

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 2063

Wednesday, April 10, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Boyle  
Carnes,  
Chairman  
Dick  
Doherty, 1st Vice  
Chairman  
Gray, Secretary  
Horner  
Ledford  
Pace

**Members Absent**

Ballard  
Edwards  
Midget

**Staff Present**

Almy  
Gardner  
Jones  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, April 8, 1996 at 10:19 a.m., in the office of the County Clerk on Friday, April 4, 1996 at 4:23 p.m., 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:**

**Approval of the minutes of March 27, 1996, Meeting No. 2061:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of March 27, 1996 Meeting No. 2061.

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**REPORTS:**

**Committee Reports:**

**Rules and Regulations Committee**

Mr. Doherty informed the Commission that the Rules and Regulations Committee met at 11:30 today to consider a number of items. One of those items, Item No. 9 - Amending Title 42, was not reviewed by the Committee due to lack of time. Mr. Doherty recommended to continue this item to the April 24, 1996 meeting. The Committee was briefed by Ms. Matthews on the status of the closing of streets in the area of the new jail. It appears that a Comprehensive Plan amendment to District 1 and District 10 Plans may be in order. The Committee considered amendments to the Subdivision Regulations in regards to gated communities and private streets. The Committee adopted the principles that Staff recommended and directed Staff to prepare specific language to be presented to the Committee on April 24, 1996. Mr. Doherty apprised the Commission that Rules and Regulations Committee will meet on April 24 and again on May 15, 1996.

**SUBDIVISIONS:**

**FINAL PLAT APPROVAL:**

**Metro Plaza** (3194) (PD-18) (CD-5)  
South of the southeast corner of East 51st Street & South Mingo Road

**Staff Comments:**

Mr. Jones informed the Commission that Staff has received the release letters and are awaiting owners papers from a closure that took place this morning. Staff recommends approval subject to Legal's final review of the Deed of Dedication Restrictive Covenants.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to **APPROVE** the Final Plat Approval for Metro Plaza subject to Legal's final review of the Deed of Dedication Restrictive Covenants as recommended by Staff.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Block 14 Van Acres Resub** (3603)  
South of the southwest corner of East Pine Street & North Mingo

(PD-16) (CD-3)

**Staff Comments:**

Mr. Jones informed the Commission that Traffic Engineer has reviewed and approved the change of access. Staff recommends approval of change of access subject to the document in the agenda packet.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to **APPROVE** the Change of Access on Recorded Plat - Block 14 Van Acres Resub as recommended by Staff.

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**VACATION OF SUBDIVISION PLAT:**

**Fallbrook** (2702)  
Northwest corner of North Union Avenue & Pine Street

(PD-11) (CD-1)

**Staff Comments:**

Mr. Jones reminded the Commission that they approved the Subdivision Plat - Holly Heights, and Fallbrook was the underlying plat that is now being vacated. Staff and Legal Department has reviewed the document and approved it. This will vacate the underlying plat. The City will not lose any dedication or right-of-way because of the Holly Heights Plat. Staff recommends approval of the Subdivision Plat as presented.

**TMAPC Action; 8 members present:**

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to **APPROVE** the Vacation of Subdivision Plat - Fallbrook as presented by Staff.

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

<b><u>18266 Metroland Development (383)</u></b>	<b>(PD-18C)(CD-8)</b>
7000 Blk. S. Zurich, Lot 5, Blk. 1, Hyde Park Second	CS
<b><u>18267 City of Tulsa (1183)</u></b>	<b>(PD-18C)(CD-8)</b>
6911 East 71st Place	RS-3
<b><u>18268 City of Tulsa (483)</u></b>	<b>(PD-18B) (CD-8)</b>
Part of Lot 4, Block 1, Vienna Woods West Add.	RS-3

**Staff Comments:**

Mr. Jones stated that these lot-splits are in order and meet Subdivision Regulations. Staff recommends approval.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-1** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; Ledford "abstained"; Ballard, Edwards, Midget "absent ") to **APPROVE** the Lot-splits for Ratification of Prior Approval finding them in accordance with Subdivision Regulations.

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**CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:**

**Consider amending Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) as follows:**

**Amend Section 1002D.2 by eliminating hose attachments as an acceptable method of irrigation for required landscape areas; Sections 1003.A & B to provide for different administrative procedures within Planned Unit Developments and add a certification of compliance requirement on landscape plans and modify the current certification of installation of required landscaping provision; and Section 1800 by changing the definition of a tree.**

**TMAPC Comments:**

Mr. Doherty informed the Commission that the Rules and Regulations Committee was unable to review this item and asked that this item be continued until April 24, 1996.

**TMAPC Action; 6 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-0-0** (Boyle, Carnes, Dick, Doherty, Horner, Ledford, "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Gray, Midget, Pace "absent ") to **CONTINUE** Item 9 - Consider amending Title 42, Tulsa Revised Ordinance (Tulsa Zoning Code) in regards to Section 1002D.2, Sections 1003 A & B, and Section 1800.

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**ZONING PUBLIC HEARING:**

**Application No.: Z-6529**

**Applicant:** E. A. Schermerhorn

**Location:** Southwest corner East 11th & South 129th East Avenue

**Date of Hearing:** April 10, 1996

**Presented to TMAPC:** E. A. Schermerhorn

**Present Zoning:** CS & OL

**Proposed Zoning:** CG

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Linear Development and on the South 165' is Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CG **may be found** in accordance with the Plan Map for all but the south 165' where CG zoning is **not** in accordance with the Plan Map.

**Staff Comments:**

**Site Analysis:** The subject property is approximately 8.5 acres in size and is located south and west of the southwest corner of East 11th Street South and South 129th East Avenue. It is gently sloping, non-wooded, vacant and zoned CS and OL.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property, zoned OL; to the east by a commercial business, zoned CG; to the south by vacant property and beyond the vacant tract is a church, zoned RS-3; to the west by vacant property, zoned CS, and duplexes, zoned RD.

**Zoning and BOA Historical Summary:** A mixture of commercial zoning designations have been permitted along East 11th Street South with the northeast corner of the intersection being CH and the southeast corner being zoned CG.

**Conclusion:** The Comprehensive Plan recommends Planned Unit Developments west of South 129th East Avenue except for the node. The adjacent area has developed to a lower intensity than CG zoning would permit. Staff cannot support the requested CG due to the types of uses permitted in that district and due to the buffering that is now provided by the OL portion of the subject tract on the south. Staff recommends **DENIAL** of CG zoning for Z-6529 or any lesser commercial zone. Staff is of the opinion that the existing zoning, if combined with a PUD, could allow any uses that would be appropriate for this area.

**Staff Comments:**

Mr. Gardner stated that since the property located across the street has been approved for CS zoning, then CS would be consistent with previous practice in the area. Mr. Gardner expressed concern for the residential subdivision to the west.

**Applicant's Comments:**

**Kelly Carder**, Patterson Realtors, is representing Patterson Concrete. Mr. Carder is requesting CG zoning so that the BOA can consider granting a variance. Mr. Carder presented letters of support from neighbors in the area for a previous rezoning case on the east side of 129th East Avenue south of 13th Street South, where he had previously proposed to locate his business.

**TMAPC Comments:**

Mr. Doherty informed the Commission that Patterson Concrete use is a Use Unit 15 - Other Trades and Services. Patterson Concrete keeps molds, displays and other items they are going to sell, along with trucks in a garage. Mr. Doherty feels that this does not seem inappropriate at this location; however, the CG zoning does seem appropriate. He felt an appropriate route would be a special exception from the Board of Adjustment. Use Unit 15 uses are allowed by exception in CS and then the BOA could apply any conditions that may be necessary. Mr. Doherty expressed that the BOA is the best way to proceed.

Mr. Boyle feels that the PUD should be considered.

Mr. Horner expressed he would support CS zoning due to a gasoline/retail store located on the corner.

Ms. Pace stated that the current zoning pattern needs to be kept in place and work with the PUD requirements.

Mr. Doherty stated that if the BOA feels a buffer or setback is needed from the duplex zoning to the west, it would be easy to impose. However, it would be difficult for the Planning Commission to deny CS zoning on the section beside the church, where CS zoning has been granted across 129th East Avenue. Mr. Doherty stated that the best route for this request would be to approve CS zoning and forward it to the BOA.

Ms. Gray expressed concern that East Central High School is using the church property for their baseball fields, and it borders on the south property line of the subject tract. Mr. Carder stated that there is a creek between this use and the ball fields.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-1-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford "aye"; Pace "nay"; none "abstaining"; Ballard, Edwards, Midget "absent ") to recommend **APPROVAL** of CS zoning for Z-6529.

**LEGAL DESCRIPTION FOR Z-6529:**

The Northeast Quarter, Northeast Quarter, Northeast Quarter, less the North 250' of the East 250', Section 8, T-19-N, R-14-E, Tulsa County, Oklahoma and located south and west of the southwest corner of East 11th Street and South 129th East Avenue, Tulsa, Oklahoma

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**Application No.: Z-6530**

**Applicant: Robert L. Stiles**

**Location: South of southwest corner of East 15th Street and South 177th East Avenue**

**Date of Hearing: April 10, 1996**

**Presented to TMAPC: Robert L. Stiles**

**Present Zoning: RS-1**

**Proposed Zoning: AG**

**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

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

Staff Comments:

**Site Analysis:** The subject property is 11.2 acres in size and is located south of the southwest corner of East 15th Street South and South 177th East Avenue. It is gently sloping, partially wooded, vacant and zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the west by vacant property, zoned AG, and to the north, south and east by single-family dwellings, zoned AG.

**Zoning and BOA Historical Summary:** The subject tract was zoned RS-1 in 1980. In January, 1996, the adjoining tract to the south as well as a tract located west of the northwest corner of East 21st Street South and South Lynn Lane were rezoned from RS-1 to AG.

**Conclusion:** The subject property is designated as Low Intensity - No Specific Land Use and the requested AG zoning is compatible with the Comprehensive Plan. AG zoning is consistent with the surrounding development and land use. Therefore, Staff recommends **APPROVAL** of AG zoning for Z-6530.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to recommend **APPROVAL** of AG zoning for Z-6530.

**LEGAL DESCRIPTION FOR Z-6530:**

the South 11.24 acres of the South 22.48 acres of the Northeast Quarter of the Southeast Quarter, Section 11, T-19-N, R-14-E, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof and located south of the southwest corner of East 15th Street and South 177th East Avenue, Tulsa, Oklahoma

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**Application No.:** Z-6532  
**Applicant:** John W. Moody  
**Location:** Southwest corner East 45th and South Harvard  
**Date of Hearing:** April 10, 1996  
**Presented to TMAPC:** John W. Moody

**Present Zoning:** RS-1  
**Proposed Zoning:** OL



**Staff Recommendation:**

**Relationship to the Comprehensive Plan:**

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Linear Development Area.

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

**Staff Comments:**

**Site Analysis:** The subject property is approximately .4 acres in size and located on the southwest corner of East 45th Street South and South Harvard Avenue. It is gently sloping, non-wooded, vacant and zoned RS-1.

**Surrounding Area Analysis:** The tract is abutted on the north, south and east by office uses, zoned OL; to the northeast by a single-family dwelling, zoned OL; and to the west by single-family dwellings, zoned RS-1.

**Zoning and BOA Historical Summary:** The properties fronting Harvard Avenue on the east side of the street have been zoned OL since 1970. The lots north and south of the subject tract that are zoned OL were rezoned from 1974 through 1978, with the subject tract remaining RS-1.

**Conclusion:** The Comprehensive Plan designates the property as Low Intensity - Linear Development Area. The requested OL zoning is compatible with the existing zoning, development and uses in the area. Therefore, Staff recommends **APPROVAL** of OL zoning for Z-6532.

**TMAPC Action; 8 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to recommend **APPROVAL** of OL zoning for Z-6532.

**LEGAL DESCRIPTION FOR Z-6532:**

The North 117' of Lot 1, Block 3, Villa Grove Park, a subdivision of Tulsa County, Oklahoma according to the recorded Plat thereof, and located on the southwest corner of East 45th Street South and South Harvard Avenue, Tulsa, Oklahoma.

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**Application No.: PUD-545**

**Applicant:** KMO Development Group

**Location:** East of southeast corner Riverside Drive and 71st Street

**Date of Hearing:** April 10, 1996

**Presented to TMAPC:** KMO Development Group

**Present Zoning:** CS/PK/RS-2

**Proposed Zoning:** CS/PK/RS-2/PUD-545

**Staff Recommendation:**

The applicant is proposing a PUD with uses allowed by right in a CS zoning district and building floor area limited to 40,000 S.F. Buildings would only be permitted in the areas of the PUD zoned CS or PK. The PUD is proposed to have one access to Riverside Drive, one to 71st St. South and one to South Quincy Avenue. Although the PUD standards do not require it, the current plans are for renovation of the existing building to accommodate movie theaters and extension of the existing parking lot south 150'. The abutting uses to the north are commercial; to the west across Riverside Drive are apartments and park; to the east is a PUD which has a commercial shopping center on the northern portion and offices on the southern portion; and to the south is a single-family dwelling on a large lot.

1. Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-545 to be : (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-545 subject to the following conditions:

- 1.) The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
- 2.) **Development Standards:**  
Land Area (Net): 6.389 acres
- 3.) Permitted Uses: As permitted by right within a CS district, except no Use Unit 12A uses, Bingo facilities or Dance Halls are permitted.
- 4.) Maximum Building Floor Area: 40,000 S.F.

- 5.) Maximum Building Height: 35'
  - 6.) Minimum Building Setbacks:
    - From centerline of Riverside Drive: 250'
    - From centerline of S. Quincy Ave.: 80'
    - From south boundary of PUD: 200'
  - 7.) Minimum Landscaped Open Space: 10% of net area exclusive of right-of-way.
  - 8.) Minimum Parking Lot Setbacks from PUD Boundaries
    - In CS and PK zoned area: As currently exist
    - In RS-2 Zoned area:
      - From Riverside Drive R/W: 5'
      - From south boundary of PUD: 15'
      - From Quincy Ave. R/W: 10'
2. A 6' high screening wall or fence shall be provided along the entire southern boundary of the PUD unless a lesser height is required for proper sight distances when entering roadways. Also a cluster of evergreen trees shall be planted at the southeast corner of the PUD to provide visual screening of the parking lot for the house on the east side of Quincy Avenue.
  3. Access shall be limited to one point on Riverside Drive, one on 71st Street South and any access to Quincy shall be at least 90' north of the southern boundary of the PUD.
  4. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.
  5. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approval Landscape Plan 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.
  6. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet within the south 100' of PUD.
9. 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 have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have 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 and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee and approved by TMAPC during the subdivision platting process.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget "absent ") to recommend **APPROVAL** of PUD-545 per the conditions as recommended by Staff.

**LEGAL DESCRIPTION FOR PUD-545:**

A tract of land in the NW/4, NW/4 Section 7, T-18-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, said tract being a portion of Block 1, River Port, an Addition to the City of Tulsa, according to the recorded thereof, and being more particularly described as follows, to-wit: Commencing at the Northwest corner of the NW/4, NW/4 of said Section 7; thence along the Northerly line of Section 7 N 89°54'43" E, a distance of 340.34' to a point; thence S 00°05'17" E, a distance of 60.00' to the Point of Beginning, said point being the most Northerly Northeast corner of said Block 1 River Port; thence S 00°08'43" W, a distance of 215.00' to a point; thence N 89°54'43" E a distance of 318.00' to a point on the Westerly line of South Quincy Avenue; thence along the Westerly line of said South Quincy Avenue S 00°08'43" West, a distance of 385.00' to a point; thence departing the Westerly line of said South Quincy Avenue S 89°54'43" W, a distance of 490.29' to a point on the Easterly line of Riverside Parkway; thence along the Easterly line of said Riverside Parkway N 07°50'46" W, a distance of 350.67' to a point; thence departing the Easterly line of said Riverside Parkway N 89°54'43" E, a distance of 121.32' to a point; thence N 01°07'23" W, a distance of 37.57'

to a point; thence N 89°54'43" E, a distance of 80.00' to a point; thence N 01°07'23" W, a distance of 215.00' to a point; thence N 89°54'43" E, a distance of 25.31' to the Point of Beginning; and Lot 1, Block 2, River Grove Subdivision, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof; less and except a tract beginning at the Southwest corner of said Lot 1; thence North 164.70'; thence East 147.78'; thence Southeast 166.25'; thence West 171.99' to the Point of Beginning, and located south of the southeast corner of East 71st Street S. and South Riverside Drive, Tulsa, Oklahoma

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**Application No.:** PUD-437-2 (Minor Amendment to allow additional ground sign)  
**Applicant:** Pat Dent  
**Location:** 1711 East 15th Street  
**Date of Hearing:** April 10, 1996  
**Presented to TMAPC:** Pat Dent

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to allow an increase to the maximum area of ground signs allowed on the 15th Street frontage of the site. Existing approvals allow one sign of a height not to exceed six feet and a display area not to exceed 32 S.F.

The current request would allow the location of a sign structure which has two (2) separate 32 S.F. display areas. Each of the areas would display identical information. The purpose of the request is to establish visibility which is currently limited by the existing Git-N-Go fence, a tree to the west and an existing sign to the east.

Staff has reviewed the request and finds that the structure as proposed is in keeping with the scale and character of the area and with the intent of the original PUD restrictions.

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

The two areas shall be included in one structure, which shall be limited to six feet in height and 64 S.F. of display area.

The two areas shall display the same information.

Planning Commission determination that the structure as proposed is one sign.

That the structure be located as proposed on the attached site plan.

**TMAPC Action; 7 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford "aye"; no "nays"; none "abstaining"; Ballard, Edwards, Midget, Pace "absent ") to recommend **APPROVAL** of PUD-437-2 Minor Amendment to allow an increase in the number and maximum area of ground signs allowed as recommended by Staff.

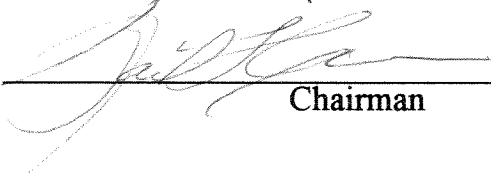
**LEGAL DESCRIPTION FOR PUD-437-2:**

Lot 9, Block 3, Terrace Drive Addition and located at 1711 East 15th Street, Tulsa, Oklahoma.

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There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved: May 1, 1996

  
Chairman

ATTEST:

  
Secretary