the height of the entry structure of the Best Buy store to 48'0". Best Buy will be utilizing the space formerly occupied by Home Base.

Staff has reviewed the request and finds that the existing high intensity use in the immediate area, the setback from 71st Street and the Mingo Valley Expressway, and the size of the building justify the proposed height and scale of the entry.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. The amendment to allow structural height over 35'0" shall be specifically applied to elements directly related to the east half of the south facade of the building formerly occupied by Home Base.

**TMAPC Action; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Wilson "absent") to **APPROVE** PUD-481-5 **MINOR AMENDMENT** as recommended by Staff.

\*\*\*\*\*

Application No.: **PUD-306-11**

Applicant: Roy Johnsen

Location: North of East 95th Street South & west of South College Place.

Date of Hearing: August 24, 1994

Chairman Parmele announced that the applicant has requested a continuance to September 7, 1994 to allow for notification of residents in an amended area not previously notified.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** PUD 306-11 to September 7, 1994.

\*\*\*\*\*

Application No.: **PUD-407-3**  
Applicant: Roy Johnsen  
Location: East 68th Street South and South Yale Avenue.  
Date of Hearing: August 24, 1994

Minor Amendment - Lot 7, Block 1  
Resource Sciences Office Park

The applicant requests a Minor Variance to reallocate 2,322 square feet of floor area from Lot 12 to Lot 7 in the office park. The purpose of the reallocation is to construct a central air conditioning building and cooling tower for the Warren Clinic. Based on a reallocation, not increase, of floor space and the minor impacts to parking and circulation (the proposed buildings generate little pedestrian or vehicular traffic), Staff recommends **APPROVAL**.

**TMAPC Action; 8 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Wilson "absent") to **APPROVE** PUD 407-3 **MINOR AMENDMENT** as recommended by Staff.

\*\*\*\*\*

**OTHER BUSINESS:**

**PUD-306:** North of 95th St. S. & west of S. College Pl.  
Site Plan Review

Chairman Parmele announced that the applicant has requested a continuance to September 7, 1994 to allow for notification of residents of the minor amendment (306-11) in an amended area not previously notified.

**TMAPC Action; 9 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **CONTINUE** PUD 306 to September 7, 1994.

\*\*\*\*\*

**PUD-407:** Detail Site Plan Review - Lot 7, Block 1, Resource Sciences Office Park - East 68th Street South and South Yale Avenue

The applicant requests approval of a detail site plan for a proposed central air conditioning facility and cooling tower for the Warren Clinic. Staff has reviewed the request and recommends **APPROVAL** subject to the following:

1. The applicant will submit to TMAPC Staff documentation of sewer line relocation or easement closing sufficient to accommodate the northwest corner of the proposed air conditioning facility prior to release of the site plan for building permits.
2. The landscaped area for Lot 7 will not be less than 20% of the net area, per PUD standards.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 407 **DETAIL SITE PLAN** as recommended by Staff.

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**PUD 481** Detail Sign Plan Review - Lot 1, Block 1, Mingo Marketplace - north of East 71st Street south and west of the Mingo valley Expressway.

The applicant requests two wall signs for Best Buy company, Inc. which will be located in the space formerly occupied by Home Base. One sign is to be located on the entry canopy on the south facade, one is to be located on the east facade.

Staff has reviewed the request and finds the signs to be in conformance with the approved standards of the PUD. Staff, therefore, recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 481 **DETAIL SIGN PLAN** as recommended by Staff.

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**PUD-481:** Detail Site Plan Review - Lot 1, Block 1, Mingo Marketplace - north of East 71st Street South and west of the Mingo Valley Expressway

The applicant is requesting site plan approval for improvements to the building formerly housing Home Base and proposed to house Best Buy, Inc. Proposed changes to the existing facility include changes to the facade, interior changes and removal of the "garden center" fence. The changes do not affect parking, landscaping, vehicular or pedestrian traffic.

Based on the scope of the proposed changes, Staff recommends **APPROVAL** subject to the following:

1. Modifications shall be limited to facade, interior and "garden center" of the former Home Base building as shown and will not increase existing floor area or impact parking or landscaped areas.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 481 DETAIL SITE PLAN as recommended by Staff.

\*\*\*\*\*

**PUD-196:** Detail Sign Plan Review - Lot 1, Block 1, Raphael Plaza - 7110 South Memorial Drive

The applicant is requesting a wall sign for the "California Cleaners". The proposed sign will be located on a "corner cut-off" wall, positioned at approximately 45° to the adjoining walls. Using review criteria conforming with that of the City of Tulsa's Customer Services Department, the length of the cut-off wall may be added to the length of one (1) of the adjoining walls. If the longer of the two walls is used, the total signage (existing and proposed) conforms to PUD standards; therefore, Staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 379-A DETAIL SIGN PLAN as recommended by Staff.

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**PUD-379-A: Detail Sign Plan Review - Lot 1, Block 1, The Village at Woodland Hills - 6808 South Memorial Drive**

The applicant requests approval for one (1) wall sign for the "Silk Salon" located in Suite 206 of the center. Staff has reviewed the request and finds the sign to be in conformance with the PUD standards. Staff recommends **APPROVAL**.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 379-A Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

**PUD - 468 Detail Landscape Plan Review - Lot 9 of Sam's Center - northwest corner of East 71st Street South and South Mingo Road.**

The applicant is requesting approval of a landscape plan for "Taco Cabana" in Lot 9 of the Sam's Center Addition. Staff has reviewed the application and finds the plan to be in substantial conformance with the standards of the PUD and the City's Landscape Ordinance. Therefore, Staff recommends **APPROVAL**, subject to the following documentation to be submitted to the TMAPC Staff:

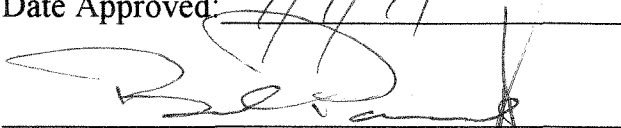
1. All deciduous trees shall be of a 2" minimum caliper, per the PUD standards.
2. Underground sprinkling systems shall be provided to all landscaped areas per the PUD standards.
3. The 10' clear zone located beneath any overhead electrical transmission lines has been observed, and plant material located in these areas shall exhibit appropriate growth characteristics.

**TMAPC Action; 9 members present:**

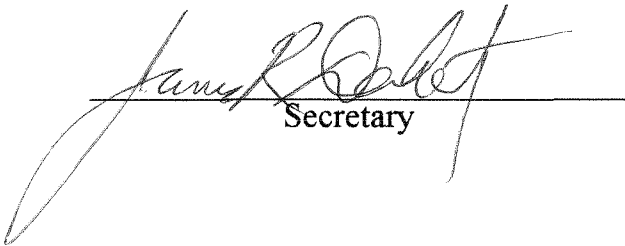
On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Neely, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Wilson "absent") to **APPROVE** PUD 468 LANDSCAPE PLAN as recommended by Staff.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 9/7/94  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

