

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2174

Wednesday, September 9, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Boyle	Dunlap	Romig, Legal
Harmon	Ledford	Huntsinger	Counsel
Horner		Stump	
Jackson			
Midget			
Pace			
Selph			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, September 4, 1998 at 10:14 a.m., posted in the Office of the City Clerk at 10:09 a.m., as well as in the office of the County Clerk at 10:04 a.m.

After declaring a quorum present, Vice Chairman Westervelt called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of August 26, 1998, Meeting No. 2172:

On **MOTION** of **SELPH** the TMAPC voted **8-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Ledford "absent") to **APPROVE** the minutes of the meeting of August 26, 1998 Meeting No. 2172.

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REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Westervelt reported that there was a Rules and Regulations Committee meeting today at 11:30 a.m. to discuss a change in the ordinance to allow political signs in the street rights-of-way. He stated that there was no action taken and a motion was made to meet again on October 7, 1998 at 11:30 a.m. to discuss this issue further.

Director's Report:

Mr. Stump reported that there are two items on the City Council agenda. He indicated that the two items are the report on Special Residential Facilities Task Force and the update of the City of Tulsa Stormwater and Floodplain Management Plan, which the TMAPC recommended to City Council to approve.

Mr. Westervelt indicated that he will represent the TMAPC at the City Council Meeting.

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Zoning Public Hearings:

PUD-595/Z-5970-SP-3 – Charles E. Norman

CO TO PUD/CO

West side Mingo Valley Expressway, north of East 71st Street.
(PUD and Corridor Site Plan)

(PD-18) (CD-8)

Staff Recommendation:

The PUD/Corridor Site Plan proposes a retail furniture sales center. The retail showroom and special-ordered furniture will be served by a warehouse and storage floor area within an adjoining and connected two-story building. The proposed development standards would provide for expansion of the furniture center and additional commercial use.

The tract currently has no public street frontage but the applicant is proposing to extend 101st East Avenue north along the PUD's western boundary.

The subject tract is abutted on the north and west by vacant land, zoned CO; to the south by a multi-use shopping area, zoned CO/PUD-481; and to the east by the Mingo Valley Expressway, zoned AG. The Oklahoma Department of Transportation 1995 traffic counts indicate 42,089 trips per day on East 71st Street at the Mingo Valley Expressway. The intensity of the proposed PUD if only accessed from 71st Street would place an unreasonable burden on the existing road system. South 101st East Avenue must be extended to East 66th Street South, which connects to Mingo Road to provide adequate access. Unless this connection is made as part of this PUD, staff cannot support the proposed intensity of use. Higher intensity uses are potentially allowed only in Corridor districts because they are to have convenient access to high-capacity, metropolitan transportation facilities. Corridors should have appropriate access through the use of Corridor Collector Streets to primary and secondary arterial streets.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-595 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-595 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: 19.0 Acres 827,640 SF

Permitted Uses:

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; 11, Offices and Studios; 12, Entertainment Establishments and Eating Establishments other than Drive-ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 23, Warehousing and Storage Facilities for the storage, repair, service and distribution of furniture, furnishings, equipment, products and supplies, displayed and sold within Mathis Park, provided no exterior display or storage shall be permitted, and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area: 500,000 SF

Maximum Land Coverage of Buildings Per Lot: 30 %

Maximum Building Height: 40 FT

Architectural elements may exceed the maximum building height with Detail Site Plan approval.

Minimum Lot Frontage on Corridor Collector Street: 150 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum Building Setbacks:

From the centerline of South 101 st East Avenue	110 FT
From the north boundary	40 FT
From the south boundary	40 FT
From the Mingo Valley Expressway right-of-way	50 FT

Landscaped Area:

A minimum of 10% of the net lot area of each lot shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

Signs:

Signs accessory to permitted principal uses shall be permitted, subject to compliance with the Tulsa Zoning Code and the following standards:

- 1) Ground signs fronting 101st East Avenue shall be limited to one per lot except as provided for in item three below. Each sign shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 150 square feet of display surface area. No sign shall exceed 20 feet in height.
- 2) Wall signs shall be permitted not to exceed 1.0 square foot of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.
- 3) One monument sign shall be permitted at the entrance to the PUD from South 101st East Avenue with a maximum of 64 square feet of display surface area and six feet in height.
- 4) One business sign shall be permitted along the Mingo Valley Expressway right-of-way with a maximum of 500 square feet of display surface area and 40 feet in height; the business sign shall be set back a minimum of ten feet from the expressway right-of-way; 300 feet from the south boundary of the PUD; and 200 feet from the north boundary of the PUD.
- 5) The existing outdoor advertising sign shall be removed prior to any a sign permits for the one business sign permitted along the Mingo Valley Expressway right-of-way being issued within the PUD.

Vehicular Access and Circulation:

The primary access to the property will be provided by an extension of the existing corridor collector street, South 101st East Avenue, from the northwest boundary of Mingo Market Place to a connection with East 66th Street South. The private frontage road at the northeast corner of Mingo Market Place shall be extended from the southeast corner of the PUD, along the eastern edge of the tract, to the northern boundary of the property. This private frontage road shall be open to the public and abutting property owners and shall allow future extension to the north when that tract is developed. The extension of 101st East Avenue to East 66th Street South will be constructed as a collector street and dedicated to the public as part of the platting process, and both 101st East Avenue and the eastern frontage road shall be constructed prior to the issuance of any Occupancy Permit in the PUD.

3. No Zoning Clearance Permit shall be issued for buildings within the PUD until a Detail Site Plan, which includes all such buildings and required parking and landscaping areas, 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 approved prior to issuance of a building permit. 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, mechanical, and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential area abutting the PUD.

8. The Department 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.
9. No Building Permit shall be issued until the requirements of Section 1170F 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff recommends, if PUD-595 is approved, that Z-5970-SP-3 be approved subject to the conditions in the applicant's corridor site plan as amended by the PUD-595 development standards.

There were no interested parties wishing to speak.

Applicant's Presentation:

Charles Norman, 2900 Mid-Continent Building, representing Mathis Brothers, stated that his client proposes to construct a major retail furniture center on the subject property. He explained that his client has special orders and needs somewhere to store the orders and maintain a large inventory for display on the showroom floor.

Mr. Norman stated that the subject property is a 19-acre tract and within the Corridor District and immediately north of the Mingo Market Place. He expressed concerns with staff's recommendation regarding signage regarding the existing billboard sign and restrictions because of the existing sign. He explained that there is an existing billboard sign on the subject property, which has been located on the subject property longer than is permitted. He stated the billboard has not been removed and staff is recommending that the existing billboard be removed before any sign permit is issued. He requested the Planning Commission to modify the recommendation to read that the existing billboard must be removed before the business sign that is permitted under item four be permitted. He explained that his client would like to erect a large sign on the expressway frontage advertising Mathis Brothers Furniture and this sign should not be permitted until the existing billboard is removed. He stated that signage on the interior of the project should be allowed if his client is unable to accomplish the removal of the billboard by the time of the store opens.

Mr. Norman stated that the second item of concern pertains to the Detail Site Plan standard requirement. He indicated that the standard requires a Detail Site Plan, which includes all buildings being submitted at the initial development. He explained that the subject property is a 19-acre tract and he doubts that the other buildings will be proposed for development at the time the furniture facility is instituted. He requested

that the Planning Commission modify the requirement of the Detail Site Plan being submitted for all buildings and allow for a partial Detail Site Plan being submitted as done in many other PUD's.

Mr. Norman stated his most serious concern and reservation is with respect to the requirement on vehicular circulation. He explained that the subject property abuts the expressway and will be served by 101st East Avenue on the west side, which was presently constructed, to the north edge of Mingo Market Place by the developer of Mingo Market Place. He stated he didn't think that 71 & Mingo participated in the construction of 101st East Avenue. He commented that he proposed and expected to be required to extend the collector street on north across the frontage of the Mathis Park property. He explained that staff is recommending that there be no certificate of occupancy issued until the collector street is extended north to East 66th Street, which is another 660' north of the north boundary of the subject property. He stated that as far as he can recall this would be the first time that a developer has been required to extend a street beyond the frontage of his own property. In the past there have been suggestions, usually by residential groups or homeowner groups, suggesting that development should not be allowed to occur until the infrastructure is actually in. He commented that developers have dealt with this suggestion for over a period of 25 to thirty years and have not required the entire planned infrastructure, specifically street improvements, to be constructed prior to allowing permissible uses. He stated that in this particular instance, and what could happen in other instances, is if the owner or developer of the twenty acres could not obtain the right-of-way from other owners to the north, then in effect there is a freeze on development. He commented that the developer could go the City Council and request that the right-of-way for the collector street be condemned since it has been made a requirement for development. He explained that the Council would state that the condemnation would have to be at the cost of the party seeking the condemnation. He stated that this becomes a financial burden and could become time-consuming and might not be approved by the City Council. He commented that the staff recommendation puts the developer of the subject property somewhat at the mercy of the other owners of the property to be served by the collector street and forces the developer to retain the right-of-way and pay the cost of construction. Mr. Norman stated that this may be a unique circumstance and might not be as precedent setting as he fears. He explained that there are two other owners of property in the subject area. He indicated that Ms. Wallace to the north is the seller of the subject property and extension of the collector street may be accomplished on a voluntary basis, but he is concerned about any precedent this action may set for other similar situations where street improvements have not been required off-site.

TMAPC Comments:

Mr. Westervelt stated that he understood that some of staff's concern was the fact that this is corridor zoning, which is different from the argument Mr. Norman just made regarding infrastructure or improvements to city streets before any development starts. He commented that there is supposed to be a street circulation system. In response, Mr. Norman stated that across the expressway on the east side of the Mingo Valley Expressway, there is a corridor extending southward from 61st Street, which dead-ends

at the north end of the Hamlin's property. He commented that the residential neighborhood east of the corridor, in its uncompleted state, requires vehicles to detour through the residential neighborhood to get to Garnett Road, which may be an example of bad planning. He stated that it would be impossible for the first developer in any one of the corridors to build a mile of a corridor collector in order to commence the development within a corridor area. He commented that there is not a lot of corridor land left, and this may not be a concern. Mr. Norman stated that had the staff recommended that he go to East 66th Street and improve 66th Street over to Mingo, might have been just as reasonable because East 66th Street is not a permanent paved street, which would have caused a more difficult problem to deal with. He concluded that he is not asking the Planning Commission to overturn the staff recommendation in this particular incidence.

Mr. Carnes asked Mr. Stump if he would give the Planning Commission his views regarding extending the street. In response, Mr. Stump stated he would agree with Mr. Norman that this issue has somewhat unique circumstances because the owner of the subject property is also the owner of the property to the north. The owner of both properties will benefit significantly from the extension of the road. This would seem to be an equitable financial arrangement. At some point, when high intensity is allowed in corridor districts, the corridor collector street system must be completed to make the intensity appropriate. He stated that 71st Street is currently too crowded and with a dead end collector which only accesses 71st Street, it is too crowded for the additional growth proposed without another outlet to 66th Street. Mr. Stump stated that staff does not demand that the applicant improve 66th Street because it is still a public street and is the City's responsibility to improve.

Mr. Midget asked if the applicant is supposed to go back 600 feet back to the north to 66th Street and pave the area. In response, Mr. Stump stated that the owner of the subject property is under application and the same person owns the property to the north. He explained that the present owner owns approximately 40 acres, but is only developing half of the land. He stated that staff is recommending that the owner extend the road to the north to 66th Street, and it sounds as if the owner has agreed to this recommendation as long as it doesn't set precedent for the future.

Mr. Norman stated that the owner is not developing the subject property, but selling it to the Mathis Brothers. It is hoped that the owner will participate in the extension of the street to the north. He stated he would like to reserve the right to raise the issue again in this application if the owner of the property and applicant cannot come to an agreement regarding the extension of the collector street. He commented that this proposal is not like imposing a new traffic load on a residential area. He stated that the absence of the collector street would be a detriment to the applicant's new business.

Mr. Midget asked Mr. Norman if he had any objections to the staff recommendation of the collector street being extended. In response, Mr. Norman stated his client is willing to try to work the extension out with the owner of the subject property.

Mr. Norman requested the Planning Commission to approve the staff recommendation with the two minor amendments that he suggested earlier.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford “absent”) to recommend **APPROVAL** of the PUD-595/Z-5970-SP-3 with applicant’s two minor modifications and the balance of the staff’s recommendation. (Language deleted is shown as strikeout type, language added or substituted is underline type.)

Legal Description for PUD-595/Z-5970-SP-3:

A tract of land that is part of the E/2, SW/4 of Section 6, T-18-N, R-14-E of the IBM, City of Tulsa, Tulsa County, State of Oklahoma, said tract of land being described as follows: starting at the Southeast corner of said E/2, SW/4; thence N 89°41’28” W along the Southerly line of the E/2, SW/4 for 1,319.32’ to the Southwest corner of the E/2, SW/4; thence N 00°00’19” E along the Westerly line of the E/2, SW/4 for 1,378.37’ to the Point of Beginning of said tract of land; thence continuing N 00°00’19” E along said Westerly line for 628.97’; thence S 89°41’28” E and parallel with the Southerly line of the E/2, SW/4 for 1,319.26’ to a point on the Easterly line of the E/2, SW/4, said point being on the Westerly right-of-way line of U.S. Highway 169; thence S 00°00’13” W along the Easterly line of the E/2, SW/4 and along the Westerly right-of-way line of U.S. Highway 169 for 400.50’; thence S 04°38’57” W along said Westerly right-of-way line for 229.12’; thence N 89°41’28” W and parallel with the Southerly line of the E/2, SW/4 for 1,300.72’ to the Point of Beginning of said tract of land.

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CZ-245 – David M. Sivadon
2106 West 181St Street South

AG to IL
(PD-21) (County)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The Development Guidelines, a part of the Comprehensive Plan for Tulsa Metropolitan Area, provide for evaluation of the existing conditions, land uses, existing zoning, and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. Based on these conditions, the subject tract would be characterized as Low Intensity Rural Residential and outside any commercial intersection node. The requested IL zoning would not be in conformance with the Comprehensive Plan.

Staff Comments:

Site Analysis: The subject property is approximately 15.63 acres in size and is located west of the southwest corner of West 181st Street south and U. S. Highway 75 South. It is flat, non-wooded, has several small storage buildings and oil storage tanks, and is zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on all sides by vacant property, zoned AG.

Zoning and BOA Historical Summary: There has been no activity in this area.

Conclusion: Based on the surrounding zoning, the Development Guidelines and land uses, in this area, staff recommends **DENIAL** of IL zoning for CZ-245.

TMAPC Comments:

Mr. Westervelt asked staff if they would encourage the applicant to proceed to the County Board of Adjustment for a use variance. In response, Mr. Dunlap stated he did not know if that is a recommendation, but the applicant has visited with INCOG staff and they have informed him of that possibility.

Mr. Stump stated that staff felt that this is an agricultural use but in other ways, it has to be considered industrial. Since it is close to an agricultural use, it would be best to allow this use by a variance from the County Board of Adjustment so as to not establish an industrial zoning pattern in the subject area.

Mr. Carnes stated that the Planning Commission has waived the fees in the past to enable the applicant to file with the Board of Adjustment.

Applicant's Presentation:

David Sivadon, Box 121, Mounds, Oklahoma 74047, stated he had not seen the letter from Glenpool and he wasn't aware that it was the main determining factor. He commented that he did visit with the INCOG staff and they have been extremely helpful.

Mr. Sivadon stated that he has an agricultural marketing company, which is a corporation that primarily brokers agricultural-related products. He explained that most of the items that his company buys and resells will not be in his warehouse. He stated that the buying and selling is achieved by exchange of paper.

Mr. Sivadon stated that the pecan hulls are bagged and marketed as horticultural mulch in the area. He explained that he has been doing this type of work for approximately 15 years. He stated that previously he had been using a contractor for the shipping, receiving and bagging. He commented that his company has grown and now will be doing this procedure in-house. He stated that he was not aware in the beginning that the subject property would require a change in zoning because he is an agricultural

marketing company and is an agricultural-related use. He explained that he made improvements to the subject property, including new roads, electricity and a septic system.

Mr. Sivadon commented that the proposal was openly discussed with his neighbors, who knew that the proposal would someday be brought forward. He stated that the neighbors in the subject area have been contacted and signed a letter in support of this proposal. Mr. Sivadon submitted letters of support as an exhibit.

Mr. Sivadon stated he has watched the subject area change from agriculture to industrial and heavy commercial uses. He commented that he is quite pleased with the development in the subject area and was surprised that the Comprehensive Plan for Glenpool called for the subject property to be developed in rural-low-density-residential uses. He stated that he does not feel that this is what the map indicates. He indicated the IL zoning on the case map, which is less than 500 feet from the subject property. He commented that there is CG zoning along Highway 75 and indicated that CG or IL is compatible with the proposed use.

Mr. Sivadon stated that he understands and appreciates staff's concern for recommending a variance before the County Board of Adjustment. He commented that if he fails at the Planning Commission, he will then pursue the variance before the Board of Adjustment. He stated that the variance would limit him regarding expanding past the subject product that he detailed earlier. He requested that the Planning Commission consider the application before them today as presented.

Mr. Sivadon stated that the west side of the subject property is an irregular shape because of a creek, which curves around to the south and joins another creek to the east and then goes south. He explained that the subject property is shielded on the west and south from any other development in the future. He commented that the surrounding property would probably never be developed. He indicated that the neighbors to the north have no problem with the proposal.

Mr. Sivadon stated that he visited with Ms. Tomlinson, Glenpool City Planner, approximately a year ago and knew that she was not in favor of this proposal. He commented that he did not realize how strongly opposed Ms. Tomlinson was to the proposal.

Mr. Sivadon stated that the property to the east of the subject property is his primary exposure to. He explained that the previous Planning Commissions have had the property to the east before them and have approved more intensive use, that was later modified by the Board of County Commissioners. He stated that he was led to believe by the previous actions of the Planning Commission that more intensive use was not inappropriate. He requested that the Planning Commission allow him to more intensely develop his property as well.

Mr. Sivadon stated that location is one of the most important things for business and he thinks that the subject property is a prime location for light industrial district. He commented that he is not trying to be a bad neighbor and the signatures on the submitted letter will show. He requested the Planning Commission to consider the application as it stands and allow an approval.

TMAPC Comments:

Mr. Harmon asked Mr. Sivadon if the signatures on the letter submitted are family members. In response, Mr. Sivadon stated that the Sivadons are family members, but the additional names are not.

Mr. Westervelt stated that although location is important, staff will tell you that the Comprehensive Plan is important. In response, Mr. Sivadon stated he was surprised that the Comprehensive Plan does not allow IL in the subject area when there is IL and CG near the subject property.

Mr. Stump stated that Glenpool is hoping to draw the line north of 181st and the more intense zones have to stop at some point. Glenpool did not intend for it to go this far south at this time. In response, Mr. Sivadon stated he is not part of the City of Glenpool and the subject property is in the County of Tulsa.

In response to Mr. Midget, Mr. Stump stated that if the County Commissioners approve the subject property for IL zoning, then the applicant would be allowed all of the uses that are allowed in the IL zoning category.

Mr. Midget stated that if the applicant sells his property in the future, the IL zoning goes with the land. He commented that he can appreciate Glenpool's position of trying to draw the line on the more intensive types of uses.

Mr. Sivadon asked if the CG district, which is south of 181st, is in the Glenpool City limits. In response, Mr. Stump stated he did not believe that it was in the city limits. Mr. Sivadon stated that in the last few weeks, CG zoning has been approved halfway between 181st and 191st. Mr. Sivadon commented that he realizes that CG is not IL, but it is compatible with IL and is allowed in IL zoning by exception.

Mr. Stump stated that the City of Glenpool has allowed the CG between 181st and 191st because of the frontage on Highway 75, in which they allow higher intensity.

Ms. Pace asked staff if the panhandle on the subject property would meet the minimum frontage requirement for an IL district fronting an arterial street. In response, Mr. Stump stated the subject property would not meet that requirement, but because it is an existing lot, that would not preclude IL uses.

Mr. Horner stated he supports the application, but if it is denied the Planning Commission should waive all fees if the applicant has to go before the County Board of Adjustment.

Mr. Jackson asked the staff where the Glenpool City limits end. In response, Mr. Stump stated that the city limits do not go very far west of the Beeline, but the bulk of the city limits are on the east side of the Beeline.

Mr. Selph stated that it is not uncommon for a city to include their fence line in their Comprehensive Plan.

Mr. Midget asked Mr. Romig if the variance will run with the land and not just the use approved. In response, Mr. Romig stated the variance does run with the land.

Mr. Stump stated that the Board of Adjustment and the County Commissioners can place conditions on any variance they grant.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **7-1-0** (Carnes, Harmon, Jackson, Midget, Pace, Selph, Westervelt “aye”; Horner “nay”; none “abstaining”; Boyle, Ledford “absent”) to recommend **DENY** the IL zoning for CZ-245 and waive the fees with a recommendation for the applicant to make an application with the County Board of Adjustment for a variance use.

Further TMAPC Comments:

Mr. Carnes informed the applicant that he can achieve his use by applying with and receiving approval from the County Board of Adjustment.

Mr. Selph commented that the applicant can tell from the conversation regarding this case that the Planning Commission is sympathetic to what he is trying to accomplish. He stated that the Planning Commission would like to accommodate the applicant, but the Planning Commission is uncomfortable with the IL zoning. He commented that the County Board of Adjustment will give the applicant a fair hearing.

Legal Description for CZ-245:

Part of Government Lot 2, Beginning 569.46' West of the Southeast corner of Government Lot 2, thence East 569.46', North 1,562.2', West 60', South 714.76', West 409.7', North 61.7', West 373.34', South 185.05', Southeast to POB, Section 3, T-16-N, R-12-E of the IBM, Tulsa County, State of Oklahoma.

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Z-6656 – Tim Nall

3602 South Maybelle Avenue West

RS-3 TO IL OR OM

(PD-9) (CD-2)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 5 - Development Sensitive – No Specific Land Use.

According to the Zoning Matrix the requested IL zoning, as well as the alternative OM zoning, **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 100' x 140' in size and is located on the southwest corner of West 36th Street South and South Maybelle Avenue. The property is flat and non-wooded. The northernmost lot contains a non-conforming grocery store, which is now vacant, and the southern lot is vacant. The property is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by a railroad right-of-way and beyond that is the Sinclair Oil Refinery, zoned IH; to the east by vacant property, zoned RS-3; and to the south and west by single-family dwellings, zoned RS-3.

Zoning and BOA Historical Summary: The most recent action in this area was in April, 1998 in which the Board of Adjustment approved a special exception to allow a mobile home in an IL-zoned district on property located east of the subject tract on the southwest corner of W. 36th Street and S. Jackson Avenue.

Conclusion: The District 9 Plan, which is a part of the Comprehensive Plan, designates the subject tract as being within Special District 5, an industrial area, and recommends that the transitioning from existing residential-zoned areas to industrial zoning be accomplished in an orderly process from outside perimeter tracts inward, avoiding the lot-by-lot mixing of land uses. The Plan also recommends that development of facilities be flood-safe.

Based on the Comprehensive Plan, the existing zoning, and development in this area, staff recommends **APPROVAL** of IL zoning for Z-6656.

Applicant indicated his agreement with the staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford “absent”) to recommend **APPROVAL** of the IL zoning for Z-6656 as recommended by staff.

Legal Description for Z-6656:

Lots 2 and 3, Block 8, Garden City Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

* * * * *

PUD-179-R-2 – Charles T. Gilmore

(PD-18) (CD-8)

9420 East 71st Street
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to modify the approved PUD standards prohibiting all but north-facing wall signage within 160 feet of the centerline of East 71st Street. The applicant is requesting a 64-square-foot wall sign on the west building wall of the manager's residence.

Staff has examined the request and finds the prohibition of wall signage, except for the signage on the East 71st Street building frontage, was intended to protect abutting residential areas. Staff notes that a 1989 Board of Adjustment variance approval allowed one ground sign along the 100 feet of the East 71st Street lot frontage. The approval allowed the sign to be 95 feet from the residential district to the east or 55 closer to an R District than allowed by the Zoning Code.

The applicant received sign plan approval for an illuminated 48-square-foot ground sign six feet in height in 1990. Finally, the applicant received approval for a 25-foot ground sign with 55 square feet of display area in 1998 with the intention of replacing the existing five-foot high ground sign.

Staff has reviewed the request and finds the proposed wall sign faces a commercial development and is not visible from abutting residential areas. Staff can support the request as maintaining the character and intent of the original approval. Additionally, the proposed signage meets the surface display requirements of the PUD Chapter. Staff recommends **APPROVAL** of Minor Amendment PUD-179-R-2 with the following modifications to the permitted development specifications of Development Area C:

Signs: One ground sign shall be permitted on 71st Street placed adjacent to the west property line per BOA Case 15079 with a maximum height of 25 feet and 55 feet of surface display area.

One non-illuminated wall sign shall be permitted on the west building wall of the manager's residence not to exceed 64 square feet of surface display area or a distance of more than 100 feet from the north property boundary.

No other wall signs or signs of any kind are allowed on any building walls or screening fences on the exterior of the self-storage development.

Applicant indicated his agreement with the staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON** the TMAPC voted **8-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford “absent”) to recommend **APPROVAL** of the Minor Amendment for PUD-179-R-2; subject to the modifications for Development Area C as recommended by staff.

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PUD-411-C-6 – Michael Evans (PD-26) (CD-8)
Northwest corner East 95th Street and South 85th East Avenue
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the rear yard required by the Restrictive Covenants and Deed of Dedication from 35 feet to 20 feet. Staff notes that the approved PUD standards require a minimum 20-foot rear yard throughout the addition. The covenant restriction applies only to lots within the addition with rear yards abutting the Mingo Valley Expressway.

Staff has reviewed the application and finds the shape of the lot and cul-de-sac frontage limits the placement of the proposed single-family dwelling shown on the plot plan. The plot plan indicates that approximately 100 SF of the easternmost corner of the structure will be set back 26 feet from the east property boundary/Mingo Valley ROW.

Staff notes that Section IV Paragraph C of the Ridge Pointe II Deed of Dedication/Covenants requires approvals of amendments modifying "Planned Unit Development Restrictions" by the owner of the land to which the amendment is applicable and by TMAPC. This stipulation, therefore, mandates PUD Minor Amendment approval when modifying yard and setback restrictions outlined in Section II of the covenants.

Staff believes the 35-foot setback was established to meet the Zoning Code requirement for lots abutting an arterial freeway access road. The subject property, however, does not abut an arterial freeway service road.

The applicant has provided a letter from the HOA architectural committee acknowledging and approving the request. Staff is of the opinion that the request is minor in nature, does not alter the intent or character of the PUD as originally approved and conforms to the requirements of Section IV of the Ridge Pointe II Restrictive Covenants.

Staff, therefore, recommends **APPROVAL** of the minor amendment as submitted reducing the required rear yard setback for Lot 11, Block 1 from 35 feet to 20 feet.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Selph, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford “absent”) to recommend **APPROVAL** of the Minor Amendment for PUD-411-C-6 as recommended by staff.

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AC-040 – Bill Satterfield
9711 East 61st Street
(Alternative Compliance)

(PD-18) (CD-8)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance to eliminate the required underground irrigation system for newly-sodded areas along the 61st Street frontage and for 31 existing mature trees around the perimeter of a proposed paved area of an auto dealership. Staff notes that AC-018 made substantially the same request in June 1997 and was denied.

Staff has reviewed the current request including the Landscape Plan submitted with the application and reaches the same rationale and recommendation as stated in 1997, as follows:

"Site paving will greatly reduce the pervious areas under the drip line of existing trees. The paving will also increase heat load to these trees which will likely cause sufficient stress to severely damage or kill. The additional water provided by an underground irrigation system will help the existing trees survive." Staff further notes that sodded areas along the 61st Street frontage will also have a difficult time surviving.

Having found no difference in the current request from AC-018, and noting that a hose bib and the landscape plan presented are neither equivalent to nor better than the requirements of Chapter 10, staff recommends **DENIAL** of AC-040 as submitted.

Applicant's Presentation:

Mr. Wayne Alberty, 201 West 5th, Suite 550, Tulsa, Oklahoma, 74103, stated he is representing the applicant. Mr. Alberty stated that when this application appeared before the Planning Commission in June of 1997, his client had to meet the requirements of the Stormwater Drainage Plan. He explained that his client now meets the requirements of the Stormwater Drainage Plan.

Mr. Alberty stated that one of the issues with this subject property is that the existing trees are all mature trees. He explained that if his client installs an underground sprinkler system it will damage the root structure. The trees are mature and far in excess of what is required in the Landscaping Plan. Approximately two-thirds of the subject property will remain open.

Mr. Alberty stated the applicant will comply with the requirement to install a six-foot solid-surface screening fence along the northern boundary. He commented that if the Planning Commission is not sympathetic with his client's position regarding the trees, then he will acquiesce. He stated that he assumed that the only issue before the Planning Commission was the sprinkler system.

Mr. Alberty stated he would appeal to the Planning Commission's better judgment and if a sprinkler system is required the applicant will install one, but it will damage the root structure of the trees.

TMAPC Comments:

Mr. Midget asked Mr. Alberty if the trees were in existence prior to the original application. In response, Mr. Alberty stated that the trees range from six inches to 24 inches in diameter. Mr. Alberty explained that the subject property was an old homesight, which the applicant has purchased. He will convert the existing dwelling into an office. Mr. Alberty stated that there are over 31 trees in the front and there are approximately ten to fifteen trees in the back. Mr. Alberty indicated that the trees are on the perimeter of the subject property.

Mr. Horner stated that a sprinkler system does not assist with mature trees.

Mr. Carnes asked Mr. Alberty if there was a grassed area on the front in which to run a sprinkler system and avoid the roots of the trees. In response, Mr. Alberty stated that there is an area along the front that could be sprinkled.

Mr. Harmon stated that he has seen sprinkler systems installed that did not damage root systems. He commented that he has seen more trees damaged by paving too close to them, which then requires a sprinkler system. Mr. Harmon concluded that a sprinkler system would be appropriate.

Mr. Westervelt agreed that the sprinkler system is necessary and the applicant should find a way to install the system without harming the trees.

Mr. Selph out at 2:20 p.m.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** to recommend **APPROVAL** of the Alternative Compliance of AC-040 subject to the applicant deciding where best to locate his sprinkler system.

TMAPC Comments:

Mr. Stump stated that the motion is too vague.

Ms. Pace suggested a sprinkler system for the front third of the subject property.

Mr. Carnes suggested a sprinkler system installed as approved by staff. In response, Mr. Westervelt asked Mr. Carnes if he is making a motion to deny the application to have no irrigation and give staff the final decision of the sprinkler system.

Mr. Midget stated he would like to give staff some guidelines regarding the sprinkler system. He further stated that the TMAPC, should either ask the applicant to install an irrigation system to cover the sod area or to install the irrigation system in some way that there is no damage to the existing trees.

Mr. Carnes withdrew his motion.

TMAPC Action; 7 members present:

On **MOTION** of **PACE** the TMAPC voted **7-0-0** (Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Boyle, Ledford, Selph “absent”) to **APPROVE** the Alternative Compliance of AC-040 subject to requiring a sprinkler system on the front third of the subject property where there will be the most pavement and cause the least damage to the existing trees.

Further Comments:

Mr. Alberty asked the Planning Commission if his application is approved with a sprinkler system installed. In response, Mr. Westervelt stated the application is denied without a sprinkler system installed.

Mr. Westervelt clarified the motion that the Alternative Compliance is approved if there is a sprinkler system installed on the front third of the subject property where there is the most pavement.

Mr. Midget asked Mr. Alberty if he understands the motion. In response, Mr. Alberty stated he did understand the motion, but he wanted to make sure that the staff understood the motion.

Mr. Midget stated that the motion indicates that the sprinkler system needs to be installed in the front third area of the subject property to irrigate the new sodded area.

Mr. Stump stated that the subject lot is very long and he is not sure if the front third will go to the back of the paved area or not. In response, Ms. Pace stated her intention was for the sprinkler system to go back to where the garage area is located. In response, Mr. Alberty stated his client could install a drip system because it would not interrupt the roots, but would provide moisture for the trees. Mr. Alberty further stated his client will install a sprinkler system where the new sod is located.

* * * * *

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

Date approved: _____

Chairman

ATTEST: _____
Secretary