

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2037

Wednesday, September 13, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Boyle, 2nd Vice  
Chairman  
Carnes,  
Chairman  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Horner  
Ledford  
Midget, Mayor's  
Designee  
Pace  
Taylor

**Members Absent**

Selph

**Staff Present**

Bruce  
Gardner  
Hester  
Jones  
Matthews

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, September 11, 1995 at 11:09 a.m., in the office of the County Clerk at 11:04 ,as well as in the Reception Area of the INCOG offices.

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

**Minutes:**

Ms. Ballard informed that the August 23, 1995 minutes erroneously reflect that she was absent. She requested that the minutes be corrected to reflect her presence.

**Approval of the minutes of August 23, 1995, Meeting No. 2034:**

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Taylor "aye"; no "nays"; Boyle "abstaining"; Midget, Pace, Selph none "absent") to **APPROVE** the minutes of the meeting of August 23, 1995 Meeting No. 2034 with correction.

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**REPORTS:**

**Committee Reports:**

**Rules and Regulations Committee**

**Possible Amendments to Zoning Code related to outdoor advertising.**

Mr. Doherty commented on the possible need to work out a compromise regarding Zoning Code provisions related to the amortization of outdoor advertising. This provision required removal of all nonconforming billboards January 1, 1995. He informed that there does not seem to be a political will on the part of the City Councilors to strictly enforce this provision and the State Legislature recently passed a provision that denies the City the ability to remove billboards by amortization. The Ad Hoc Sign Committee presented a compromise to the City Council who in turn sent it to the Planning Commission. In reviewing the details Staff has indicated concern with such a compromise. He asked the Planning Commission if they wish to review billboard regulations, leave them as they are now, or consider other alternatives.

It was the consensus of the Planning Commission to set a committee meeting for October 18, 1995 to review amendments to the Tulsa Zoning Code relating to the compromise for outdoor advertising regulations as worked out by the Ad Hoc Sign Committees.

**Bill Stokely**

**10111 East 45th Place 74145**

**Stokely Outdoor Advertising Company**

Mr. Stokely commented on the time and hard work spent in writing regulations for billboards and was concerned that the Planning Commission might have problems with the regulations agreed to.

Ms. Gray explained that several new Planning Commissioners have been appointed since the 1985 sign amendments were adopted and that a committee meeting is needed to brief these new Planning Commissioners on the existing codes, as well as the compromise position.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; Midget "abstaining"; Selph "absent") to **SET** for Rules and Regulations Committee meeting possible amendments to Zoning Code related to outdoor advertising on October 18, 1995.

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Director's Report:

TMAPC and BOA receipts and deposits for the month of August, 1995.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended August, 1995, as confirmed by Staff to be in order.

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**SUBDIVISIONS:**

**FINAL APPROVAL AND RELEASE:**

ANDERSON ADDITION (1283)

Northeast corner of East 81st Street South & South Memorial Drive.

Staff Comments

Mr. Jones announced that Dan Tanner, engineer of the property, was present representing the plat. Mr. Jones informed that all but one release letter has been received, and that is the owner's papers. He explained that a certificate from the Corporation Commission is required stating that there are no active wells on the tract, or if there are active wells they must be indicated on the plat. Mr. Jones informed that in reviewing the Corporation Commission certificate of nondevelopment for this tract, the quarter-section indicates three unplugged wells which may or may not be on the subject tract. He informed that representatives from the Corporation Commission have attempted to located these wells, which were drilled in the 1920s, but have been unsuccessful. Mr. Jones advised that wording will be placed in the restrictive covenants and the deed of dedication conveying that should these oil wells ever be discovered, they will be promptly plugged and a caveat included on the face of the plat advising future property owners that Corporation Commission records reveal three wells existing in the quarter-section. Mr. Jones informed that a waiver of subdivision regulations is also required since the unplugged wells cannot be shown on the face of the plat. Mr. Jones advised that Staff recommends approval subject to conditions as stated above.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the FINAL PLAT of Anderson Addition and **RELEASE** same as having met all conditions and **WAIVER** of Subdivision Regulations as recommended by Staff, requiring location identification of oil wells on the plat; however, should they ever be discovered the wells will be promptly plugged.

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THE METROPLEX (PUD 312-A) (3094)

West of the Northwest corner of East 51st Street & South Garnett Road.

Staff Comments

Mr. Jones informed that Ted Sack was presenting representing the application. Mr. Jones advised that all the release letters have not been received; therefore, Staff recommends a one-week continuance.

TMAPC Action; 10 members present:

On **MOTION** of **TAYLOR**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **CONTINUE FINAL APPROVAL AND RELEASE** for the Metroplex to September 20, 1995 as recommended by Staff.

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**AMENDMENT TO CERTIFICATE OF DEDICATION:**

PUD 535 (Brockman's Subdivision) (2492)

Southwest corner of East 39th Street & South Peoria Avenue.

Staff Comments

Mr. Jones reminded the Planning Commission that one of the conditions for approval of the plat waiver and the PUD of the subject property was that the PUD conditions be filed of record by separate instrument. He informed that the latest draft was submitted late on the afternoon of September 13, 1995. After review, Mr. Jones determined that conditions meet all of Staff's requirements; however, the Legal Department has not had a chance for review as yet. Therefore, Staff recommends approval and execution of the amendment of certificate of dedication for PUD 535 subject to approval from the Legal Department.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the **AMENDMENT TO CERTIFICATE OF DEDICATION** as recommended by Staff subject to final approval from the Legal Department.

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## CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-267-9** Minor Amendment and Alternative Landscape Compliance  
Applicant: Robert J. Nichols  
Location: Lot 1, Block 1, Village South  
Date of Hearing: September 13, 1995  
Presentation to TMAPC: Robert Nichols

### Minor Amendment:

The applicant is requesting approval of a Minor Amendment reducing the setback for a portion of the 101st Street frontage from 50' to 15'. Also requested is a reduction in the 10' wide required landscape along 101st St. at the canopy to 0'. The purpose of the request is to allow an existing banking facility drive-through canopy and to allow addition of another drive-through lane.

Staff has reviewed the request and finds the following:

#### Canopy

1. The approved PUD Site Plan (11/03/82) shows no canopy for this building.
2. The approved Minor Amendment and revised Site Plan (09/25/91) for changes to the south building entry shows the existing canopy; however, no request or approval for the canopy were found.

#### Signs

1. The original PUD allowed two identification signs per arterial.
2. Sign Plan approval (03/25/87) does not show the sign in the northwest corner of the bank site.
3. Sign Plan approval for a "time and temperature" sign (05/18/88) in the referenced northwest corner required removal of the sign in the east central part of the site. A sign remains in the easterly location.

#### Landscaping

1. In the area between the bank and 101st St., only two trees currently exist of the 16 trees originally required by the previously approved landscape plan.
2. The applicant proposes to reestablish the trees that were previously required, but since they are also proposing to eliminate the landscaped strip along 101st St., all the trees will be planted in the street right-of way. This could cause sight-distance problems and conflicts between moving cars and tree branches.

Staff finds the request not in keeping with the purpose and intent of the PUD and recommends **DENIAL** of the request except for the reduction in the setback, but only for the existing drive-through canopy.

### Alternative Compliance:

Should the Commission deny the above Minor Amendment, the landscaping issue is moot and Staff recommends **DENIAL**.

#### Applicant's Comments

Mr. Nichols informed that the request for extension of the canopy has been withdrawn and upon Planning Commission approval he will make application to the Board of Adjustment (BOA) for waiver of setback (if needed). He presented renderings depicting existing conditions of the tract.

Responding to inquiry from Chairman Carnes, Mr. Gardner explained that if the Planning Commission were to approve the revised site plan, it would be subject to BOA approval. Mr. Gardner informed that BOA approval would be needed if any of the improvements encroach to the planned major street right-of-way or minimum required street yard for landscaping.

Mr. Nichols explained that the applicant wants to align the curb with the Texaco station immediately west of the subject tract. This would allow one additional drive-in lane for an ATM machine, which would not be underneath the canopy. He presented a rendering of the landscape plan that would be installed in the City right-of-way that is similar to what was originally approved. Mr. Nichols explained that his client is a tenant, not the owner of the property, and a successor to the tenant who constructed the canopy. He explained that the time and temperature sign will also be removed to comply with PUD requirements. Mr. Nichols noted that Texaco landscaping is in the right-of-way, and the original right-of-way landscape plan will be complied with for this application.

The Planning Commissioners were troubled that their original approval of a particular landscape plan in a PUD was not enforced and that additional exceptions were being requested when the initial conditions have not yet been complied with. It was their consensus that current landscaping is totally inadequate.

Mr. Nichols suggested imposing a condition that the applicant return in 120 days with photographs demonstrating that plantings were implemented in accordance with Planning Commission requirements.

There was discussion regarding landscaping with Staff acknowledging that their principal objection is moving landscaping onto right-of-way with the potential for sight and distance obstruction and objections to moving landscaping onto right-of-way rather than a portion of the applicant's property, as required by the Landscape Ordinance in the Zoning Code. Mr. Gardner pointed out that the landscaped strip was part of the original approval and now the applicant proposes to use that area for a concrete driveway and ATM machine.

#### TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **APPROVE** the existing canopy subject to Board of Adjustment approval of the variance if needed.

Mr. Boyle stated that the next point of consideration is whether to allow the additional 10' of paving. He declared that this is the place to draw the line, not only because it would force landscaping onto the right-of-way, but although this applicant is not the one ignoring the directives of the Commission, it is not equitable to all those who do follow Planning Commission directives to allow someone who has not to add on and complicate that problem further. He made a motion to deny the additional paving. The motion was seconded by Mr. Horner.

Ms. Ballard stated that she does not feel that this applicant should be penalized since it was the original applicant who did not comply with Planning Commission requirements.

Mr. Boyle explained that his motion is not to penalize this applicant, but to enforce the Planning Commission's requirements and to require all future applicants to be mindful of Planning Commission conditions. He declared that it is inappropriate to approve this application just because there is a new applicant who wants to further not comply with requirements.

Mr. Nichols noted that the Planning Commission can assume for this vote that the landscape issue is not an issue. They can assume that landscaping is in place in accordance with the original plan and this application is to allow moving this landscaping, even though the previous applicant never complied with requirements.

Mr. Boyle stated that the community is forced to live with the noncompliance of the prior applicant. He does not feel that the condition should be made worse, and should not set the precedent of putting the Planning Commission in the position of allowing a bad situation to be made worse simply because the prior applicant is not involved. He explained that if the applicant wishes to bring this property into compliance with the original PUD and then appear before the Planning Commission to seek variance, that could be considered then. Mr. Boyle deems it inappropriate to bring a noncomplying property before the Planning Commission and ask for additional relief.

Mr. Nichols accepted Mr. Boyle's suggestion that all landscaping be installed and reappear before the Planning Commission for approval. However, he declared that the land use issue is a minor request.

Mr. Doherty stated that he is in support of the motion; however, his concern is one of pushing landscaping onto City right-of-way, which is poor practice and contrary to the Zoning Code requirements. He acknowledged that the Planning Commission has only done this when the applicant had significant portions of landscaping of the street yard on their own property.

Mr. Ledford voiced concern that landscaping in the right-of-way may be in the line of future street improvements.

Ms. Ballard informed that she sees no problem with landscaping being on City right-of-way noting that the applicant is willing to correct the previous applicant's errors.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-4-0** (Boyle, Carnes, Doherty, Horner, Ledford, Pace "aye"; Ballard, Gray, Midget, Taylor "nay"; none "abstaining"; Selph "absent") to **DENY** reduction in the 10' wide required landscaped area along 101st Street.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **DENY** alternative compliance landscaping being a moot issue.

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**ZONING PUBLIC HEARING:**

Application No.: **CZ-222**

Applicant: L.C. Neel

Location: West & South of southwest corner of E. 131st St. South & S. 193rd E. Ave

Date of Hearing: September 20, 1995

Present Zoning: AG

Proposed Zoning: RE & CG

**TMAPC Comments**

Chairman Carnes announced receipt of a letter from the City of Broken Arrow requesting continuance of this item until they have annexed this property.

**TMAPC Action; 10 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **CONTINUE** CZ-222 to October 11, 1995.

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Application No.: **Z-6502 TMAPC/Brady Heights** Present Zoning: RS-4/CS  
Applicant: Tulsa Metropolitan Area Planning Commission Proposed Zoning: RS-4/CS/HP  
Location: Bounded on the north by E. Marshall Street; to the south by E. Fairview Street;  
to the west by the Osage Expressway right-of-way and to the east by the alley  
between N. Cheyenne Avenue and N. Main Street.

Date of Hearing: September 13, 1995  
Presentation to TMAPC: Tim Williams

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Neighborhood Development Program (NDP).

Staff Comments:

**Site Analysis:** The subject property is approximately 65 acres in size, it is bounded on the north by E. Marshall Street; to the south by E. Fairview Street; to the west by the Osage Expressway right-of-way and to the east by the alley between N. Cheyenne Avenue and N. Main Street. The property is sloping, non-wooded, contains two churches, single-family homes, and multifamily dwellings and is zoned RS-4 and CS.

**Surrounding Area Analysis:** The tract is bounded on the north and east by single-family homes and multifamily dwellings, zoned RS-4 and CS; to the west by the Osage Expressway right-of-way, zoned RS-3; and to the south by commercial businesses and some vacant commercial buildings, zoned CS.

**Zoning and BOA Historical Summary:** The subject tract was zoned RS-4 in 1992.

**Conclusion:** The Tulsa Preservation Commission has recommended that the Brady Heights Neighborhood have the Historic Preservation Supplemental Zoning applied to it with the Design Guidelines that the Preservation Commission has developed. The Development Policies for the Special District 1 - Neighborhood Development Plan, as designated by the Comprehensive Plan, encourage the elimination of substandard structures that are in the area and to rehabilitate the neglected buildings which have historic significance and value.

Interested Parties

**Tim Williams**

**627 North Cheyenne 74106**

Mr. Williams, a resident of Brady Heights Historic District and Historic Preservation (HP) coordinator, presented a chronology of the work the Historic Preservation Committee has completed toward HP zoning in Brady Heights. He presented a map depicting those supporting, opposing, and of no opinion of the proposed overlay zoning. (These petitions were not presented to the Planning Commission as part of the record.) Mr. Williams also stated that he had petitions from individuals indicating their opinions of the HP zoning. He explained that there were many no-responses due to vacant properties and absentee owners in the area.

Mr. Carnes announced receipt of a petition with 85 signatures opposing the HP overlay and second map indicating opposition from Cherokee Pettis.

**Terry McDaniel**

**902 North Denver 74106**

Ms. McDaniel expressed support of the application. She pointed out the unique qualities of Brady Heights, noting that some homes in the area were built prior to statehood and that it would be regretful to not save the oldest Tulsa neighborhood. Ms. McDaniel declared that the most unique feature of the neighborhood is the architecture and individuality of the homes. She urged the Planning Commission to preserve Brady Heights, the first neighborhood of Tulsa.

**Cherokee Pettis**

**708 North Cheyenne 74106**

Ms. Pettis informed that she is opposed to the application and that she personally obtained 85 petitions of opposition from homeowners. She informed that HP zoning has been discussed in the area for many years. Ms. Pettis advised that homeowners do not want additional regulations on their property when making exterior improvements. She challenged the accuracy of the map presented by Tim Williams. Ms. Pettis pointed out that this area is a low-to-moderate income neighborhood, with property owners doing the best they can to maintain their properties, and that HP requirements would be a hardship on them.

**Renee Lander**

**1151 North Cheyenne 74106**

Ms. Lander, resident and also owner of several properties in the area, expressed opposition to HP overlay zoning. She deems that it would inhibit residents, which are low-to-moderate income and senior citizens living on fixed incomes, from being able to afford repairs required by the Certificate of Appropriateness (COA). Ms. Lander believes that the neighborhood should be allowed to continue stabilization through revitalization, which is presently occurring, and not impose hardships on area residents. She perceives that HP zoning would create more vacant and abandoned properties or properties requiring removal. Ms. Lander also believes that HP restrictions will prohibit new homeowners from utilizing vacant lots.

Ms. Landers answered questions from the Planning Commission regarding HP guidelines that she perceives would make it difficult for area residents to comply with.

**Walter Romeo**

**1159 North Cheyenne 74106**

Mr. Romeo expressed opposition to the application stating that it would create a hardship when making repairs to the properties.

**Rebuttal**

Mr. Williams noted that area residents have had ample opportunity to address their concerns at any of the meetings held concerning HP overlay. He feels that some property owners may be misled or confused about HP overlay zoning and what it would entail. Mr. Williams revealed that a COA application is not a complicated process.

**Greg Warren**

**Staff, Tulsa Preservation Commission (TPC)**

Mr. Warren informed that a COA application can usually be completed within a matter of minutes. He gave a brief review of the process and noted that ordinary maintenance and repair does not require a COA. Mr. Warren informed that residents with HP overlay are usually informed through newsletters of the procedure for obtaining a COA. He advised that it is the responsibility of the realtor to inform the buyer whenever a purchase is made of the zoning enforced in the neighborhood. Mr. Warren discussed in detail requirements for residential repairs, i.e., information sheets depicting a type of window being replaced, etc.

Ms. Gray informed that HP overlay is not existent on records available to realtors, noting that courthouse records do not contain this information. She advised that the only way a realtor would know if HP overlay exists on these properties is for the seller to disclose it. Ms. Gray informed that the Board of Realtors is attempting to make this information accessible.

**Otha Galbreath**

**1161 North Main 74106**

Mr. Galbreath was present because he received notification of the public hearing due to living within 300'.

Mr. Williams declared that HP overlay will benefit property owners and is no different from any other building permit required when remodeling. Regarding statements that the map he presented is inaccurate, Mr. Williams informed that he has documentation verifying the accuracy. He reiterated that information meetings were held where resident's concerns could have been addressed.

Responding to inquiry from the Planning Commission, Mr. Williams informed that his records reflect there were 53 no opinions, 73 no response, 19 opposed, and 103 supporting the application.

There was discussion regarding the discrepancy between the map presented by Mr. Williams indicating 19 opposed and the map presented by Ms. Pettis indicating 85 opposed.

**Geneva Watson**

**1169 North Cheyenne 74106**

Ms. Watson declared that this area needs to be cleaned up, streets repaired, etc. She stated that HP overlay would make demands on residents they could not economically comply with.

**TMAPC Review**

Mr. Boyle informed that he is a supporter of the HP zoning process and that he resides in such an area. He revealed that even with hiring an experienced builder, he found it difficult to find his way through the process. Mr. Boyle declared that the concept of HP overlay zoning was not intended for this neighborhood with this much opposition. Mr. Boyle pointed out that revitalization of the neighborhood has occurred without HP overlay and he believes that it will continue to do so. He then made a motion for denial. Mr. Midget seconded the motion.

Ms. Pace stated that in considering the criteria for historic preservation, this neighborhood is probably the best candidate in the City, as being the most historic in the City and needs to be preserved. She acknowledged the difficulty of preserving the neighborhood and balancing the resources available to do so.

Ms. Gray was in agreement with Ms. Pace; however, she pointed out that in other HP zoning cases which have been heard by the Planning Commission, attorneys have presented both sides of the issue. She deems that it is apparent since there are no attorneys representing either side, this is a situation where residents are on their own. Ms. Gray pointed out that if there are 247 residents in the neighborhood there are only 103 signatures indicating support, which is less than half of the residents. Ms. Gray stated that she cannot assume that the remaining residents support the application. Ms. Gray deemed that until there is stronger support of the application, she must vote for denial. She suggested that there might be a way to preserve the homes referenced to in the TPC recommendation by individual HP zoning on each property.

Chairman Carnes declared that he supports historic preservation in this area, but without more support he cannot vote for the application.

Mr. Midget also declared that a greater show of support in the neighborhood is required for this application to gain his support. He acknowledged that a COA is cumbersome and the process should be reviewed to expedite it.

Ms. Pace asked if it would be possible to shrink the size of the HP district and surround it with a conservation district while working toward an alternative method of providing for quality redevelopment that would custom-draw this site.

Ms. Matthews stated that while the Conservation District study is in early stages of development, this is an option to consider, and windowing out areas where there is more support is a possibility. Ms. Matthews noted that usually a conservation district is thought of as applying to an area where there is pressure from nonresidential encroachment, and this might be appropriate on the eastern portion of the subject tract.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted 8-1-1 (Boyle, Ballard, Carnes, Gray, Horner, Ledford, Midget, Taylor "aye"; Doherty "nay"; Pace "abstaining"; Selph "absent") to **DENY** the request for Historic Preservation overlay zoning for Z-6502.

**LEGAL DESCRIPTION**

All of Lot 1 and the E. 60' of Lot 2, Block 6; Lots 1 & 10 and the E 58' of Lots 2 & 9, Block 7; the W/2 of Block 4, and all of Block 5, North Tulsa Addition; Lots 1 thru 6, Block 5; Lots 1 thru 5, Block 2; and all of Blocks 1 and 6, Brady Heights Addition; Lots 7 thru 12, Blocks 13, 15, 16, & 17; Lots 12 thru 22, Block 14; Lots 1 - 6 Blocks 5, 6, 7, & 8; and all of Blocks 9, 10, 11, & 12, Burgess Hill Addition; Lots 8 - 14, Blocks 2 & 7, and All of Blocks 3, 4, 5, & 6, and the Reserve areas between Blocks 4 & 5, 3 & 6, and 2 & 7, Pouder & Pomeroy Addition; and located between W. Marshall Street on the north and W. Fairview Street on the south; Osage Expressway right-of-way on the west and the alley between N. Cheyenne Avenue and N. Main Street on the east, all in the City of Tulsa, Oklahoma.

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Application No.: **Z-6503**

Applicant: John Moody

Location: Southwest corner of East 91st Street South & Mingo Valley Expressway.

Date of Hearing: September 13, 1995

Present Zoning: AG

Proposed Zoning: CO

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - Corridor.

According to the Zoning Matrix the requested CO zoning is in accordance with the Plan Map.

**Site Analysis:** The subject property is 10.6 acres in size and is located east of the southeast corner of E. 91st Street and S. Mingo Road. It is partially wooded, sloping, is vacant, and is zoned AG.

**Surrounding Area Analysis:** The subject tract is abutted on the north by vacant property zoned CO; on the east is a landscape business and the Mingo Valley Expressway, zoned AG and RS-3; on the southwest is vacant property, zoned CO; and to the west are greenhouses and a wholesale landscape business, zoned AG, beyond that is a single family dwelling, zoned CO.

**Zoning and BOA Historical Summary:** CO zoning has been approved on surrounding property.

**Conclusion:** The subject tract is within the area that is designated Corridor by the Comprehensive Plan. The property to the north and southwest is zoned CO. Based on the surrounding zoning and the new development in the area, Staff can support the request and recommends **APPROVAL** of CO zoning for Z-6503.

Interested Parties

**David Schrum**

**1722 South Carson #3002 74119**

Mr. Schrum was not opposed to the application, stating that he owns property just east of the subject tract, approximately 9/10 of an acre. He expressed concern over the possibility that the view from his property may be blocked by the proposed sign. Mr. Schrum requested that this item be continued so he may also apply for CO zoning.

Mr. Doherty explained that location of the proposed billboard would be subject to corridor site plan review by the Planning Commission which would be heard later. Regarding the request for continuance, Mr. Horner urged Mr. Schrum to apply for the change in zoning and instructed him how to do so.

**TMAPC Action; 9 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to recommend **APPROVAL** of CO zoning for Z-6503 as recommended by Staff.

**LEGAL DESCRIPTION**

W/2, E/2, NW/4 lying North of the North right-of-way of U.S. Highway 169, and less the E/2, NE/4, NW/4, NE/4, NW/4, Section 19, T-18-N, R-14-E, Tulsa County, State of Oklahoma, and located on the southwest corner of E. 91st Street South and South U. S. Highway 169, Tulsa, Oklahoma.

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Application No.: **Z-6504**  
Applicant: Warren G. Morris  
Location: 2621 North Boston Place  
Date of Hearing: September 13, 1995  
Presentation to TMAPC: Warren G. Morris

Present Zoning: CS  
Proposed Zoning: CG

**Relationship to the Comprehensive Plan:**

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity - Commercial.

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

**Staff Comments:**

**Site Analysis:** The subject property is 75.9' x 81' in size and is located west of the northwest corner of E. Apache Street and N. Cincinnati Avenue. The property is flat, non-wooded, has a large commercial building on it and is zoned CS.

**Surrounding Area Analysis:** The tract is bounded on the north and west by a vacated commercial building, zoned CS; to the east by service station and car wash, zoned CS; and to the south by an appliance repair business and parking lot, zoned CS and OL.

**Zoning and BOA Historical Summary:** The subject tract was zoned CS in 1970. There has been no rezoning in this area for several years.

**Conclusion:** The Comprehensive Plan designates the property as Medium Intensity - Commercial and according to the Zoning Matrix the requested CG zoning may be found in accordance with the Plan Map. The Comprehensive Plan recommends that higher intense zoning should only occur when adjacent to existing like zoning and a recommendation for approval of the requested CG zoning would represent spot zoning within this lower intensity commercial node. Therefore, Staff cannot support the requested CG zoning and recommends **DENIAL** of CG zoning for Z-6504.

### Applicant's Comments

Warren Morris, attorney for the applicant, submitted a plot plan and informed that the applicant had applied for Board of Adjustment (BOA) approval to operate a garage on the property and allow his family to live in a portion of the building. He informed that the BOA denied the request. Mr. Morris explained that the applicant purchases wrecked vehicles and repairs them. He presented photographs of the property. Mr. Morris informed that the applicant and his family have lived on a portion of the property for approximately five years. He presented photographs of a garage abutting the subject property which does the same type of work as the applicant. Mr. Morris reported on clean-up efforts the applicant has done to improve the property. He presented a detailed description of property surrounding the subject tract.

Responding to inquiry from Mr. Boyle, Mr. Gardner explained that the BOA denied the application because the business had the appearance of a salvage operation as opposed to typical auto repair.

### Interested Parties

#### **Lottie Mae Williams**

**2548 North Boston Place 74106**

Ms. Williams stated that she resides in the house across the street from the subject property. She presented photographs of her home as well as other homes in the area. Ms. Williams informed that some of the vehicles awaiting repair are recreational vehicles which require extensive repairs and are parked on the easement. She also advised of traffic problems in the area. Ms. Williams informed that there is more than one family living on the property and stated that this area is not suited for multifamily. She declared that the building and property are in a state of disrepair. Ms. Williams presented a petition of six signatures from area residents opposed to the application. She expressed environmental concerns from painting vehicles on the premises.

#### **John W. Smith**

**111 East 26th Place North 74106**

Mr. Smith stated that his residence is approximately 150' from the subject building. He is opposed to the structure being used for a garage and dwelling. He questioned the safety of using paint so near to where the applicant's family will reside.

#### **Wendell West**

**6515 South 107th East Avenue**

Mr. West, a friend of the applicant, reported that at the BOA meeting, many problems were brought to light with most of the problems pertaining to the entire property. Since that time the applicant has discontinued parking vehicles in the area of complaint. He asked that the Planning Commission consider only that portion of the property under application. Mr. West informed that the applicant no longer paints vehicles on the premises. He pointed out that there are existing businesses next to the subject tract that are the same type business as what the applicant is requesting. Mr. West informed of improvements the applicant has made to the subject property over the past five years that he has owned the property.

### Applicant's Rebuttal

Mr. Morris informed that the minimum intensity of zoning has been requested on this property to allow the applicant to operate his business. He acknowledged this would be spot zoning; however, in this instance spot zoning would be acceptable because it would be compatible with existing uses. Mr. Morris questioned why interested parties have not complained about other garage uses in the area. He urged the Planning Commission to support this application.

TMAPC Review

Mr. Midget expressed being familiar with the property and deems it to be an intrusion into the neighborhood. He acknowledged that there are activities in the area not in compliance with zoning. Mr. Midget declared that this would be spot zoning and inappropriate for the area; therefore, he cannot support the application.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-1-0** (Boyle, Ballard, Doherty, Gray, Midget, Pace, Taylor "aye"; Carnes "nay"; none "abstaining"; Horner, Ledford, Selph "absent") to recommend **DENIAL** of Z-6504 of CG zoning as recommended by Staff.

**LEGAL DESCRIPTION**

The South 81' of Lot 1, Block 1, Amended Reid Addition, and located at 2621 North Boston Place, Tulsa, Oklahoma.

\* \* \* \* \*

PUD-481-8 Minor Amendment

**(PD-18) (CD-7)**

Northwest corner of East 71st Street South and Mingo Valley Expressway.

TMAPC Comments

Chairman Carnes announced receipt of a timely request for continuance.

**TMAPC Action; 10 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Selph "absent") to **CONTINUE** PUD 481-8 to September 20, 1995.

\* \* \* \* \*



Application No.: **PUD 282-5** Minor Amendment

Applicant: Sam Estes

Location: Lot 1, Block 1 of the Kensington Center - Southwest corner of South Lewis Drive and 71st Street.

Date of Hearing: September 13, 1995

Presentation to TMAPC: Brian Yingling

The applicant is requesting approval of an increase of the building height limitation in this area from 26'- 0" to 37' - 0". The purpose of the request is to allow additional height to facilitate the location of a wall sign for "Office Depot".

Staff has reviewed the request and finds that it is specific to the easterly entrance of the building which faces Sheridan Road. The increase in elevation will allow a canopy parapet of approximately 24' in width, measured east to west.

The request as proposed will add no additional floor area to the building nor will it increase the volume inside the structure. Staff's understanding is that the parapet as proposed is acceptable to City permitting Staff.

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

The area of increased height shall be restricted to the area of the canopy, that area being no larger than 25' (east - west dimension) by 70' (north - south dimension).

**TMAPC Action; 8 members present:**

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Midget, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Ledford, Selph "absent") to **APPROVE** PUD 282-5 MINOR AMENDMENT as recommended by Staff.

Upon discovering that an interested party was overlooked, Mr. Doherty made a motion to reconsider the item.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget, Selph "absent") to **RECONSIDER** PUD 282-5.

**Interested Parties**

**Carolyn Dean**

**7230 South Atlanta 74136**

Ms. Dean, property manager of Esplanade Condominium Homeowners Association (HOA), announced that she was representing the HOA and Board of Administrators. She announced support of the proposed business; however, residents were concerned over the additional signage height requested. Ms. Dean declared that the sign height and illumination would encroach and infringe on their properties.

Mr. Bruce explained that a sign application has not yet been received; however, the preliminary submittal indicates a sign 5' high and 55' long will be placed on the parapet.

Ms. Dean stated that residents questioned the need to increase the elevation to accommodate the sign, considering the business has other locations in the City which do not require such a sign.

Mr. Gardner stated that the top of the parapet that holds the sign extends above the top of the roof of the building. The sign portion is 3' above the top of the roof where the border of the sign is located.

Ms. Pace was concerned that illumination at night may be a problem.

Applicant's Comment's

**Brian Yingling**

**2425 North Central #110, Richards, TX 75080**

Mr. Yingling, a representative of the architect and engineering firm for the project, informed that the feature designating the front entrance is an identifying feature which the company tries to maintain at all its locations.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget, Selph "absent") to **APPROVE** PUD 282-5 with the stipulation that illumination of the band around the edge of the sign not exceed 70 foot-candles.

\*\*\*\*\*

**OTHER BUSINESS:**

**PUD-282\_Detail Site Plan - Lot 1 Block 1 of the Kensington Center**  
Southwest corner of South Lewis Drive and 71st Street.

The applicant is requesting site plan approval for revisions to the approved site plan. The revisions as proposed effect the site of the former Sipes food store, adding a parapet canopy to the eastern entrance (approximately 25' x 70<sup>3</sup>) and a recycling container area of approximately 500 SF. The new site plan also deletes the area formerly occupied by the freezer box.

Staff has reviewed the request and finds it to be in conformance with the original spirit and intent of the PUD. Therefore, Staff recommends **APPROVAL**, subject to the following:

Planning Commission approval of the related Minor Amendment which is requested to allow the parapet canopy.

**TMAPC Action; 7 members present:**

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, , Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget, Selph "absent") to **APPROVE** PUD 282 **DETAIL SITE PLAN** as recommended by Staff.

\* \* \* \* \*

**PUD 510: Detail Site Plan - North 50 feet of Lot 1 and South 58 feet of Lot 8, Block 1 of the Franklin Heights Addition - Southeast corner of Yale Avenue and 12th Street South.**

The applicant is requesting site plan approval for a parking lot for the Methodist Church. The parking lot is to be located on the south side of the existing 12th Street South.

Staff has reviewed the request and finds it to be in substantial compliance with the requirements of the PUD. Therefore, Staff recommends **APPROVAL** subject to the following:

Revision to the site plan to show 70' feet to face of parking area curb from the Yale Avenue centerline, in the south 15' of the PUD.

Revision to the site plan to show 5' of landscaped area at the southeast portion of the PUD. This is in contrast to the currently delineated 5' from residential boundary to edge of gutter inside the parking area.

**NOTE:** *Site plan approval does not constitute landscape approval.*

**TMAPC Action; 7 members present:**

On **MOTION** of **TAYLOR**, the TMAPC voted **7-0-0** (Boyle, Ballard, Carnes, Doherty, Gray, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Ledford, Midget, Selph "absent") to **APPROVE** PUD 510 **DETAIL SITE PLAN** as recommended by Staff.

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**Request from Councilor Watts to update Surplus School Site Study**

Chairman Carnes reported that he received a request from Councilor Watts regarding an update of the Surplus School Site Study. Chairman Carnes instructed Staff to prepare a letter to Councilor Watts asking him to make this request through the City Council.

There being no further business, the Chairman declared the meeting adjourned at 4:25 p.m.

Date Approved: 9/27/95

  
Chairman

ATTEST:

  
Secretary

