

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1653  
Wednesday, **June 10, 1987**, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>	<b>OTHERS PRESENT</b>
Carnes	Crawford	Frank	Linker, Legal
Draughon	Doherty, 2nd Vice-	Gardner	Counsel
Kempe	Chairman	Matthews	
Parmeale, Chairman	Paddock, 1st Vice-	Setters	
VanFossen,	Chairman	Wilmoth	
Secretary	Rice		
Woodard	Wilson		

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, June 9, 1987 at 10:08 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:32 p.m.

**MINUTES:**

**Approval of Minutes of May 27, 1987, Meeting #1651:**

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmeale, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE** the **Minutes of May 27, 1987**, Meeting No. 1651.

**Correction to the Minutes of April 15, 1987, Meeting #1646 (pg 13):**

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmeale, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE** the **Correction to the Minutes of April 15, 1987**, Meeting No. 1646, page 13, regarding the Legal Description for Z-6153 Young (Carroll), amending RM-1 zoning on the east 300', not the east half, with the remainder of the legal description unchanged.

**REPORTS:**

**Chairman's Report:**

Chairman Parmeale advised receipt of a letter from the Oklahoma Department of Transportation requesting he serve on the Technical Advisory Committee reviewing the Environmental Impact Study on the Creek Expressway. He designated Marilyn Wilson to serve as an alternate should he be unable to attend the committee meetings.

Director's Report:

- a) Request to call for a public hearing to consider approval of amendments to parts of the Comprehensive Plan, being the District Plan Map and/or Text for districts 5, 6, 7, 8, 9, 10, 17, 18 and 26 pertaining to establishment of Special Consideration Areas for Low and Medium Intensity Development, housekeeping amendments and related matters. Staff suggests the public hearing be set for July 8, 1987.

TMAPC ACTION: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **SET a Public Hearing for July 8, 1987**, as recommended by Staff regarding amendments to the above mentioned District Comprehensive Plans.

- b) Request to call for a public hearing to consider approval of amendments to the District 18 Comprehensive Plan relating to the division of the District into four smaller planning districts, being 18, 27, 28 and 29. Staff suggests the public hearing be set for July 8, 1987.

Comments & Discussion:

Ms. Dane Matthews advised of a meeting with District 18 residents and their decision and vote (15-3) reflecting that they were adamantly against the division of the district into four smaller districts. District representatives suggested that they be given the opportunity to informally divide into subdistricts, with these subdistricts reporting to the District 18 Citizen Planning Team Chairman and Co-Chairman.

Ms. Kempe commented that this seemed to be a fair request to function in this fashion. Mr. VanFossen remarked that the suggestion to divide District 18 into four districts was intended to be a convenience rather than a detriment and based on the District's expressed wishes, he could see no basis for the TMAPC proceeding with a public hearing. Chairman Parmele agreed with the comments made by Ms. Kempe and Mr. VanFossen.

Therefore, based on the desires of the District 18 residents, and statements made by the Commission, no public hearing date was set.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD 418 Present Zoning: CS & OL  
Applicant: Jones (Williams) Proposed Zoning: Unchanged  
Location: West of the SW/c of East 91st Street & South Delaware, including  
the Planned Riverside Parkway on the West boundary  
Size of Tract: 23.14 acres, approximate  
Date of Hearing: June 10, 1987 (continued from December 10, 1986)  
Requested continuance to: July 22, 1987

TMAPC ACTION: 6 members present

On MOTION of CARNES, the Planning Commission voted 6-0-0 (Carnes, Draughon, Kempe, Parmele, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to CONTINUE Consideration of PUD 418 Jones (Williams) until Wednesday, July 22, 1987, at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

CONTINUED LOT SPLIT

L-16866 Isaacs (2993)

4104 South Atlanta Avenue

(RS-1)

This "prior approval" lot split was continued from the June 3, 1987 TMAPC meeting since the applicant was not present and there were protests to the application.

Staff is still of the opinion that this lot split meets the intent of the Subdivision Regulations and meets all the zoning requirements. The lot exceeds the minimum square footage and meets the frontage requirement of 100 feet. (The lot contains 13,946 square feet; minimum is 13,500 square feet.) Comparison with platted lots and ownership in the area show that there are numerous lots of similar size. Staff recommends APPROVAL as submitted.

Applicant's Comments:

Mr. Jerry Isaacs, the applicant, advised he had met with the appropriate City agencies which indicated this request met the necessary criteria. He stated that in his meeting with the Water and Sewer Department they stated they would approve an extension of the sewer, thereby avoiding any complications of a septic system. Mr. Isaacs commented that he had not anticipated any problems or protests due to the uniformity of the request.

Interested Parties:

Mr. Curt Long, attorney for the homeowner's protesting the lot split, requested the Commission look beyond just the zoning requirements as this would present a significant change to the character of the neighborhood. Mr. Long reiterated the desires of the property owners to preserve the "park like" atmosphere of the neighborhood. Therefore, he requested denial of the application for lot split.

Comments & Discussion:

In regard to the sewer/septic issue, Mr. Wilmoth stated that a deed would not be released until the Water and Sewer Department requirements were met, and indicated that TMAPC action would be subject to their approval.

Chairman Parmele stated that, according to the Subdivision Regulations criteria, the Commission has no option for approval/denial if the request meets all the criteria. Mr. Linker advised that, should the Commission deny this request, since it was not of irregular shape, then it would be inconsistent with the practices of the TMAPC. He stated this request did meet the requirements, therefore, there was not any discretion for denial. Mr. VanFossen inquired if the Commission had the right to approve, subject to Water and Sewer Department approval. Mr. Linker agreed with Mr. Wilmoth that this could be done, but that this was already a part of the process.

TMAPC ACTION: 6 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE L-16866 Isaacs** as recommended by Staff, subject to the approval of the Water and Sewer Department.

ZONING PUBLIC HEARING:

Application No.: **PUD 179-N** Present Zoning: CS  
Applicant: **Quinn** Proposed Zoning: Unchanged  
Location: SW/c of East 71st Street and South 85th East Avenue  
Size of Tract: .77 acres (net)  
Date of Hearing: June 10, 1987  
Presentation to TMAPC by: Mr. Fred Quinn, 1390 South Douglas Blvd., #101,  
Midwest City, OK 73110 (405/732-0343)

Staff Recommendation: Major Amendment

The subject tract is a part of Lot 4, Block 1 of the El Paseo Addition and is located at the southwest corner of East 71st Street and South 85th East Avenue. This tract has a frontage of 140' on East 71st and 240' on South 85th East Avenue, with a net land area of .77 acres. This tract is a part of what is referred to as Development Site B in PUD 179-C-4.

The underlying zoning of this tract is CS and PUD 179-C presently allows only those uses permitted by right in a CS District. The applicants are requesting approval of Special Exception uses in Use Unit 17 (Allied and Automotive Activities) to include only "services" related to vehicle

repair and service. Staff would be supportive of the requested uses considering that the Outline Development Plan, as proposed, indicates that the "store front facade" of the building will be oriented to East 71st Street and the vehicle service elevations with large overhead doors will be oriented to South 85th. A large automobile accessory and tire store is planned on this site. Staff is also supportive of the requested use because the Use Unit 17 uses which would be less compatible with the retail character of the adjoining development have been excluded from the applicant's request. Access to East 71st and South 85th will be via mutual access easements to existing curb cuts on the abutting tracts.

The Staff has reviewed PUD 179-N and finds that it is: (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 179-N as follows:

- 1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2) **Development Standards:**

Land Area (Net):	33,600 sf	0.77 acres
Permitted Uses:	Those uses permitted in a CS District by right excluding bars, taverns, nightclubs, and dance halls; and only vehicle repair and service from Use Unit 17.	
Maximum Building Height:	26' or one story	
Maximum Building Floor Area:	9,400 sf *	
Minimum Off-Street Parking:	As required by the Zoning Code	
Minimum Building Setbacks:		
from Centerline of E. 71st	110'	
from Centerline of 85th E. Ave.	55'	
from West Boundary	None required	
from South Boundary	None required	
Minimum Landscaped Open Space:	10% **	

\* The subject tract is 62% of Development Site B as described in PUD 179-C-4. Site B had a total of 15,162 square feet of floor area allocated per PUD 179-C-4; therefore, 5,762 square feet of floor area remains for the balance of Site B.

\*\* Landscaped open space shall include internal and external landscaped open areas, parking lots islands and buffers, but shall exclude pedestrian walkways and parking areas designed solely for circulation. The 10% minimum area is the subject tract's proportionate landscaped area of PUD 179-C-4 Development Site B.

- 3) That all trash, mechanical and equipment areas shall be screened from public view.
- 4) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code and as follows:

Ground Sign: One ground sign on East 71st Street with a maximum display surface area of 140 square feet and a maximum height of 25' as measured from the curb line of the lot upon which it is located.

Wall Signs: Wall signs shall not exceed a display surface area one square foot per each lineal square foot of building wall to which it is attached.

No signs shall be flashing and illumination shall be by constant light.

- 5) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Landscape treatment shall include berms and planting treatment consistent with similar development in this immediate area. Special intensive landscape treatment shall be given along South 85th East Avenue to screen the public view of the vehicle repair and service elevation of this development.
- 6) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 7) That a Detail Site Plan, including building facade elevations, shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit.
- 8) That 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 City beneficiary to said Covenants.

Comments & Discussion:

Mr. VanFossen confirmed with Staff that the request, as submitted, already permitted CS uses as a matter of right. Chairman Parmele read a letter from adjacent property owner to the east, Mr. William G. Farha, requesting that the overhead doors to the tire center be located facing south or west, rather than eastward as planned. Mr. Farha expressed that landscaping alone would not solve the noise problems from the tire service center.

Mr. Carnes moved for approval of the request as submitted, subject to Staff's recommendation. Mr. VanFossen stated he felt the request from Mr. Farha to have the overhead doors relocated was legitimate and he suggested an amendment to Mr. Carnes' motion to have these doors face south and west. There was no second to the suggested motion amendment.

Applicant's Comments:

Chairman Parmele confirmed the applicant's agreement to the listed conditions of the PUD Development Standards. Mr. Quinn stated he was unable to confirm if Firestone could relocate the overheads, as he was not that familiar with their building criteria. He added that the proposed layout was the best use of development on this site.

Additional Comments and Discussion:

Mr. Carnes pointed out that Mr. Farha had installed landscaping on his property (South Trails Shopping Center), however, this landscaping had not been properly maintained. In reply to Mr. Draughon, Staff clarified that this was already platted, and Section 260 of the Code would be met. Mr. Wilmoth commented that while the Technical Advisory Committee based their review on the entire 500' area for the shopping center, this request for the tire center involved only the northeast corner of the tract.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **5-1-0** (Carnes, Draughon, Kempe, Parmele, Woodard, "aye"; VanFossen, "nay"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE** the **Major Amendment** for **PUD 179-N Quinn**, subject to the conditions as recommended by Staff.

Legal Description:

A part of Lot 4, block 1 of EL PASEO ADDITION, Tulsa, Oklahoma, described as: Commencing at the northeast corner of said Lot 4 of Block 1 as a POB; thence due south a distance of 240.0'; thence due west a distance of 140.0'; thence north 240.0'; thence east 140.0' to the POB.

\* \* \* \* \*

Application No.: Z-6160 Present Zoning: AG  
Applicant: Harvard Pointe Company Proposed Zoning: RS-3  
Location: North of the NE/c of East 91st Street & South Yale Avenue  
Size of Tract: 32.7 acres, approximate  
Date of Hearing: June 10, 1987  
Presentation to TMAPC by: Harvard Pointe Co., 2217 East Skelly Dr (749-1636)

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use and Development Sensitive.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS-3 District is, in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is 32.7 acres in size and is located north of the northeast corner of East 91st Street and South Yale Avenue. It is wooded, steeply sloping, vacant and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by both Holland Hall School and vacant property zoned AG and RS-3; on the east by vacant property zoned AG; on the south by vacant property zoned AG; and on the west across South Yale, by scattered single-family dwellings zoned AG.

**Zoning and BOA Historical Summary:** Similar RS-3 zoning has been approved both abutting the subject tract and in the immediate area.

**Conclusion:** Staff finds the requested RS-3 zoning to be consistent with both the Comprehensive Plan and existing zoning patterns. Staff would note that the topography of the subject tract may make development of the site difficult.

Therefore, Staff recommends **APPROVAL** of RS-3 zoning on the subject tract for Z-6160 as requested.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE Z-6160 Harvard Pointe Co. for RS-3**, as recommended by Staff.



Legal Description:

W/2, NW/4, NE/4, SW/4 (5 acres); NW/4, SW/4, NE/4, SW/4 (2.5 acres); NE/4, NW/4, SW/4 (10 acres); N/2, SE/4, NW/4, SW/4 (5 acres); N/2, SW/4, NW/4, SW/4 (5 acres); and the S/2, NW/4, NW/4, SW/4 (5 acres); Section 15, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma; AND a wedge shaped tract lying west and contiguous to the north five acre tract between the west line of Section 15, and more particularly described as follows: Beginning 330' south and 108.4' west of the northeast corner of SE/4 of Section 16, T-18-N, R-13-E, thence east 108.4' to the Section line; thence south 140.0' to a point on the Section line between Section 15 and 16 and the point at which Yale Avenue right-of-way intersects said Section; thence northwest along the highway or Yale Avenue to POB, all in Tulsa County, Oklahoma, containing in all 32.7 acres, more or less.

\* \* \* \* \*

Application No.: Z-6161 Present Zoning: RS-3  
Applicant: Young (Walker) Proposed Zoning: CS  
Location: North of the NE/c of West 41st Street & South Union,  
being 3920 and 4015 South Union  
Size of Tract: 2.28 acres, approximate  
Date of Hearing: June 10, 1987  
Presentation to TMAPC by: Mr. Terry Young, PO Box 3351, Tulsa (583-4611)

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested CS District is not in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is 2.28 acres in size and is located north of the northeast corner of West 41st Street South and South Union Avenue. It is partially wooded, gently sloping, contains a single-family dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by single-family dwellings zoned RS-3; on the east by U.S. Highway 75 zoned RS-3; on the south by both single-family dwellings and a convenience store zoned RS-3 and CS; and on the west across South Union by a church and parking lot zoned RS-3.

**Zoning and BOA Historical Summary:** The commercial zoning on the northeast and southeast corners of West 41st Street South and South Union Avenue was established by study map in 1956.

**Conclusion:** The intersection has developed in a non-commercial fashion except for that area zoned by study map in 1956. It is also significant that the previously granted commercial zoning in this area would not be supportable by the existing physical facts, nor according to the Development Guidelines. Based on the Comprehensive Plan and existing development, Staff cannot support any increased commercial zoning for the area. This application, if approved, would be a strong precedent for strip commercial zoning of abutting and similarly located parcels.

Therefore, Staff recommends **DENIAL** of CS zoning.

Applicant's Comments:

Mr. Terry Young, representing the Walkers and Willis' who own the subject tracts, pointed out that these tracts were less than 450 feet from the centerline of 41st Street. Mr. Young reviewed other CS zoning on the east side of the expressway and asked the Commission to focus on the intersections around the expressway. He stated the triangular shape created by the expressway was a unique physical feature that should be considered, and the intersection at this location was established as nonresidential. He added the entire area around the expressway was in transition, and if approved, there would be less than 3-1/2 acres of CS.

Mr. and Mrs. Ed Walker (4015 South Union) advised that their specific purpose for this request was to establish a walk-up type food facility to serve the needs of high school students at Webster during the lunch hour. Mr. Walker advised he has been a resident in this area for several years and has discussed with the teachers at Webster and those in the neighborhood the problems of getting the students served in a 30 minute time frame with the so few eating establishments in the area. Mr. Walker submitted a petition with 43 signatures in support of his request for commercial zoning. He reiterated that his family had kept this property through three generations and he intended to keep this site in the family, rather than accept offers for selling to establish a shopping center.

Interested Parties:

Address:

Mr. L.F. Lamons	1539 West 41st	74107
Mr. Gerald Snow	820 North Lynn Lane	74055
Mr. David Breed	1740 West 41st	74107
Mr. Hugh McKee	3933 South Union	74107

Mr. Loren Lamons, who also owns property at 1623 West 41st, commented that he had also been approached in the past to sell his properties for commercial. As a police officer, he stated that he was familiar with the problem of getting emergency vehicles through this area, as 41st Street was the only access to this part of Tulsa from the expressway. He stated support for the request, as he was also interested in possibly applying for commercial on his tracts.

Z-6161 Young (Walker) - Cont'd

Mr. Gerald Snow, a former resident in west Tulsa and a current developer of five shopping centers in the area, stated he had previously approached Mr. Walker to purchase his property to build a motel and restaurant. He concurred this would be an excellent location for the applicant's intended use.

Mr. David Breed, representing Western Neighbors, agreed with statements made by others supporting the zoning request. Mr. Breed stated he felt the application possessed three compelling reasons for support of the intended use: (1) the nature of the area itself with the existing commercial and public uses; (2) the people involved who were working toward economic and social stability at a neighborhood level; and (3) the use itself as to the sensitivity to the needs of the Webster students.

Mr. Hugh McKee submitted a petition stating no objection with the intended use so long as it was limited to the Walker tract, thereby eliminating commercial on the northernmost lot (Willis tract) included in the area being requested for CS zoning.

Applicant's Rebuttal:

Mr. Young stated they could amend their application to bring the CS zoning down 25' from the northern boundary in order to provide a buffer.

Mr. Carnes stated that this appeared to a case where a PUD would be very acceptable, as the neighbors were generally in favor of the lunchroom type business. Mr. Young reiterated he felt the facts supported this as a transition area, and might someday be commercial, without the need for a PUD. He pointed out that, as the applicant's house occupies a good part of the tract, and that PUD parking and setback requirements would severely limit them if a separate small building and parking area were constructed.

Review Session:

Mr. Draughon stated he would be in favor of this application with the amendment of the 25' buffer on the north. Mr. VanFossen commented he would be opposed to the CS zoning as he felt it had been inferred that the use would be restricted to the applicant's stated intention, whereas any commercial use allowed under CS zoning could be permitted. He suggested this be continued.

After additional discussion as to the use, Chairman Parmele stated the TMAPC should keep in mind the request for commercial and all the uses that go along with CS zoning, and based on what has been presented, he felt this would support commercial development. He inquired as to Staff's comment that this would not meet the Development Guidelines. Mr. Gardner stated that Staff was not saying this did not meet the Development Guidelines, but they were saying that, for the most part, this area developed residentially. He commented that if this area were vacant, then there probably would have been a node designation on this intersection. However, because of the fact that there are houses, the Guidelines state that the existing conditions should be considered.

**Z-6161 Young (Walker) - Cont'd**

Mr. Carnes moved for approval of CS less, less 25' along the northernmost boundary. Mr. VanFossen stated the Commission should review and consider the existing physical facts.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the Planning Commission voted **5-1-0** (Carnes, Draughon, Kempe, Parmele, Woodard, "aye"; VanFossen, "nay"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE Z-6161 Young (Walker) for CS zoning, LESS AND EXCEPT the 25' along the northernmost boundary.**

**Legal Description:**

CS zoning on Lots 13 and 14, Block 6, INTERURBAN ADDITION to the City of Tulsa, Tulsa County, Oklahoma, LESS AND EXCEPT the 25' along the northernmost boundary.

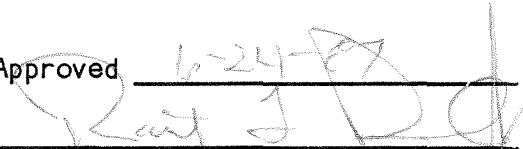
**SUBDIVISIONS:**


**FINAL PLAT APPROVAL & RELEASE:**

**Gladebrook 2nd Amended (PUD 185)(1893)**                      1535 East 31st Street                      (RS-1)

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-0** (Carnes, Draughon, Kempe, Parmele, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Crawford, Doherty, Paddock, Rice, Wilson, "absent") to **APPROVE** the Final Plat of Gladebrook 2nd Amended and release same as having met all conditions of approval.

There being no further business, the Chairman declared the meeting adjourned at 2:58 p.m.

Date Approved 6-24-87  
  
\_\_\_\_\_  
Chairman

ATTEST:  
  
\_\_\_\_\_  
Secretary