

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1842  
Wednesday, June 26, 1991, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Carnes	Gardner	Linker, Legal
Doherty, 1st Vice Chairman	Harris	Russell	Counsel
Draughon		Stump	
Horner			
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmeale, Chairman			
Wilson, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, June 25, 1991 at a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:40 p.m.

**Minutes:**

Correction to the Minutes: Mr. Neely advised that in the minutes of June 12, 1991 the motion to approve PUD 417-B showed him as voting in favor of the motion. Mr. Neely stated he had abstained from the vote and asked that the minutes reflect that. Chairman Parmele asked if there were any objections.

Approval of the minutes of June 12, 1991, Meeting No. 1840:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Ballard, Doherty, Draughon, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Midget "absent") to **APPROVE** the minutes of the meeting of June 12, 1991 Meeting No. 1840 as corrected.

**REPORTS:**

Committee Reports:

Mr. Neely advised that the Comprehensive Plan Committee had met to review the Stormwater Management Plan and would give a recommendation at the hearing.

Mr. Doherty stated that the Rules and Regulations Committee met earlier today to discuss further modification to the Zoning Code as it relates to dance halls. Language regarding the screening of junk and salvage yards was also received and would be presented to the full Commission on July 10, 1991. Regarding dance halls, the Committee did not feel it had sufficient information at this time

to make a recommendation. It was their consensus that the public hearing should be one in which the Commission listened to determine the concerns and the problem.

\* \* \* \* \*

**PUBLIC HEARING**

**TO AMEND THE CITY OF TULSA ZONING CODE  
AS IT RELATES TO THE DEFINITION AND  
REGULATION OF DANCE HALLS**

Mr. Gardner advised that on December 11, 1990 a letter was received from Don Cannon, Council Administrator, on behalf of Councilor Benjamin, requesting that a study be conducted to look into regulation of dance halls. Later Councilor Benjamin requested that a public hearing be set regarding the definition and regulation of night clubs, specifically dance halls.

Mr. Gardner briefly discussed and explained the proposals staff had developed. He advised that staff was in favor of Alternative C.

**Proposed Dance Hall Amendments**

**SECTION 1212**

**2. Entertainment and/or Drinking Establishments such as:**

- Bar
- Dance hall
- Motion picture theater (enclosed)
- Night club
- Tavern
- Youth recreational facility (as defined in Title 21)

**C. Use Conditions**

1. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

-Alternative A-

2. Dance Halls, when operated as a principal use or when operated as an accessory use to the principal uses in this Use Unit, shall be setback a minimum of 300 feet from a church, school, park and from areas zoned residential; provided, however, that the Board of Adjustment may reduce this setback requirement by special exception under the provisions of Section 1608 of this Code if the dance floor is 250 SF or less in size.
  - a. Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 300 feet shall be measured to the nearest building wall of the portion of the building used for church purposes.
  - b. School, of the type which offers a compulsory curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the school.
  - c. For a park, the 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point on the property of the park.
  - d. For areas zoned residential, the 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located, to the nearest point on a Residential Zoning District boundary line (not including residentially zoned expressway right-of-way).

**SECTION 1608**

10. Satellite antennas which do not meet all of the standards as set forth in Section 217 of this Code.
11. The modification of permitted yard obstructions as provided in Chapter 2, Section 240.B.3.
12. Permit residential accessory uses and structures on abutting residentially zoned lots which are under common ownership.
13. **Reduction of the setback requirement as setforth in Chapter 12, Section 1212.C.2.**

**B. 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.

**C. 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 special dxception 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.

**D. Time Limitation on Special Exceptions**

A special exception which has not been utilized within three years from date of the order granting same shall thereafter be void, provided that the Board has not extended the time for utilization. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion.

-Alternative B-

2. Dance Halls, which have dance floors in excess of 250 SF, when operated as a principal use or when operated as an accessory use to the principal uses in this Use Unit, shall be setback a minimum of 300 feet from churches, schools, parks and from areas zoned residential.
  - a. Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 300 feet shall be measured to the nearest building wall of the portion of the building used for church purposes.
  - b. School, of the type which offers a compulsory curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the school.
  - c. For a park, the 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point on the property of the park.
  - d. For areas zoned residential, the 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located, to the nearest point on a Residential Zoning District boundary line (not including residentially zoned expressway right-of-way).

Section 1608.A.13 can be deleted under this alternative.

-Alternative C-

2. Dance Halls, which have dance floors in excess of 250 SF, when operated as a principal use or when operated as an accessory use to the principal uses in this Use Unit, shall be setback a minimum of 300 feet from a church, school, and from areas zoned residential; provided, however, that the Board of Adjustment may reduce this setback requirement by special exception under the provisions of Section 1608 of this Code.
  - a. Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the church. Provided, however, for a church use located in a building principally used for commercial or office purposes (as in a shopping center), the 300 feet shall be measured to the nearest building wall of the portion of the building used for church purposes.
  - b. School, of the type which offers a compulsory education curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school building(s) irrespective of any interior lot lines. The 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located to the nearest point of the school.
  - c. For areas zoned residential, the 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which a dance hall is located, to the nearest point on a Residential Zoning District boundary line (not including residentially zoned expressway right-of-way).

Staff recommends Alternative "C".

**Interested Parties:**

**Councilor John Benjamin, District 7**

**200 Civic Center**

He advised that there isn't anything on the books at this time to prevent a large dance hall from going in close to churches, single

family homes and schools. This has created a public nuisance situation because large dance halls generate a lot of loud music and crowds. He advised he was in favor of Alternative C.

**Eugene Colleoni** 1534 S. Delaware Ave.  
Mr. Colleoni recommended that the Planning Commission look into using a decibel meter to regulate the dance halls for sound which seems to be a main concern. He stated this would automatically tone down the businesses.

**John Willis** 5629 S. St. Louis  
Mr. Willis is a night club owner in the area. He is a sound specialist and has worked sound and lighting work for night clubs previous to becoming a night club owner. He stated that requiring setbacks from residential areas is not going to solve the noise complaints. The noise problem can be solved by properly tuning the sound systems. He was in favor of a noise ordinance and stated he would be happy to assist in any way.

TMAPC Action; 9 members present:

On MOTION of DOHERTY, the TMAPC voted 9-0-0 (Ballard, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, "absent") to CONTINUE the Public Hearing to Amend the Zoning Code as it relates to the definition and regulations of dance halls until July 24, 1991 at 1:30 p.m. in the City Council Room, Plaza Level, Civic Center.

\* \* \* \* \*

**PUBLIC HEARING TO CONSIDER ADOPTING THE  
CITY OF TULSA FLOOD AND STORMWATER MANAGEMENT  
PLAN: 1990-2005 AS A PART OF THE COMPREHENSIVE PLAN  
FOR THE TULSA METROPOLITAN AREA**

Mr. Neely advised that the Comprehensive Plan Committee has reviewed the document and has received an extensive presentation from the Department of Public Works/Stormwater Management. The Committee unanimously recommended approval of the Plan.

Chairman Parmele commented that during the Committee meeting a question arose regarding the expenditure of public funds for the enhancement of private properties. Mr. Linker commented that he has been assured by Charles Hardt, Director of Public Works, and Ruben Hays that there will be no expenditure of public funds to improve private property by improving private buildings. The funds will be spent on public ways and to encourage private owners to floodproof.





2. **Development Standards:**

Land Area (Gross)	35,281 SF
(Net)	24,909 SF

Permitted Uses:

Principal and accessory uses permitted as a matter of right in the OL district and a drive-in banking facility.

Maximum Building Floor Area: Existing 4,153 SF)	4,500 SF
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Maximum Building Height:	28 FT
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Minimum Building Setbacks:

From the centerline of E. 21st Street--existing	50 FT
From the centerline of S. Yorktown Ave.--existing	50 FT
From the north property line	100 FT
From the west property line	65 FT*

Off-Street Parking:	19 spaces
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Minimum Internal Landscaped Open Space:	30%**
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Signs:

The existing ground sign on East 21 Street and building wall signs will be retained. Directional and informational signage for the automated teller machine, the drive-in banking facility entrance and lanes may be erected as permitted by the TMAPC in the detailed site plan review.

\*The canopy over drive-in banking lanes within the south 50' of the property may be extended to 25' from the west property line.

\*\*Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas, and pedestrian areas but does not include any parking, building or driveway areas.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

4. 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 approved 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.

5. 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.
6. All trash and mechanical equipment areas shall be screened from public view.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 5 feet and shall not be within the north 30' of the PUD.
8. The Department of Public Works (Stormwater Management) 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.
9. No Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

Applicant's Comments:

Mr. Charles Norman, attorney, was present representing the applicant. The number of drive-in transactions has increased significantly over the past few years. During peak periods of banking, the drive-in facility has experienced problems with stacking of cars. He submitted photographs taken during one of these peak periods to support his comments. There have been numerous neighborhood complaints regarding the stacking of cars on Yorktown Avenue.

Heavy landscaping is proposed for the PUD. Mr. Norman has had discussions with John Moody, attorney for the abutting neighbor, Mr. and Mrs. Jess McCollum, and has agreed to amend the landscaping plan to move the fence from its present location (6 inches south of the property line) an additional one foot farther south. Mrs. McCullom felt there would not adequate access to the side of her home for mowing, etc. He therefore requested that their proposal be amended to reflect that the face of the screening fence columns would be 1 1/2' south of the McCullom's property line.

The plan also relocates an existing gas regulator to place it in a safer location.

Comments & Discussion:

Ms. Wilson inquired whether the exit out of the bank would be "right turn only". Mr. Norman clarified that they planned on having signs making the exit onto 21st "right turn only". Mr. Midget asked if the neighbors to the north protested this proposed plan. Mr. Norman advised that he had negotiated with them and their attorney has informed him that they have now withdrawn their protest.

Interested Parties:

**Dorothy Maples**

**2004 South Yorktown**

Ms. Maples was concerned about the placement of the trash dumpster and the gas regulator against their lot lines. She commented that stacking cars parallel to the side of their property would inundate their homes with fumes from the idling cars.

**W. N. Tuttle**

**1915 S. Yorktown**

He presented a letter from Sharry White, City of Tulsa Board of Adjustment, in protest of the expansion of Sooner Federal. Secondly, he presented a petition, containing over 50 signatures, protesting the same. He commented that the stacking problem was a result of too few workers operating the drive-in facilities. He suggested that Sooner Federal expand to the west, where the property is already zoned for commercial use, completely eliminating any ingress or egress onto Yorktown Avenue. The other option would be to eliminate the drive-in facility altogether. He commented that increasing the amount of idling vehicles would be bad for the environment.

**John Moody**

Mr. Moody represents Jess and Anita McCollum who own the residence to the north side of the subject property. Originally they did not support the application. They have negotiated with the applicant who has agreed to relocate the fence and to limit the lighting standards. With those modifications, Mr. Moody was authorized to withdraw their protest although that they were not supporting the application.

**Don Morrell**

**1524 South Yorktown**

Mr. Morrell commented that he felt this would be moving the problem farther north on Yorktown. He suggested that in some way traffic should be funneled from 21st Street. He did not see where this application would solve any problems.

Applicant's Rebuttal:

Mr. Norman commented that in the negotiations with the McCollums a maximum height of 4' for the light standards was agreed upon. He addressed the issue brought up about entering from 21st Street. This would result in the drive-in facility being located closer to the neighborhood to allow the same amount of stacking. He advised that fumes from the automobiles would not significantly contribute to lowering the air quality.

TMAPC Review Session:

Mr. Horner questioned the traffic flow in the area. He did not feel it would be easy for traffic to exit onto 21 Street going west. Mr. Norman commented that he has been involved in the traffic study for the area. He advised that the traffic light at Wheeling Avenue provides an interruption thereby helping Sooner Federal traffic to enter 21 Street.

Mr. Midget stated that he shared the concerns of Mr. Horner. He felt the number of drive-in transactions would increase. Mr. Norman replied that the bank would still be the same distance from the other branches. The number of customers will not increase, only the existing load will be able to be serviced more quickly. He further advised that 63 is the average number of drive-in customers on a busy afternoon and 21 cars can be stacked on site with the new plan. Therefore, even if the number of drive-in customers increased, it could double or possibly triple in number and still not result in stacking on the street.

Chairman Parmele advised that he was in favor of the proposal and felt it would significantly improve the current conditions.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 7-1-0 (Ballard, Doherty, Draughon, Horner, Parmele, Wilson, Woodard, "aye"; Midget "nay"; no "abstentions"; Carnes, Harris, Neely "absent") to RECOMMEND to the City Council APPROVAL of PUD 471 subject to the conditions as recommended by staff, with the following amendments: 1) the screening fence shall be placed 1 1/2' south of the northern property line; 2) lighting can be in the northern 30' of the property if it is a maximum of 4' high; 3) right turn only shall be required onto 21st Street; and 4) handicapped parking shall be moved as close to the entrance of the bank building as is feasible.

\* \* \* \* \*

**SUBDIVISIONS:**

**FINAL APPROVAL AND RELEASE:**  
**Higher Dimensions (1383)**

**8621 S. Memorial Dr.**

Staff Recommendation:

Mr. Stump advised that all releases had been received and staff recommended approval.

TMAPC Action; 8 members present:

On MOTION of **WOODARD**, the TMAPC voted **8-0-0** (Ballard, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Neely "absent") to **APPROVE** the Final Plat of Higher Dimensions as **RELEASE** same as having met all conditions of approval.

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**OTHER BUSINESS:**

**PUD-417-B      Detail Landscape plan for the southeast corner of Area A -- northeast corner of Wheeling Avenue and East 21st Street South**

Staff Recommendation:

Staff has reviewed the Detail Landscape plan for the southeast corner of Development Area A and finds it to be in conformance with the PUD requirements and therefore recommends **APPROVAL**.

TMAPC Action; 8 members present:

On MOTION of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Neely "absent") to **APPROVE** the Detail Landscape Plan for Development Area A for **PUD 417-B** as recommended by staff.

\* \* \* \* \*

**PUD 410-A      Detail Landscape Plan for Junior League tract in Area A -- south of the southeast corner of South Yale Avenue and East 36th Street**

Staff Recommendation:

Staff has reviewed the proposed Detail Landscape Plan for the Junior Leagues portion of Area A and finds it in compliance with the PUD conditions.

The applicant has requested a deferment of the installation of all shrubs and trees until March, 1992 to permit the best selection of plant materials and to maximize the survival rate of the plants. All landscaped areas would be grassed and the irrigation system installed prior to installation of the shrubs.

Staff recommends **APPROVAL** of the Detail Landscape Plan and the request to allow occupancy prior to installation of the plantings called for in the plan, so long as installation is completed by

March 31, 1992 and the irrigation system is installed and all landscaped areas are grassed prior to issuance of an occupancy permit.

TMAPC Action; 8 members present:

On MOTION of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Neely "absent") to **APPROVE** the Detail Landscape Plan for Development Area A for PUD 410-A subject to the conditions as recommended by staff.

\* \* \* \* \*

**PUD 386: Revised Detail Site and Landscape Plans  
North of the NE/c of 91st St. S. and Memorial Dr.**

Staff Recommendation:

The staff has reviewed the revised site and landscape plans and finds them to be in conformance with the PUD conditions with the notation that the screening fence on the south side of the PUD must be extended to within 250' of the eastern boundary of the PUD when dwellings are developed in PUD 488 to the south.

Therefore, Staff recommends APPROVAL of the revised Detail Site and Landscape Plans subject to the above stated condition.

TMAPC Action; 8 members present:

On MOTION of **WOODARD**, the TMAPC voted **8-0-0** (Ballard, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Neely "absent") to **APPROVE** the revised Detail Site Plan and Detail Landscape Plan for PUD 386 subject to the condition as recommended by staff.

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**PUD 179-C: Detail Sign Plan - Development Area B, Village Inn  
West of the SW/c of E. 71st St. S. and 85th E. Ave.**

Staff Recommendation:

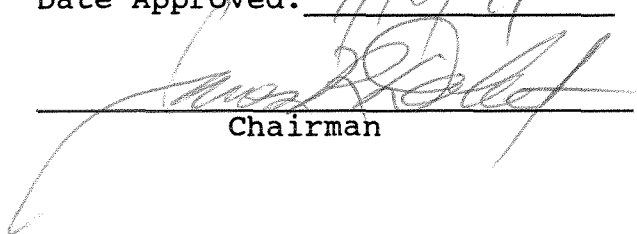
Staff has reviewed ground sign plans for the Village Inn Restaurant in Development Area B of PUD 179-C. It is in conformance with the PUD requirements of a maximum height of 25' and display surface area of 120 sf. The proposed sign is 25' in height and contains 108 sf of display surface area. It also complies with the setback and spacing requirements of the PUD chapter.

Therefore, staff recommends APPROVAL of the Detail Sign Plan for a ground sign in Development Area B.

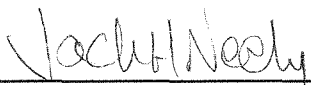
TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Ballard, Doherty, Draughon, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Harris, Neely "absent") to APPROVE the Detail Sign Plan for Development Area B for PUD 179-C Village Inn as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:42 p.m.

Date Approved: 7/10/91  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

