

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1858

Wednesday, October 23, 1991, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|-------------------------------|-----------------------|----------------------|-----------------------|
| Ballard | Draughon | Gardner | Linker, Legal |
| Carnes | Harris | Hester | Counsel |
| Doherty, 1st Vice Chairman | | 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, October 22, 1991 at 12:12 p.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 1:35 p.m.

Minutes:

Ms. Wilson advised the minutes did not reflect discussion in the Rules and Regulations Committee meeting in regard to restrictions of one antenna in the back yard of a residential district.

Mr. Gardner stated that language on page 6 under the AG portion item B 1 d needs to have added *and limited to one such structure and on page 8 of the minutes under the RS portion.

Approval of the minutes of October 9, 1991, Meeting No. 1856 as corrected

On **MOTION** of **WOODARD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes Draughon, Harris, Midget "absent") to **APPROVE** the minutes of the meeting of October 9, 1991 Meeting No. 1856 as corrected.

REPORTS:

Director's Report

Final language to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code as related to communication towers, antennas, satellite antennas, etc. and their permitted location and height.

Interested Parties

Eric Bolusky

1714 1st National Building

Mr. Bolusky stated he was an attorney representing clients involved in a tower appeal at 85th and Sheridan. His impression from attending the last Rules and Regulations Committee was that some consideration would be given by the Board of Adjustment (BOA) at the time they granted a special exception as to the number of antenna that would be placed on the towers. His findings with involvement of the antenna at 85th and Sheridan was there may be an exception granted to erect the tower, but when hanging 15-20 dishes on the tower it has a different impact on the neighborhood in terms of esthetics. He feels consideration should be given to the number of antenna that can be placed on the supporting structures at the time the special exception is granted. This allows the people in the area to address what will be going up in the area.

Comments and Discussion

Ms. Wilson asked staff, should an application go to BOA in the future for an antenna and its supporting structure, does the BOA have the right to limit the number of antenna or should something be put in the zoning code to let them know they have this right.

Mr. Gardner responded the BOA has the authority to make any reasonable conditions of approval. That could include how many antenna may be placed on a tower. It would be possible to write such language into the code. The BOA, however, would consider all aspects of the tower to determine whether or not it would be appropriate or not. Mr. Gardner pointed out that any interested parties would more than likely bring pertinent information before the BOA regarding height, use, number of antenna on the tower, etc., all of these factors would be taken into consideration by the BOA.

Mr. Doherty noted that at the last Rules and Regulations Committee this area was discussed at length. The consensus of the Committee was the number of antenna placed on the tower could be very important. What Mr. Bolusky is submitting requires the BOA to specify the number allowable. Mr. Doherty feels there would be a number of installations where this would not be appropriate such as a rural area away from any development. He suggested the BOA might not want to get involved with this and he would not want them to come up with an arbitrary limit. Mr. Doherty felt Mr. Bolusky was addressing a strictly urban consideration and pointed out this regulation would apply to both urban and suburban and very rural areas equally. He believes flagging by separate instrument, (letter to the BOA from TMAPC) was the intent of the Committee.

Discussion ensued regarding limiting the number of antenna and whether this should be included in the zoning code to require BOA consideration of this.

The consensus was that if individuals were interested in the area they would bring any objections up before the BOA.

Mr. Parmele stated he would not be comfortable with any amendments to the language at this time without notification of interested parties and another public hearing.

Ms. Wilson advised that Mr. Bolusky may wish to address this issue when the City Council reviews the draft language.

Mr. Doherty commented that over a long period of time there had been a lot of input from Mr. Bolusky, from the amateur radio community and others. He believes real progress has been made in this area of the zoning code.

Mr. Doherty stated the Rules and Regulations Committee has recommended the language contained herein as modified by staff, (Exhibit Item #5a) after additional discussion moved that it be recommended to City Council for adoption.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 9-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris "absent") to **APPROVE** the final language to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) as related to communication towers, antennas, satellite antennas, etc. and their permitted location and height and forward it to City Council with a recommendation for adoption.

* * * * *

Action on Resolution from Tulsa Development Authority finding that the Urban Renewal Plan amendments for the Year 17 CDBG Program Funding are in accord with the Comprehensive Plan.

Staff Recommendation

Ms. Matthews reported this Resolution (Exhibit Item #5b) was to implement some of the improvements the TMAPC had approved in earlier sector updates. Staff has reviewed and found them to be in accord with the District 2 Plan and recommends TMAPC finds similarly. This Resolution has been reviewed by the Comprehensive Plan Committee and they recommended approval as well.

There were no other interested parties present wishing to speak.

TMAPC Action; 9 members present:

On MOTION of MIDGET, the TMAPC voted 9-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris "absent") to APPROVE the Resolution from Tulsa Development Authority finding that the Urban Renewal Plan Amendments for the Year 17 CDBG Program Funding are in accord with the Comprehensive Plan.

Mr. Parmele congratulated Ms. Matthews on her Oklahoma Planner of the Year Award.

PUBLIC HEARING

This is a Public Hearing to consider housekeeping amendments to District Plans (maps and texts) for Districts 2,4,6,18 and the Regional Park, Recreation and Open space and the Cherry Street Study, all parts of the Comprehensive Plan.

Staff Recommendation

Ms. Matthews reported these are the annual housekeeping amendments; (Exhibit Item 6) all except for the park acquisition were the result of zoning changes that have already been approved. These amendments have been reviewed by the Comprehensive Plan Committee and staff has been instructed to process these changes.

Mr. Neely announced the Comprehensive Plan Committee recommends approval.

TMAPC Action; 9 members present:

On MOTION of NEELY, the TMAPC voted 9-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris "absent") to APPROVE Housekeeping Amendments to District Plans (maps and texts) for Districts 2,4,6,18 and the Regional Park and Recreation and Open Space and the Cherry Street Study, all parts of the Comprehensive Plan for the Tulsa Metropolitan Area.

* * * * *

Continued Zoning Public Hearing

PUD 261-B (PD-18) (CD-8)

(OL, OM, CS)

North and east of the NE/c of Riverside Drive and E 71st St. South

Chairman Parmele announced the applicant has requested a continuance to November 6, 1991.

There were no interested parties present wishing to speak.

TMAPC Action; 7 members present:

On MOTION of WILSON, the TMAPC voted 7-0-0 (Ballard, Doherty, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Midget, "absent") to APPROVE continuance of PUD 261-B to November 6, 1991.

* * * * *

PUD 473 (PD-6) (CD-9)

(RS-2)

SW/c E. 26th Pl. S. & S. Boston Avenue

Chairman Parmele reported the applicant has requested a continuance to November 6, 1991.

There were no interested parties present wishing to speak.

TMAPC Action; 7 members present:

On MOTION of WOODARD, the TMAPC voted 7-0-0 (Ballard, Doherty, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Draughon, Harris, Midget, "absent") to APPROVE continuance of PUD 473 to November 6, 1991.

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Zoning Public Hearing

Z-6331 Warren (PD-7) (CD-2)

RM-2, OM, OH to HP

North and south side of W. 18th St. at S. Cheyenne Ave.

Chairman Parmele requested this item be stricken from the agenda and readvertised due to an incorrect legal description and possibly incorrect notice being given. There were no objections.

Z-6334 Fred Jones Inc. (PD-6) (CD-9)

(RS-3 to CH)

E of the NE/c of E. 36th St. & S. Peoria Ave.

Staff Recommendation

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special Consideration Area Low Intensity -- No Specific Land Use.

The requested CH District is not in accordance with the Comprehensive Plan.

Staff Recommendation:

Site Analysis: The subject tract is 50' x 140' in size and is located east of the northeast corner of E. 36th Street and

South Peoria Avenue. It is nonwooded, flat, contains a parking lot and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwellings zoned RS-3; on the south by a church zoned CH and RS-3; and on the west by a vacant commercial building zoned CH.

Zoning and BOA Historical Summary: The Board of Adjustment previously approved this lot for parking.

Conclusion: The applicant wishes to construct a new commercial building which will have the eastern 10 to 12 feet of the building on the subject tract and the remainder of the building on the commercial zoned tract to the west. The Brookside Study recommends that the subject tract only be allowed to be rezoned to PK (parking). Staff feels the CH district could be extended to the east 12' without significant negative impact on the nearby residential areas.

Therefore, Staff recommends **APPROVAL** of CH zoning on the west 12 feet of Z-6334 and PK zoning on the remainder of the subject tract.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WOODARD**, the TMAPC voted 9-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris "absent") **APPROVAL** of Z-6334 as recommended by staff.

Legal Description

CH: the West 12' of Lot Twelve (12) and PK: the east 38' of the west half of Lot Twelve (12), Block Four (4), Olivers Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

* * * * *

PUD C475 North of the northeast corner of the Mingo Valley Expressway service road and East 69th Street North

Staff Recommendation

The applicant has filed this PUD to accompany a previously considered rezoning request (CZ-190) for IM and IL which is being held by the County Commission until a PUD could be filed. PUD C475 proposes medium industrial uses on the west 347' adjacent to the expressway service road and light industrial uses on the east 380' which is adjacent to residential areas. In addition, various types

of commercial uses (Use Units 12, 13, and 14) are proposed to be allowed in the western portion of the PUD. After review of the proposed PUD, staff feels the safeguards provided to surrounding residential areas are no greater than those provided by IL zoning alone, which was originally recommended by the TMAPC. In fact, the PUD would allow medium manufacturing uses on the western portion, making the PUD more incompatible with residential than the straight IL zoning. Staff, therefore, is recommending additional safeguards to increase the compatibility with the residential area. With these changes, Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD C475 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 C475 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:**

Development Area A

| | |
|--|---|
| Land Area (Net) | 5.14 acres + |
| Permitted Uses | Manufacturing of heat exchangers and uses permitted by right in the IL district |
| Maximum Floor Area Ratio | .75 |
| Maximum Building Height | 50' |
| Minimum Building Setbacks | |
| From North Boundary | 25'* |
| From South Boundary | 25'* |
| From Centerline to service road | 100' |
| * But in no case less than 75' from any R district | |
| Minimum Off-street Parking | As required for the applicable use unit by the Tulsa Zoning Code |

Development Area B

Net Area 5.74 acres ±

Permitted Uses Uses permitted by right in an IL district

Maximum Floor Area Ratio .75

Maximum Building Height 35'

Minimum Building Setbacks

From North Boundary 75'

From East Boundary 100'

From South Boundary 100'

Minimum Off-street Parking As required for the applicable use unit by the Tulsa Zoning Code

3. Use Unit 25 or 26 activities which are located within 300 feet of an R District shall be conducted within enclosed buildings.
4. Prior to occupancy of any building or the commencement of any open air activity within the PUD other than uses allowed by right in an RE district, a decorative screening fence shall be erected and maintained along the boundary of the PUD which abuts an R District.
5. **Signs:**
Ground Signs: One project or tenant identification sign up to 25' in height with a maximum display surface area of 150 SF is allowed on the frontage road. In addition, one monument sign per building in the PUD is allowed to a maximum of four (4) signs. These monument signs may be up to 6' high and contain a maximum of 50 SF of display surface area.

Wall Signs: One wall sign is permitted per building and shall be on building walls which do not face residential areas and shall not exceed two square feet per linear foot of building wall to which they are affixed.
6. A row of deciduous shade trees at least 7' in height shall be planted along the east and south boundary of Area B. The trees shall be spaced no greater than 35' apart.
7. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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.

8. A Detail Landscape Plan for each development area 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 for that development area 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.
9. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
10. All trash, mechanical and equipment areas shall be screened from public view.
11. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 20 feet.
12. No Building Permit shall be issued until the requirements of Section 1107 E 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 County beneficiary to said Covenants.

Comments

Mr. Steve Compton, Owasso City Planner, reported that the Owasso City Planning Commission heard this referral item at their Thursday night meeting. Prior to that meeting Mr. Compton held a series of meetings with the developer, the developer's attorneys, representatives of the neighborhoods in that area, and a special meeting of a subcommittee of the Planning Commission that met with the neighborhood group. As a result they developed a recommendation that was consistent with the second draft of the PUD that had been submitted by the applicant except for a series of conditions. He stated the neighborhood representatives initial concerns about requesting a continuance was so they could participate in the process. He understands the reason for withdrawal of the request for continuance was that they were basically satisfied with the PUD and recommendation of the Owasso Planning Commission. Mr. Compton advised he has not studied in depth the TMAPC staff recommendation. He believes there are significant differences between the two as far as uses, screenings and landscaping requirements.

Ms. Wilson noted TMAPC staff recommendation is in general agreement with Owasso, although, they may have more stringent conditions than what Owasso considered since TMAPC works a lot with PUDs.

Applicant's Comments

Roy Johnsen, attorney representing the applicant, gave a history of the PUD and the scope of work done to bring the PUD up to today's presentation. He stated that it was traditional on referral cases to communities to give a substantial amount of deference to the local preferences on an application. He now must work with TMAPC on a second set of staff conditions after having first worked with Mr. Compton and the Owasso Planning Commission.

Mr. Johnsen stated the concept was that within Development Area A there would be more permissive and heavier uses and within B more restricted uses with tougher conditions. A substantial change over the original submittals is the restricted area has been greatly increased, which also results in the heavier use area being further removed from the neighborhood to the east. The uses proposed in Area A are industries that would provide related services or goods to the heat exchange business, which is the principal business to the south. Some of those conceivably might fall within the medium intensity range. They did not want to permit all medium industrial uses. This PUD language was carefully drawn to say they could manufacture heat exchangers, which may be deemed to be a moderate industrial use, or there could be those industrial uses that are incidental to that use (heat exchangers). Staff language leaves the question open that if there is an industry related to providing service or goods to the heat exchangers business it wouldn't be permitted because it would be a principal use. Mr. Johnsen said Mr. Compton was satisfied with this description of permitted uses and requested that this language be included.

Mr. Doherty noted uses included under the applicant's proposed permitted uses include Use Units 12, 13, and 14 which are traditionally, according to code, uses by exception in IL. He asked if this would permit a convenience store to operate without coming back to the Planning Commission.

It was determined this would be allowed if the site plan and landscape plan were approved for such a use.

Mr. Gardner asked if a foundry was considered accessory to this operation. He noted staff's concern was the applicant they did not exclude foundrys so it was open-ended and staff is unable to evaluate this item if they are unable to determine what is related to heat exchanger fabrication. This is stating that an industry that might make part of that heat changer is allowed. Then one is not manufacturing anything other than heat exchangers. Manufacturing of parts of heat exchangers is done in one building and assembled elsewhere.

Mr. Johnsen stated there were some setback changes TMAPC staff made and those are acceptable to the applicant. Language was written concerning Area B that would not permit assembly, manufacturing, or other industrial activity, except within enclosed buildings. Mr. Johnsen stated their proposal was trying to state assembly, manufacture and other industrial activities must be within an enclosed building. Staff has stated Use Unit 25 or 26 activities shall be located within an enclosed building. It is possible to have a light industrial use for all the assembly or fabricating inside, but outside there might be storage of product or materials. This is customary in industrial districts. They want to preserve the right to have that storage. He went on to say if there is to be storage it must be screened and a height limitation is required. TMAPC staff language would not permit outside storage.

Mr. Stump advised that basically they are talking about the same thing, but there is an added safeguard which is the residential area on the south side of the project needs a 300' setback for any outside fabrication activities; this would include a good portion of the southern portion of Development Area A. This is the same safeguard that is required in standard IL zoning or IM zoning. Storage is permitted outside, but fabricating operations cannot be conducted outside within 300' of a residential district. The applicant's language stated that only Area B would have this safeguard. Staff wants to provide at least the minimum protection provided by standard zoning.

Mr. Johnsen replied everything to the east, which is where the concern was, now has a 340' setback.

Mr. Doherty clarified that the intent is to permit outside storage, but to prevent outside operations, such as welding, grinding, etc.

Mr. Doherty remembered from the earlier public hearing neighbors had objected to the welding arcs. He noted that it is not uncommon in warm weather in a heat exchanger operation to open the doors in the building because of the heat. He stated that inside operations that go on in fabricating heat exchangers would give that effect to the neighborhood.

There was much discussion regarding the 300' setback and protecting the residential district.

Mr. Johnsen stated the reason the applicant wants medium intensity is that the property is already zoned IL. He questioned at what point screening would be required. The applicant had requested it be required when development begins in Area B. We do not see the need for screening Area A because of the significant distance separating Area A from any homes. He pointed out the Owasso Planning Commission thought this was reasonable.

Mr. Stump pointed out the topography is such there is no vegetation to block the view from the residents' back doors to the east and to some degree to the south. Staff felt a large manufacturing

facility 300' feet away will still be an unattractive view and therefore felt the screening fence should be erected.

Mr. Johnsen continued with item 5 on signs. He had calculated the aggregate for signs (330' of display surface area) was based on the amount of frontage. The applicant requested each building have a sign as long as the aggregate of those signs does not exceed 330' and any one of those signs could be greater than 128 SF. Staff has imposed further restrictions which he feels are unnecessarily restrictive in an industrial area. He added Owasso made some modifications which his client accepted.

Mr. Stump responded that it was a PUD and a single sign which can be easily seen from the frontage road identifying which businesses are in the development would function for a highway sign. Once into the development one just needs to know which building you want to go to. A 6' monument sign would do that quite well, in addition staff is allowing 2' per lineal foot of wall for wall signs.

Mr. Johnsen stated he would accept that change.

Mr. Johnsen continued with Item #10. He explained that this is an industrial area and the rural homes are not nearby but adjacent on deep lots that extend 300' to the east. In this setting this does not fit the nature of the use or the nature of surrounding uses.

Mr. Johnsen feels the word decorative in the screening fence requirement is new to him. He noted the applicant would install a board fence, or perhaps cyclone with the slats, but assured the Planning Commission no inappropriate material would be used.

Mr. Stump agreed the word decorative could be deleted. He added there would be no problem deleting Item #10.

Mr. Doherty addressed the timing of the screening fence and screening of mechanical and garbage areas. He feels what is customary in an industrial area is very different to what is customary in a commercial area. This is an area in transition from residential to industrial. It appears the applicant is also trying to accommodate a potential commercial uses by the inclusion of Use Units 12, 13, 14, in permitted uses which may or may not be inappropriate. However if standards are to be written for an industrial PUD and at the same time try to accommodate future change to commercial there may be difficulty doing this.

Mr. Johnsen advised he would give up the commercial uses and state this is an industrial district and try to arrive at reasonable restrictions.

Mr. Doherty stated this can be accommodated under site plan review.

Mr. Doherty suggested treating this as an industrial area.

Mr. Carnes stated that any screening fence is not attractive the day it is put up and deteriorates from then on. He suggested the applicant consider plantings for screening and then install the type of fence he wishes to install. Mr. Carnes stated once the trees are planted the screening fence becomes a moot issue.

Interested Parties

Jason Gettleman

8709 North 124th East Ave., Owasso

He advised he was not here as a representative of the neighborhood group, but as a messenger. He read a letter from the group. It stated that the group had requested a continuance to November 6, so the Committee might be represented at the hearing. On October 17, the Owasso Planning Commission met and discussed the Helscel Industrial Center. Aspects of PUD 475 were discussed and amended. If TMAPC would approve PUD 475 as approved by and recommended by Owasso Planning Commission they would withdraw their request for continuance. Conditions they would recommend are a 6' screening fence on the south side and east side, trees and a minimum 7' tall when planted and are place 35' apart, that all speakers face west and eastern most buildings be 100' from the east border of the property and the southern most buildings be 75' from the south border of the property. Also that the entire property be zoned Industrial light with medium uses allowed only on the front half of the center and only those related to the production of heat exchangers and their coolers. They request these requirements be part of the PUD 475 and all other specifications recommended by the Owasso Assistant City Manager, Steve Compton. This was signed by David Rear, Jan Gaylord, and Don Kurr.

He stated that he was not a spokesman, but believes these interested parties would not be opposed to more restrictions being put on the PUD.

Review Session

Mr. Parmele began review of the areas where there were differences of opinion between the three entities.

Mr. Doherty addressed the language on uses in Development Area A. The applicant, Owasso Planning, and TMAPC staff all agree with the overall intent, just the language to implement that intent is in question. Staff requests that the area not be excessively used for heavy type uses, such as a foundry, or the more objectionable parts of the traditional medium manufacturing.

Mr. Gardner suggested since there is no objection to IL uses, or with the heat exchanger, something might be added that states TMAPC would retain review for related uses. TMAPC would have to review uses in Use Unit 26 other than heat exchanger.

Mr. Gardner suggested item #3 could state Use Unit 25 or 26 activities other than product storage or related vehicle storage which are located within 300 feet of an R District shall be conducted within enclosed buildings.

Mr. Parmele stated the problem with the 300' restriction is that it leaves a very small footprint that is available in the whole tract of Area A.

Mr. Stump stated one of the suggestions of the County Commission was to come up with a PUD with additional safeguards. If the 300' requirement of an R District is deleted this gives the applicant more things he can do than under standard zoning. If the property were zoned IL or IM the applicant would have to comply with that setback requirement.

In response to Ms. Wilson's inquiry regarding the adequacy of the 300' setback, Mr. Gardner replied the buildings can be closer. We are talking about open air activities.

Mr. Doherty asked if staff had a problem on applicant's page 3, V regarding enclosure as applied to Area B.

Mr. Stump agreed that would be fine for Area B, the only other condition would be the one that standard zoning imposes, in Area A there we would like the standard condition that within 300' of a residential area manufacturing activities must be within an enclosed building.

Mr. Johnsen believes the overall project has to be evaluated and there may be some things less restrictive if they are appropriate. The point is to have good land use relationships with properties to the east and he believes this has been achieved. Given the circumstances it is not unreasonable to have open air manufacturing activities in Area A.

Mr. Carnes asked if the applicant would be willing to plant trees closer in these areas. He feels once trees get growth this will provide natural screening from any outdoor manufacturing.. In this case he would be willing to agree to outside manufacturing.

Mr. Doherty suggested stating that no outside manufacturing be permitted within 100' of the southeast corner of Development Area A, there are no houses to the north to protect, and give breathing space to the one residence to the south.

Mr. Parmele addressed Item #4 and the screening fence and when it is to be erected. Owasso states screening to be modified as follows: prior to the occupancy of any buildings in Development B a screening fence and a series of deciduous shade trees be planted and maintained along the south and east boundary of Development Area B. Screening along the east 200 of the north boundary of Development Area B. Screening along the east 200 feet of the north boundary of Development Area B will not be required until the area north of this boundary is developed as residential.

Mr. Johnsen asked no screening be required until Area B is developed, which is what Owasso endorsed.

Mr. Doherty asked if development would be permitted in Area A with no screening other than distance from the residences to the east.

Mr. Johnsen replied yes and Owasso agreed because the distance was substantial.

It was the consensus of the Planning Commission that the landscaping be planted now and the fence be put up as the area is developed. The applicant agreed.

Ms. Wilson recommended going with staff proposal for signs. The Commission agreed.

Item #10 of staff recommendations is to be deleted.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 to (Ballard, Carnes, Doherty, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget "absent") to recommend APPROVAL of PUD C475 subject to the staff conditions with the following amendments:

2. Development Standards:

Development Area A

Permitted Uses

Uses permitted by right in an IL district and the manufacture of heat exchangers. Use Units 12, 13, 14 and other Use Unit 26 uses may be allowed if deemed appropriate by the TMAPC at Detail Site Plan Approval review.

3. Use Unit 25 or 26 activities, other than product storage or related vehicle storage, which are conducted outside of a building shall be setback at least 100' from the southeast corner of Area A and as otherwise provided for in the Outline Development Plan dated October 10, 1991.
4. Prior to the commencement of any open air activity, or storage of materials within Area A, or any industrial activity in Area B of the PUD. The boundary landscaping provided for in Item #6 shall be planted. A screening wall or fence is to be provided as required in the Outline Development Plan dated October 10, 1991.
5. Item #10 to be deleted.

Legal Description

S/2 SW NW less E. 431' and less 2.66 acres for Highway,
Section 32, Township 21 North, Range 14 East, Tulsa
County

* * * * *

PUD 179-S East of the southeast corner of East 71st Street and
South 92nd Avenue

Staff Recommendation

The applicant is proposing a major amendment to PUD 179-R which involves all of what was previously Development Area B of PUD 179-R. The amendments proposed include allowing a drive-in restaurant immediately east of the Quik-Trip store and an additional outparcel on 71st Street immediately west of the mini storage development. Also the number of ground signs is proposed to be increased from 2 to 3; the landscaped buffer strips along 71st Street and 92nd East Avenue are to be eliminated; the total building floor area is to be reduced from 67,589 SF to 51,622 SF; and Use Unit 12 uses would be allowed.

Staff can only support some of these changes and then only under certain conditions which are reflected in the changes in PUD conditions that follow.

Based on staff recommended changes, staff finds PUD 179-S 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 179-S 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:

DEVELOPMENT AREA A

| | | |
|-----------------------|---|------------|
| Site area | 25,000 SF | 0.57 Acres |
| Permitted Uses | Use Unit 12, 13, 14 and 18 Drive-in Restaurant | |
| Building Floor Area | 1,322 SF | |
| Landscaped Open Space | 3,700 SF | |

| | |
|-------------------------|--|
| Drive-in Stalls | 27 |
| Employee Parking Spaces | 8 |
| Building Setbacks | |
| North Property Line | 80 Feet |
| West Property Line | 40 Feet |
| South Property Line | 50 Feet |
| East Property Line | 60 Feet |
| Canopy Setbacks | |
| North Property Line | 50 Feet |
| West Property Line | 25 Feet |
| South Property Line | 50 Feet |
| East Property Line | 2 Feet |
| Maximum Building Height | 28 Feet |
| Signs | One ground sign with a maximum display surface area of 150 SF and height of 25', to be located at least 100' from any other ground sign |
| | Wall or canopy signs shall be limited to an aggregate display surface area of 1 square foot per each lineal foot of the building wall to which the signs are affixed. Wall or canopy signs shall not exceed the height of this building. |

DEVELOPMENT AREA B

| | | |
|-----------------------|---|------------|
| Site Area | 49,209.30 SF | 1.13 Acres |
| Permitted Uses | Use Units 11, 12, 13, and 14 except no Entertainment and/or Drinking Establishments are permitted | |
| Building Floor Area | | |
| Retail | 11,000 SF | |
| Restaurant | 7,200 SF | |
| Landscaped Open Space | 5,500 SF | |
| Parking Spaces | As required by the Tulsa Zoning Code | |
| Building Setbacks | | |
| North Property Line | 60 Feet | |
| West Property Line | 125 Feet | |

| | |
|-------------------------|---|
| South Property Line | 0 Feet |
| East Property Line | 22.5 Feet |
| Maximum Building Height | 28 Feet |
| Signs | No ground sign is permitted |
| | Wall or canopy signs shall be limited to an aggregate display surface area of 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building. |

DEVELOPMENT AREA C

| | | |
|-------------------------|---|------------|
| Site Area | 158,575.46 SF | 3.69 Acres |
| Permitted Uses | Use Units 11, 13, and 14. | |
| Building Floor Area | 39,300 SF | |
| Landscaped Open Space | 17,500 SF | |
| Parking Spaces | As required by the Tulsa Zoning Code | |
| Building Setbacks | | |
| North Property Line | 60 Feet | |
| Area B Boundary Line | 0 Feet | |
| West Property Line | 50 Feet | |
| South Property Line | 22.5 Feet | |
| East Property Line | 22.5 Feet | |
| Maximum Building Height | 28 Feet | |
| Signs | One ground sign with a maximum display surface area of 250 SF and a height of 25', to be located on the 71st Street frontage at least 100' from any other ground sign. | |
| | Wall or canopy signs shall be limited to an aggregate display surface area of 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or | |

canopy signs shall not exceed the height of the building and shall not be allowed on the west side of buildings which are within 200' of the western boundary of Area C.

3. Required Screening and Buffering:
Open space areas shall be provided along the 71st Street and 92nd East Avenue frontages of the PUD which shall use in combination or individually landscaping, berms and/or decorative screening fences with masonry posts to screen parking areas from adjacent residential areas and arterial streets. The minimum width of these open space areas shall be 25' fronting 92nd East Avenue and 15' fronting 71st Street.
4. Street Access:
Only two access points shall be allowed to 71st Street and one to 92nd East Avenue and shall be located as shown on the Development Plan submitted in the Outline Development Plan.
5. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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.
6. A Detail Landscape Plan for each development area 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 for that development area 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.
7. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 20' feet.
10. The Department of 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

11. No Building Permit shall be issued until the requirements of Section 1107 E 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.

Mr. Gardner stated in Development Area B, the second freestanding use is requested. Staff feels the key consideration is that no ground sign be permitted for this freestanding use. If a freestanding building is desired it should be part and parcel of that shopping center. There could be a sign on the frontage identifying all businesses within the shopping center, including the freestanding business. That is a key consideration. Our concern is that frontage will continue to fill up with free standing businesses until there is no exposure left for the interior tract with the shopping center.

Ms. Wilson asked for clarification as to access to the shopping center.

Mr. Gardner replied there is just one exclusive point of access on 71st Street, the other is shared with the Quik-Trip. Applicant will be going before BOA asking for a variance of the frontage for the restaurant next to Quik Trip. There would be a common access drive throughout the development; Staff is in support of that.

Applicant's Comments

Wayne Alberty

201 W. 5th Suite 120

Mr. Alberty is a land planner representing the applicant. He stated basic agreement with staff recommendation; however there are some differences. Mr. Alberty displayed a map and gave an overview of the property. In development Area C the applicant is in agreement, but for one exception. Staff recommendation had excluded Use Unit 12, under permitted uses. Originally there had been approval for eating establishments on the entire development and although there may not be a free standing restaurant, there may be a sandwich shop in Development Area C. The balance of the recommendation is acceptable but for this exception.

Applicant is also asking the Planning Commission consider the reduction of buffering fronting 71st Street of from 15' to 10' buffering fronting 71st Street. The reason being is that Quik-Trip was allowed a 10' landscape, since the development will be sharing an access point with Quik-Trip to require a 15' buffer would make access easement and mutual easement an off-set design of continuation of the roadway between the two. Mr. Alberty pointed

out the applicant has voluntarily reduced the square footage from 60,000 to 51,000 and increased landscaped area by 1,000 SF.

In regard to signage Mr. Alberty is requesting three ground signs of 125 SF each in each of the Development Areas. If the Planning Commission does not approve this request then he would ask they be allowed a free standing sign for Development Area B and a monument sign for the center, indicating the name of the center and perhaps identifying some of the tenants.

Ms. Wilson expressed her opinion that a monument sign would be the better choice.

Mr. Parmele reviewed the request to allow a 25' high sign in A, 25' high sign in B not to exceed 125 SF, and a monument sign for C, 8' maximum height not to exceed 100 SF.

TMAPC staff was in agreement.

In regard to exclusion of drinking establishment, he understands this is a principal use drinking establishment and entertainment area. They are not proposing any of those uses. They are concerned that any future restaurant may have accessory drinking.

Mr. Doherty inquired of staff the reason Use Unit 12 was excluded Area C.

Mr. Stump responded they did not want a late night activity in the eastern portion of the development next to a residential area. He added staff would be willing to say no Use Unit 12 uses in the west 325' of Area C.

Mr. Alberty noted Development Area C indicates an access point for the Quik-Trip and also a service drive. He wanted to clarify that Development Area C has two access points onto 92nd Avenue, one which is in existence and additional one to be added for the service drive.

Mr. Stump explained landscaping requirements were reduced for Quik-Trip because of the need to maneuver with the traffic demand.

Mr. Carnes inquired of Mr. Gardner in regard to the sign compromise and asked his opinion.

Mr. Gardner cautioned that because of past experiences he felt the applicant would be coming before the Planning Commission in the future requesting additional free standing signs. This is as much a concession as staff feels can be made.

Mr. Carnes expressed his agreement with Mr. Gardner and stated the Planning Commission has experienced this many times before. Once signs have been agreed to that should be final and wanted to make all aware that this was a good compromise, but asked if in the future the compromises would continue?

Mr. Alberty acknowledged reaching a good compromise.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Neely, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Woodard "absent") **APPROVAL** of PUD 179, as recommended by staff with the following amendments:

1) Item #2 **Development Standards:**

DEVELOPMENT AREA C

Permitted Uses

Use Units 12, 13, and 14 with no
Use Unit 12 uses in the west
325'.

2. Required Screening and Buffering:
The landscaping strip be modified to 10' fronting 71st Street.
3. Street Access:
Only two access points shall be allowed to 71st Street and one customer access point and one service road access point on 92nd East Avenue and all shall be located as shown on the Development Plan submitted in the Outline Development Plan.
4. Sign requirements be amended to one ground sign on 71st Street in Development Area A and one in B with maximum heights of 25' and a maximum display surface area of 125 SF per sign. One monument sign on 71st Street in Development Area C not to exceed 8' in height and 100 SF of display surface area

Legal Description

Lot 2, Block 1, Howerton Acres

* * * * *

PUD 432-B and PUD 432-C : Minor amendments to the sign requirements -- northeast corner of South Utica Avenue and East 13th Street.

Staff Recommendation

The applicant is requesting to increase the number of ground signs allowed and add wall and canopy signs to the PUD. The signs are for the two medical office buildings recently constructed between 12th and 13th Streets on the east side of Utica Ave. In Area A, which contains the two office buildings, the proposal is to increase from 2 to 3 the number of ground signs and from 0 to 2 the number of wall or canopy signs. In Area B, which is primarily a parking lot, the request is to increase from 2 to 3, the number of ground signs allowed and more than triple the amount of display

surface area. In Areas A and B the number of signs allowed would increase from 4 to 8 or double. Staff cannot support such a change from the original PUD standards. The most inappropriate of the signs in staff's opinion is the large lighted wall sign on the south side of the southern building (sign 6). It faces directly into the residential area on the south side of 13th Street. In addition staff cannot support 3 ground signs facing Utica (signs 1, 2 & 7). The project identification sign (sign 1) is all that is needed. Therefore, staff would recommend that the following minor amendment be approved for signs in Areas A and B.

Area A: One project identification ground sign not to exceed eight feet in height nor 48 square feet in display surface area which shall be consistent in design with other medical center signage and one sign on the canopy of the northern building not to exceed 8 SF of copy area are allowed.

Area B: Two building and/or tenant identification ground signs which shall not exceed 7 feet in height nor 70 SF of display surface area each and one parking area identification ground sign not to exceed 5' in height and 20 SF in display surface area are allowed. The design of the signs shall be consistent with the other medical center signage.

In summary staff proposes to allow signs 1, 3, 4, 8 and 9 and the canopy sign on the northern building all in Areas A or B.

{Note: Sign 4 is a larger than normal directional sign which was previously approved by TMAPC and is not counted as a ground sign.}.

Applicant's Comments

Mr. Charles Norman reviewed the Detail Sign Plan as to specific styling of the proposed signs as to height, materials, etc. He stressed the importance of understanding the complexity of identification in a major medical center complex. Mr. Norman advised this is the minimum signage tastefully done to be compatible with the rest of the signage in the complex necessary to advise patients and visitors as to building locations.

Comments and Discussion

Mr. Norman answered questions as to illumination of the proposed signs and construction materials.

Interested Parties

Don Barnum

1910 East 13th Street

Mr. Barnum, a homeowner and member of the Terrace Drive Homeowners Association, is representing approximately 12 families in the immediate area. He stated he was and the others in the neighborhood would be in agreement with the evaluation of the sign situation by the planning team. They are in agreement with TMAPC staff regarding changes or revisions in the PUD plan of the Hillcrest development. Some residents who live south and east of Hillcrest have some ideas for additional landscaping that needs to be provided so they won't have to look at a commercial development.

Homeowners believe the developers need to be fair with the homeowners. Early on the homeowners made it clear with the PUD that they did not want obnoxious signs or other kinds of signage and they early on agreed that this would not be something that would be done without good taste and there would not be major signs. They do concur with staff's recommendation and their assessment of the signage. There are reasons why the signs need to be there, but keep in mind this is a commercial development, a profit making development. Through the years there is no assurance the same organizations in these buildings will be the same. There needs to be a compromise and consideration of families who reside in this area.

Mr. Barnum wanted to make public notice that the parking lot that was the lot for Wheeling Avenue Christian Church, which they had agreed to keep up in terms of cutting grass, trimming, etc., has not been done. Residents would like to see continued concern about the neighborhood. The homeowners appreciate what has been done in many ways to beautify the area, but again the intrusions need to be considered.

Applicant's Rebuttal

Mr. Norman stated he appreciated the final remarks by Mr. Barnum by expressing appreciation for the good parts of the development. This needs to be put into context, the overall contribution of what Hillcrest Medical Center is doing for that part of the city by investing the dollars that have been invested not only in the building themselves but in the amenities. He still has nothing but pride for the quality and style and detail of the landscaping and the development that has been placed there. It is entirely in accord with what you were told would happen and has been done in the best of taste. The landscaping in the parking area to the east of the area has not yet been installed, that is under process and not finished. Mr. Norman voiced assurances that it would be done. He noted these are only letters, there is no motion, or intermittent light; there is nothing intrusive. Mr. Norman stated he did speak with Mr. Strutman, the manager of the Oklahoma Heart Clinic, and if it would be responsive to some of the concerns of the staff and of the neighborhood, he has authorized Mr. Norman to ask approval to move sign #6 to the west face of the building, which would then face towards the city and towards the IDL rather than to the south. They would request approval to keep the small monument sign that says Utica Park Clinic, have two identical signs for the south building with the names of the tenants on each floor, and relocate sign #6 to the west side of the building.

Comments and Discussion

Mr. Parmele announced he would be abstaining on this item and would not be participating in the discussion.

Ms. Wilson noted the other signs being proposed other than the signs on Utica are fine and discussion should be centered on signs #2, 7, and 6. She stated that she sees no need to put a wall sign for the Heart Association on the south building, even if it is

relocated. She would be inclined to approve sign #2 and something similar to sign #2 for sign #6 and perhaps some kind of a monument sign.

Mr. Doherty stated he feels sign #6 would be inappropriate in light of its dissimilarity with all the others and would be inclined to vote against it. He has no problem with any of the other signage there, Mr. Doherty stated they are very well done and useful to people trying to find various tenants. He would be supportive of any motion which approved all the signs, but the one listed as sign #6.

TMAPC Action; 7 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-1 (Ballard, Carnes, Doherty, Horner, Neely, Wilson, "aye"; no "nays"; Parmele abstaining; Draughon, Harris, Midget Woodard "absent") to **APPROVE** the minor amendment and Detail Sign Plan in PUD 432-B and C as recommended by staff with the following amendment:

Also allow signs #2 and #7.

* * * * *

PUD-432-B and C: Detail Sign Plan for Areas "A", "B" and "F".

This is a supplemental sign plan to the one already approved for Areas A and B and the first sign plan for Area F. This proposal will require that an amendment to the PUD be approved by the TMAPC and appears as a separate agenda item. If the minor amendment is approved as per the staff recommendation, then staff recommends giving Detail Sign Plan **APPROVAL** to only signs 8, 9 and 10 and the canopy sign on the north building and **DENIAL** of signs 2, 6, and 7. Signs 1, 3 and 4 were previously approved.

TMAPC Action; 7 members present:

On MOTION of DOHERTY, the TMAPC voted 7-0-1 (Ballard, Carnes, Doherty, Horner, Neely, Wilson "aye"; no "nays"; Parmele abstaining; Draughon, Harris, Midget, Woodard "absent" for **APPROVAL** of Detail Sign Plan for Development Areas A, B and F providing for additional signs numbers 2, 7, 8, 9, 10 and the canopy sign on the north building for PUD 432 B & C.

* * * * *

PUD 388-A Detail Sign Plans for Areas "A" and "B"
 Detail Landscape Plan for Area "B" --- northwest
 corner of East 71st Street South and South Trenton
 Avenue

Taco Bell, in Development Area A, wishes to change the location of a previously approved ground sign from near the building in the center of the lot to the southwest corner of the lot adjacent to 71st Street. Staff recommends **APPROVAL** of this change.

Braum's, in Development Area B, is requesting approval of the location of ground and wall signs. Staff finds them to be in accordance with the PUD development standards and recommends **APPROVAL**.

Braum's is also requesting approval of a landscape plan. After review, staff finds the Detail Landscape Plan is in conformance with the PUD standards and recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Woodard "absent") for **APPROVAL** of Detail Sign Plans for Areas A and B and Detail Landscape Plan for Area B in PUD 388-A as recommended by staff.

* * * * *

Subdivisions

Forest Meadows (2783) (PD-26) (CD-8) (RS-2)
E. 101st St. S. & S. Irvington Ave.

Staff Recommendation

Mr. Stump advised all letters were in.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Draughon, Harris, Midget, Woodard "absent") to give **FINAL APPROVAL AND RELEASE** of Forest Meadows.

* * * * *

TMAPC discussion and action on TMAPC Legislative Program FY92

Mr. Gardner advised the Legislative Consortium was considering legislation they might want to support in the coming session of the

State Legislature. TMAPC previously endorsed three amendments to state laws listed below:

- 1) Change the county BOA requirements for a quorum from 4 to 3.
- 2) Change the legislation so the Chairman of the Board of County Commissioners could ask any of the other two Commissioners to serve in his place on TMAPC. The City has language that allows them to designate someone to sit in on behalf of the mayor.
- 3) Maximum size of a tract that must require a lot split for approval. All other metropolitan commissions, with the exception of Tulsa, have a 10 acre requirement.. The City Planning Commissions do not state the size. Oklahoma City has picked 5 acres and wants to go to 10. We would like to be consistent with other metropolitan commissions.

It was the consensus of the Planning Commission that these amendments should be passed this coming legislative session.

There being no further business, the Chairman declared the meeting adjourned at 4:07 p.m.

Date Approved: 11-13-91

[Signature]
Chairman

ATTEST:

[Signature]
Secretary

