

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2113

Wednesday, May 21, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Carnes	Almy	Linker, Legal
Dick	Gray	Jones	Counsel
Doherty	Jackson	Stump	
Horner	Ledford		
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, May 16, 1997 at 2:56 p.m., in the Office of the City Clerk at 2:48 p.m., as well as in the office of the County Clerk at 2:45 p.m.

After declaring a quorum present, 1<sup>st</sup> Vice Chairman Doherty called the meeting to order at 1:36 p.m.

### **Minutes:**

#### **Approval of the minutes of May 7, 1997, Meeting No. 2111:**

On **MOTION** of **PACE**, the TMAPC voted **5-0-1** (Dick, Doherty, Horner, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Carnes, Gray, Jackson, Ledford "absent") to **APPROVE** the minutes of the meeting of May 7, 1997 Meeting No. 2111.

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### **Reports:**

#### **Committee Reports:**

##### **Budget and Work Program Committee:**

Mr. Horner stated there will be a brief Budget and Work Program Committee Meeting immediately after the TMAPC meeting.

Mr. Horner suggested changing the meeting time to 2:00 p.m. or upon adjournment to save time. Mr. Linker stated due to the wording "or upon adjournment" the committee meeting can be held immediately following the TMAPC meeting.

**Rules and Regulations Committee:**

Mr. Doherty stated there is also a Rules and Regulations Committee Meeting scheduled for today.

**Director's Reports:**

Mr. Doherty stated there are several items scheduled for the May 22, 1997 City Council Meeting. Mr. Stump stated he would be in attendance.

**SUBDIVISIONS:**

**Approval to Partial Vacation of Subdivision Plat:**

**Columbia Place (3293)** (PD-18) (CD-9)

South and east of the southeast corner of East 51<sup>st</sup> St. & South Columbia Pl.

**Staff Comments:**

Mr. Jones stated that a preliminary plat for this item is in process. The Commission has already seen and granted preliminary plat approval. However, it is a replat or redevelopment of a portion of the existing subdivision plat.

Mr. Jones stated the attorneys, TAC and Legal Department felt it would be best to vacate the portion of Columbia Place that is being replatted and to do away with the underlying easements and Dedication of Restrictive Covenants. This is a standard process.

Mr. Jones stated staff and Legal Department have reviewed and signed off on the document. Therefore, staff recommends approval by the TMAPC and then forwarding the partial vacation to the City Council for their consideration.

Mr. Jones informed the Commission that upon approval by City Council, the document will be filed of record at the same time the second plat will be filed. Therefore, no easements will be lost.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Gray, Jackson, Ledford "absent") to **APPROVE** the Partial Vacation of Subdivision Plat for Columbia Place as recommended by staff.

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**Sunchase (2483)**

(PD-18) (CD-8)

Northeast corner of South Memorial Drive and U.S. Highway 169

**Staff Comments:**

Mr. Jones stated this is the same situation as the previous item, Columbia Place. He stated Sunchase is the new preliminary plat the Planning Commission reviewed for new Jackie Cooper Dealership on the front portion of the property and the apartment complex on the east side.

Mr. Jones stated a portion of the Original Sunchase is being vacated and a new plat for Sunchase II is being filed. The Commission has already reviewed and approved the Preliminary Plat.

Mr. Jones stated staff and Legal Department as reviewed and signed off on the document. Therefore, staff recommends approval by the TMAPC.

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Gray, Jackson "absent") to **APPROVE** the Partial Vacation of Subdivision Plat for Sunchase as recommended by staff.

\* \* \* \* \*

**Lot-Splits for Ratification of Prior Approval:**

- L-18439 (524) Linda Rake** 12005 East 176<sup>th</sup> Street North (PD-14) (County)
- L-18460 (2272) Clay Perry** 15621 South 26<sup>th</sup> West Avenue (PD-21) (County)
- L-18461 (2272) Clay Perry** 15625 South 26<sup>th</sup> West Avenue (PD-21) (County)
- L-18469 (983) Jerry Hall** 3403 East 71<sup>st</sup> Street South (PD-18b) (CD-8)
- L-18472 (1793) Robert Price** 2838 East 29<sup>th</sup> (PD-6) (CD-9)
- L-18473 (3214) Donald Ladd** 11705 East 69<sup>th</sup> Street North (PD-15) (County)
- L-18474 (2194) City of Tulsa** 13513 East 38<sup>th</sup> Street (PD-17) (CD-6)
- L-18475 (2883) Joe Wilburn** 4008 East 104<sup>th</sup> Street South (PD-26) (CD-8)
- L-18476 (603) Tom Briggs** 5644 North Utica Place (PD-24) (County)

**Staff Comments:**

Mr. Doherty asked whether these lot-splits are in order and meet the Subdivision Regulations. Mr. Stump replied in the affirmative.

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Gray, Midget, "absent") to **RATIFY** these Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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**CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:**

**Proposed Amendments to Tulsa County Zoning Code in regard to regulation of communication towers.**

**Staff Recommendation:**

Mr. Stump presented the proposed amendments, noting that bold type indicates new items and strikeout type indicates items to be omitted.

**SECTION 207. STREET FRONTAGE REQUIRED**

No lot shall contain any building used in whole or in part for residential purposes unless such lot has a minimum of 30 feet of frontage on a public street or dedicated right-of-way, except as provided for a substandard lot of record, a lot within an approved Planned Unit Development, and a lot within an approved Townhouse Development.

**SECTION 208. ONE SINGLE-FAMILY DWELLING PER LOT OF RECORD**

Not more than one single-family dwelling or mobile home may be constructed or otherwise placed on a lot, except in the case of a lot which is within an approved Planned Unit Development or in an RMH district.

**SECTION 220. HEIGHT EXCEPTIONS**

The following structures shall not be subject to the height limitations of the district in which they are located:

- A. Farm buildings and structures.
- B. Belfries, chimneys, coupoles, domes, elevators, penthouses, flagpoles, monitors, smokestacks, spires, cooling towers and ventilators, provided they are not intended for human occupancy.

~~C. Ground and structure supported accessory antennas and aerials, including elevating structures (poles and towers), which do not exceed a total aggregate height of 60 feet above the natural land grade and which meet the following requirements:~~

- ~~1. No portion of the antenna, aerial, elevating structure or any anchor or guy line may encroach upon the land area or airspace of any adjoining or abutting property.~~
- ~~2. In a residential district no portion of the antenna, aerial, elevating structure, or any anchor or guy line, may extend beyond the front yard building setback line or extend into any established front yard or into any side yard.~~
- ~~3. Provided that:~~
  - ~~a. Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any city, county, state or federal governmental entities.~~
  - ~~b. Nonguyed, omni-directional, single element vertical antennas not exceeding 112 inches in height, and not exceeding 1 3/4 inches outside diameter shall be permitted in addition to the 60-foot aggregate height limitation.~~
  - ~~c. The restrictions established by this section may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.~~

**C. Height and location restrictions shall not be applicable to radio communication facilities owned, operated and maintained by any city, county, state or federal governmental entities.**

## **SECTION 292. COMMUNICATION ANTENNAS**

Communication antennas are regulated as follows:

- A.** Antennas and their supporting structures which are principal uses on the lot are regulated by Section 1204 of this Code.
- B.** Antennas and their supporting structures which are accessory uses in an agriculture district are regulated by Section ~~302~~**320** of this Code.
- C.** Antennas and their supporting structures which are accessory uses in a residential district are regulated by Section 420 or this Code.

- D. Antenna supporting structures which are accessory to principal uses permitted in the office, commercial, scientific research and industrial districts shall be setback from an R District boundary line\*, **a distance equal to at least one hundred ten percent (110%) of the height of the tower, one (1) foot for each foot of height of the supporting structure** measured at grade. The setback distance shall be measured from the nearest point of the antenna supporting structure (excluding any guy lines) to the nearest point on the residential zoning district boundary line, excluding freeways zoned residential.

Table 1

Use Units Permitted in the Agriculture Districts\*

Use Units		Districts	
No.	Name	AG	AG-R
1.	Area-Wide Uses by Right	X	X
2.	Area-Wide Special Exception	E	E
3.	Agriculture	X**	E
4.	Public Protection & Utility Facilities	X***	E
5.	Community Services & Similar Uses	E	E
6.	Single-Family Dwelling	X	X
8.	Multifamily Dwelling & Similar Uses	E****	E****
9.	Mobile Home Dwelling	X	E
20.	Commercial Recreation: Intensive	E	
21.	Business Signs and Outdoor Advertising	X	
24.	Mining and Mineral Processing	E	
24.(a)	Oil and Gas Extraction	X*****	E

\* X = Use by Right

E = Special Exception

\*\* = The keeping or raising of wild or exotic animals shall require a special exception. See Section 291 and 340 of this Code.

\*\*\* = **Antenna and Supporting Structures require BOA approval (Section 1204.3)**

\*\*\*\* = Nursing home, community group home, convent, monastery and novitiate are the only uses within Use Unit 8 permitted by special exception.

\*\*\*\*\* = Except when located within a recorded residential subdivision zoned AG, which has been filed of record with the County Clerk prior to July 1, 1985, the drilling of oil and gas shall require a Board of Adjustment Special Exception. See Section 340, Requirements for Special Exception Uses in Agricultural Districts.

## SECTION 320. ACCESSORY USES IN AGRICULTURE DISTRICTS

### 320.1 Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District and Agriculture - Residential District are permitted in such districts; however, the keeping of wild or exotic animals as defined in Chapter 18 of this Code is not a permitted accessory use.

In addition, the uses set forth in Table 2 are permitted as accessory uses.

Table 2

Accessory Uses Permitted in the Agriculture Districts

Uses	Districts	
1. Bulletin Boards	AG	AG-R
2. Home Occupation*	AG	AG-R
3. Identification Signs	AG	AG-R
4. Real Estate Signs	AG	AG-R
<b>5. Antennas and Supporting Structures</b>	<b>AG</b>	<b>AG-R</b>

\*By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 440.2.

### 320.2 Accessory Use Conditions

- A. General Conditions
1. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
  2. Accessory buildings shall meet the minimum yard or building setback requirements.
  3. **Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that it does not exceed sixty-five (65) feet in height measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure and that the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest**

surface area is to be calculated. These provisions do not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.

4. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
  - (1) be located in the rear yard only, and limited to one such structure;
  - (2) not exceed 65 feet in height, measured from the average ground elevation at the residential dwelling to the highest horizontal point of the antenna supporting structure;
  - (3) not encroach upon the land or airspace of any abutting property; and
  - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

The restrictions established by this section may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

B. Accessory Signs in the AG and AG-R Districts

1. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed 12 square feet in surface area, nor 15 feet in height, and illumination, if any, shall be by constant light.
2. One identification sign may be erected on each street frontage of a permitted nonresidential use. The sign shall not exceed 32 square feet in surface area, nor 15 feet in height, and illumination, if any, shall be by constant light.
3. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the premises. Such sign in an AG District shall not exceed 80 square feet in surface area, nor 15 feet in height. Such sign in an AG-R District shall not exceed 16 square feet in surface area, nor eight feet in height.



Table 2

Accessory Uses Permitted in Residential Districts

Uses	Districts
1. Home Occupations	All R Districts*
2. Sleeping Rooms	
Two persons	All R Districts
More than two persons	All R Districts*
3. Shelters	All R Districts
4. Signs	All R Districts
Bulletin Board	
Identification Sign	
Real Estate	
Construction Sign	
5. Swimming Pool	All R Districts
6. Management Office and Private	
Recreation, Laundry and	RM-O, RM-1, RM-2
Storage Facilities	and RMH
7. <b>Antennas and Supporting Structures</b>	<b>All R Districts</b>

\*By Special Exception requiring Board of Adjustment approval.

420.2 Accessory Use Conditions

A. General Conditions

1. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
2. A detached accessory building shall not be located in the front or side yard or encroach upon a minimum building setback line, but this limitation shall not apply to carports, provided the minimum required front yard or side yard or setback line is observed.
3. Within the rear yard, a detached accessory building shall be located at least three feet from any interior lot line.
4. **Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that:**
  - (a) the antenna and supporting structure are considered part of the residential building and shall comply with the building height restrictions of the district; and

(b) the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated. This provision does not apply to principal use antennas or to antennas that are accessory to uses requiring Board of Adjustment approval.

5. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
  - (a) be located in the rear yard only, and shall be limited to one such structure;
  - (b) not exceed 65 feet in height; measured from the average ground elevation of the rear building wall of the residential dwelling to the highest horizontal point of the antenna supporting structure;
  - (c) not encroach upon the land or airspace of any abutting property, and
  - (d) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

The restrictions established by this section may be modified by Board of Adjustment special exception approval, subject to the minimum requirements for special exception approvals and such additional safeguards and conditions as may be imposed by the Board of Adjustment.

#### B. Sleeping Rooms

In a dwelling unit occupied as a private residence, one or more rooms may be rented or table board furnished, to not exceeding two person not members of the family occupying said premises, providing no window display or sign board is used to advertise such use.

### **SECTION 1204. USE UNIT 4. PUBLIC PROTECTION AND UTILITY FACILITIES**

#### **1204.1 Description**

Public protection and utility facilities that may have technical locational requirements necessitating specific locations in or around areas serviced and certain temporary open air land uses that can be objectionable to certain other uses and are therefore permitted in certain districts by special exception and in the remaining districts by right.

## 1204.2 Included Uses

Ambulance Service

### **Antennas and Supporting Structures**

Electrical Regulating Station, excluding storage or service garages and yards

Fire Protection Facility

Pressure Control Station; gas or liquid, excluding storage or service garages and yards

Shelter: Civil defense or storm

Stormwater Detention Facility

~~Transmitting Tower, excluding amateur radio tower~~

Water Storage Facility, NEC

## 1204.3 Use Conditions: None

**Antennas and their supporting structures shall meet the following requirements:**

### **Purpose:**

The purpose of this section is to establish requirements for the location of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potentially adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the County Board of Adjustment shall give due consideration to the Comprehensive Plan for the Tulsa Metropolitan Area, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**A. Exclusions. The following activities shall be exempt from these regulations:**

- 1. Amateur radio operators;**
- 2. Microwave reflectors and parabolic antennas;**
- 3. Antennas and equipment completely located inside of buildings;  
and**
- 4. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document.**

**B. Definitions. As used in this ordinance, the following terms shall have the meanings set forth below:**

- 1. Antenna means any exterior transmitting or receiving device used in communications to radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals.**
- 2. FAA means the Federal Aviation Administration.**
- 3. FCC means the Federal Communications Commission.**
- 4. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.**
- 5. Preexisting towers and preexisting antennas mean any tower or antenna which lawfully existed on the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.**
- 6. Tower means any structure more than twenty (20) feet tall that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice**

towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like. The term includes the structure and any support thereto.

**C. General Requirements for Antennas and Towers.**

- 1. Principal or Accessory Use.** Towers may be considered either principal or accessory uses. A different existing use on the same lot shall not preclude the installation of a tower on such lot.
- 2. Towers and antennas shall meet the following requirements:**
  - (a)** Towers and antennas shall be designed to blend into the surrounding environment through the use of color, galvanizing, or camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - (b)** Monopole-designed communication towers shall be required if located within an R District or if located within 300 feet of an R District boundary line, unless the Board of Adjustment determines by special exception that an alternative design would adequately blend into the surrounding environment, or that the required antennas cannot be supported by a monopole.
  - (c)** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 3. Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- 4. Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When

incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

5. **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
6. **Accessory Utility Buildings.** All utility buildings and structures accessory to a tower shall meet all the requirements of the underlying zoning district. Exterior ground-mounted equipment occupying more than 50 square feet, if visible from ground level, shall be screened from view from property within 300 feet used for residential purposes.
7. The following setback requirements shall apply to all towers; provided, however, that the Board of Adjustment may modify the requirements by special exception.
  - (a) Towers must be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line of a residential-, office- or agricultural-zoned lot, excluding expressway rights-of-way zoned residential.
  - (b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
8. **Security fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height or shall be equipped with an appropriate anti-climbing device; provided, however, that the Board of Adjustment may modify or waive such requirements by special exception.

**D. Antennas and Towers Permitted by Administrative Approval.** Antennas or towers, except those approved or requiring approval by the Board of Adjustment (Section 1204.3.E), shall be permitted by right, provided a permit is obtained from the County Building Inspector prior to construction and provided that the towers shall comply with the following standards.

1. When located in C, I, or IR zoning districts, provided that towers shall be set back from an R District boundary line one hundred ten percent (110%) of the height of the tower measured at grade. The setback may be modified by special exception by the Board of Adjustment pursuant to Section 1608 of this code; or,

2. When antennas are to be attached to a roof or wall of buildings in commercial or industrial zones, or to office or multi-family buildings of two or more stories, or to institutional buildings such as schools, churches and hospitals with existing architectural elements more than thirty-five (35) feet tall, provided that:

(a) An antenna does not extend more than twenty (20) feet above the highest point of the building, or if located on an architectural feature such as a steeple or bell tower, does not protrude above that structure; provided, however, that the Board of Adjustment may modify such requirements by special exception; and

(b) The antennas comply with all applicable FCC and FAA regulations; and

(c) The antennas comply with all applicable building codes.

3. When antennas are to be attached to an existing tower, government owned buildings or structures; and/or water storage tanks;\*

4. When the tower is to be modified or reconstructed to accommodate the collocation of antennas; and

(a) The tower is of the same type as the existing tower or is to be constructed as a monopole; and

(b) The modification or reconstruction does not exceed thirty (30) feet over the height of the existing tower and all requirements of Section 1204.C. are met.

E. **Antenna and Towers Requiring Special Exceptions.** If a tower or antenna is not permitted pursuant to Section 1204.3.D. of this chapter, a special exception shall be required for the construction of a tower in all zoning districts.

1. **Factors to be considered in granting a special exception.** In addition to any other requirements of this section, the following factors shall be considered in the determination to grant or deny a special exception for an antenna or tower:

\* modified at the TMAPC meeting.

- (a) Height of the proposed tower;
  - (b) Proximity of the tower to residential structures, residential district boundaries and existing towers;
  - (c) Nature of uses on adjacent and nearby properties;
  - (d) Surrounding topography;
  - (e) Surrounding tree coverage and foliage;
  - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (g) The total number and size of antennas proposed and the ability of the proposed tower to accommodate collocation;
  - (h) Architectural design of utility buildings and accessory structures to blend with the surrounding environment.
  - (i) Proposed ingress and egress;
  - (j) The need of the applicant for a communications tower within the immediate geographic area to provide an acceptable level of communications service to the area;
  - (k) The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical facts.
2. Collocation. Collocation of facilities should be encouraged wherever practical by allowing reasonable extra height or tower diameter necessary to support multiple antennas.
3. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is required; provided, however, that the Board of Adjustment may modify or waive such requirements by special exception.
- (a) Tower facilities shall be landscaped with a continuously maintained buffer or plant materials that effectively screen the view of the tower compound from property within 300 feet



used for residential purposes. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

4. The findings of the Board of Adjustment as to each of these factors shall be made on the record and contained in the written minutes of the meeting.

F. **Removal of Abandoned Antenna and Towers.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the County Building Inspector notifying the owner of such abandonment. Failure to remove the abandoned antenna or tower within said ninety (90) days shall be grounds for the Board of County Commissioners to remove the antenna or tower at the owner's expense.

G. **Existing Towers and Antenna.** Antennas and towers lawfully existing at the time this ordinance is adopted shall be allowed to continue their usage as they presently exist. Routine maintenance, including antenna replacement, shall be permitted on such existing towers. New construction other than routine maintenance shall require compliance with the requirements of this ordinance.

1204.4 **Off-Street Parking and Loading Requirements:** None

## **SECTION 1680. SPECIAL EXCEPTION**

### **1608.1 General**

The Board of Adjustment upon application and after hearing subject to the procedural and substantive standards hereinafter set forth, may grant the following special exceptions:

- A. Special Exception Uses as designated and regulated within the permitted use provisions of the zoning district.
- B. Special Exception Uses as designated within Chapter 10, Floodway Zoning District.

- C. The change of a nonconforming use as provided in Section 1420(F), Chapter 14, Nonconformities.
- D. The restoration of a partially-destroyed structure containing a nonconforming use as provided in Section 1420(G), Chapter 14, Nonconformities.
- E. The restoration of a partially-destroyed nonconforming structure as provided in Section 1450, Chapter 14, Nonconformities.
- F. The modification of a screening requirement, as provided in Section 240.2 and Section 250, Chapter 2, District Provisions: General.
- G. Off-Street Parking use of property located within a Residential District, when the property is abutting an Office, Commercial, or Industrial District.
- H. Reduction in the minimum setback distances as set forth in Section 1224(a).3 Use Conditions, for oil and gas wells and related storage tanks.
- I. Drilling of oil and gas wells located within residential subdivisions zoned AG, AG-R, RE and RS.

**J. Antennas and Supporting Structures as provided in Section 1204.3.E.**

**1608.2 Application**

A request for a Special Exception shall be initiated by the filing of an application with the Board, and shall be set for public hearing by the Clerk in accordance with the rules established by the Board.

**1608.3 Board of Adjustment Action**

The Board of Adjustment shall hold the hearing, and upon the concurring vote of three members may grant the Special Exception after finding that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Provided that the Board in granting a Special Exception shall prescribe appropriate conditions and safeguards, and may require such evidence and guarantee or bond as it may deem necessary to enforce compliance with the conditions attached.

**Interested Parties Comments:**

**Vicki Hale**, 100 West 5<sup>th</sup>, Suite 1000, stated she is a representative of Southwestern Bell Wireless. She questioned clarification on Section 1204.D.3 in regard to Tulsa County-owned buildings or structures.

**Rosie Moon**, 6601 East 60<sup>th</sup> Place, inquired about the requirements or policies on the water tanks located in agricultural-zoned land on 61<sup>st</sup> Street.

**TMAPC Comments:**

Mr. Doherty stated the City Code was amended by the City Council; the structure of the County Code is somewhat different and necessitated a different approach to the drafting of language, although the substance is the same.

In regard to Ms. Hale's question, Mr. Doherty asked whether "Tulsa County-owned buildings or structures" should read "publicly owned" or "government-owned". Mr. Stump stated the wording could be changed. Commissioner Dick replied "government-owned" would be acceptable.

In regard to Ms. Moon's inquiry, Mr. Doherty stated the water tanks are located on City-owned property and would fall under the City Code. The proposed amendments are to the Tulsa County Zoning Code for land that is not annexed to any municipality.

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Jackson, Ledford "absent") to recommend **APPROVAL** of proposed amendments to the Tulsa County Zoning Code in regard to regulation of communication towers, noting the modification to Section 1204.D.3, and as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** PUD-559/Z-5888-SP-1 (Tracts B & C) (PD-18) (CD-8)

**Applicant:** Charles E. Norman

**Location:** North and east of East 91<sup>st</sup> Street and South Mingo Road

*(A multi-use PUD and Corridor Site Plan for apartments, offices, hospitals, nursing home, residential treatment center, helipad, retirement center, scientific research and development and other uses.)*

*(Applicant requests a continuance to July 16 or 23, 1997.)*

**Staff Comments:**

Mr. Stump stated the request for continuance is a result of the negotiations between the current owners and TCC and possible amendments to the proposed development. Therefore, Mr. Norman is requesting additional time to allow a meeting between the interested parties.

Mr. Stump stated Mr. Norman requested continuance to either July 16 or July 23, 1997. After some discussion, the Commission and staff agreed upon July 16, 1997.

**Interested Parties Comments:**

Mr. Doherty asked if there were any interested parties, and if so, whether they objected to the continuance of this item to July 16, 1997. One individual stated she had no objection to the continuance; that she was only at the meeting to observe this particular item.

Mr. Doherty asked Mr. Jones to meet with the interested party to provide her information on the applicant.

**TMAPC Action; 6 members present:**

On **MOTION** of **DICK**, the TMAPC voted **6-0-0** (Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Gray, Jackson, Ledford "absent") to **CONTINUE** the Zoning Public Hearing for PUD-559/Z-5888-SP-1 - Tracts B and C to July 16, 1997 as requested by the applicant.

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**ZONING PUBLIC HEARING:**

**Application No.:** PUD-413-B-3 (PD-10) (CD-4)

**Applicant:** Dewayne Wilkerson

**Location:** Northeast corner Gilcrease Museum Road and Keystone Expressway

**Application Presented by:** Dewayne Wilkerson

*(Minor Amendment to modify required landscaping on QT site.)*

**Mr. Westervelt stated he would be abstaining from this item due to conflict of interest but remained on the dais to maintain quorum.**

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to allow modification of the approved landscaped buffer along Gilcrease Museum Road from 20 feet in width (to the property line) to seven feet in width to facilitate the addition of four gasoline pumps and vehicle ingress and egress.

The site plan proposes removing approximately 160 feet of existing curb and gutter and relocating an existing fire hydrant and ground sign to facilitate the expansion of the five-pump gasoline service area with four additional pumps. With the expansion to the south, the applicant is proposing the elimination of almost half of the existing landscaped berm abutting Gilcrease Museum Road.

The proposal does, however, maintain the existing height and screening effect of the berm, which serves to screen automobile traffic from the surrounding residential areas.

The proposal calls for the construction of a "versa-lok" rock wall to retain the southern portion of the berm and maintain its height while holding soil on slope. The site plan indicates berm and planting areas are being relocated slightly closer to the sidewalk running east and west along Gilcrease Road. The proposal also calls for the installation of a new curb and gutter four feet north of the wall and the installation of new trees and plantings.

Staff has reviewed the proposal and finds the revision to the approved site plan continues to conform to the required landscaped area of the Landscape Chapter of the Code. The proposed modifications to the existing berming continues to provide the required screening effect of the berm stipulated in the approved PUD development standards but reduces the required 20-foot landscape strip along Gilcrease Museum Road. The proposal allows marginally adequate ingress and egress to the fueling areas but does not affect access to the retail grocery portion of the site. The proposed relocation of the ground sign is indicated to be within an existing 17.5 utility easement.

Staff, therefore, recommends **APPROVAL** of the minor amendment to reduce the landscape strip along Gilcrease Road to seven feet from the required 20 feet in Development Area 1 with the following conditions:

That the applicant receive City permission to relocate the existing ground sign within a utility easement.

**NOTE:** Minor Amendment approval and approval of a revised site and sign relocation plan do not constitute landscape plan approval. A Landscape Plan must be submitted indicating existing and proposed revisions to the approved landscape plan.

**There were no interested parties wishing to speak.**

**TMAPC Comments:**

Mr. Midget expressed concern with the need for landscaping to buffer the surrounding residential neighborhood. Mr. Stump replied currently there is just grass on the store side of the berm and the change would not have a large amount of impact on the customers. Mr. Stump stated the landscaping on the streetscape has been preserved by cutting off a portion of the down-slope toward QuikTrip and leaving most of the landscape area on the street side. Due to the elevation, the landscaping on the QuikTrip side will not be noticed from the street.

Mr. Horner asked when this case was first reviewed. Mr. Doherty replied this case has had a long history. The most recent case in this area was the Braums and the issues of a berm on the north side of the facility. However, Braums installed the berm and it looks very nice.

Mr. Doherty feels with the frontage on Gilcrease Museum Road, the modification to the landscaping will only affect the view from the store and not the view from the street.

Mr. Stump pointed out the detail site plan that was included in the agenda packet.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **5-0-1** (Dick, Doherty, Horner, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Carnes, Gray, Jackson, Ledford "absent") to **APPROVE** the Minor Amendment PUD-413-B-3 to reduce the landscape strip along Gilcrease Road to 7 feet from the required 20 feet in Development Area 1 with the condition that the applicant receive City permission to relocate the existing ground sign within a utility easement as recommended by staff.

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**OTHER BUSINESS:**

**AC-016 Union Public Schools/David Huey** (PD-18) (CD-7)

North of northwest corner 71<sup>st</sup> Street and South Mingo Road

*(Alternative Compliance to relocate the required parking lot trees to the southern and southeastern boundaries of the property.)*

**Staff Recommendation:**

The applicant is requesting approval of a request to substitute the location of the planting of 42 required parking lot trees for a new 495-space parking lot. The request seeks alternative landscape compliance to plant the required 42 trees on the southern and southeastern boundary of the property rather than within the new parking area.

The existing parking serving the high school, stadium and athletic fields is not irrigated and the applicant is not proposing to irrigate the proposed new parking area or the areas of substitute planting. The balance of the school site, including the street yard along Mingo Road, is minimally landscaped.

Staff has reviewed the application and finds that without an irrigation system the required parking lot trees are unlikely to survive. The applicant proposes the irrigation of the trees along the access drive with a watering truck. The substitute location will provide a screening buffer between the high school and CS District uses to the south.

Although not meeting the intent and purpose of the Alternative Compliance section of the Landscape Chapter, the applicant's request attempts to provide trees on the southern portion of the school site. Staff recommends **APPROVAL** of the applicant's request with the following conditions:

That the trees installed be irrigated with an approved underground sprinkler or drip system per Section 1002 D(2) of the Tulsa Zoning Code.

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **5-1-0** (Dick, Horner, Midget, Pace, Westervelt "aye"; Doherty "nay"; none "abstaining"; Boyle, Carnes, Gray, Jackson, Ledford "absent") to **APPROVE** Alternative Compliance AC-016 to relocate the required parking lot trees to the southern and southeastern boundaries of the property, subject to the trees installed be irrigated with an approved underground sprinkler or drip system per Section 1002 D(2) of the Tulsa Zoning Code as recommended by staff.

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**PUD-179-S Danny Mitchell (Tract A of Dev. Area C)** (PD-18) (CD-8)  
South of southeast corner East 71<sup>st</sup> Street South and South 92<sup>nd</sup> East  
(*Site Plan for a retail center.*)

**Staff Recommendation:**

The applicant is requesting site plan approval to build a 12,300 square foot retail center on a 59,814 square foot site.

Staff has reviewed the site plan and finds it conforms to bulk, area, setback, access, circulation and landscaped area PUD standards as amended.

Therefore, staff recommends **APPROVAL** of the site plan as submitted.

**NOTE:** Site Plan approval does not constitute landscape or sign plan approval.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Dick, Doherty, Horner, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Gray, Jackson, Ledford "absent") to **APPROVE** the Site Plan for Tract A of Dev. Area C PUD-179-S for a retail center as recommended by staff.

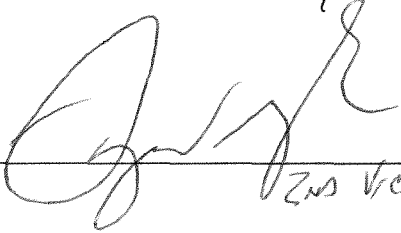
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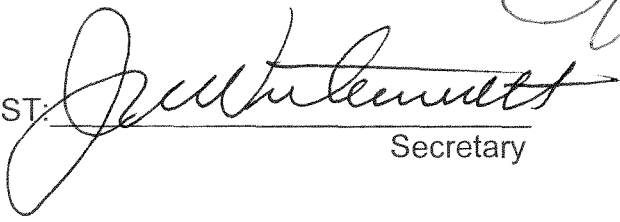
Mr. Horner and the Planning Commission members recognized Ms. Millie Ballard for her services and presented her with a crystal trophy acknowledging her services.

Ms. Ballard stated she has enjoyed serving on the Planning Commission. She stated it was a great experience and she has met some wonderful people along the way.

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

Date Approved: 6/4/97

  
\_\_\_\_\_  
2nd Vice Chairman

ATTEST:   
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Secretary