

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1911
Wednesday, January 13, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	None	Gardner	Linker, Legal
Broussard		Hester	Counsel
Secretary		Matthews	
Buerge		Stump	
2nd Vice			
Chairman			
Carnes			
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee			
Neely			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, January 12, 1993 at 11:37 a.m., as well as in the Reception Area of the INCOG offices.

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

REPORTS:

Report of Receipts and Deposits:

Mr. Gardner advised that all items were in order.

TMAPC Action; 11 members present:

On **MOTION** of **NEELY**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended December 31, 1992.

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REPORTS

Chairman's Report

Chairman Doherty announced receipt of the monthly TMAPC report to be transmitted to the City Council. There were no additions or corrections to be made.

Committee Reports

Budget and Work Program Committee

Ms. Wilson announced the next Budget and Work Program Committee meeting will be January 20, at 11:30 a.m., to continue work on the budget. Ms. Wilson reported that the Mayor's office should have their work program requests submitted for evaluation next Wednesday.

Rules and Regulations Committee

Mr. Parmele announced that the Rules and Regulations Committee will meet February 3, at the conclusion of the regularly scheduled TMAPC meeting, to review restrictions for tent and open air sales of merchandise.

Director's Report

Mr. Gardner announced that the second reading of the Adult Entertainment Ordinance is on the City Council Agenda for January 14.

ZONING PUBLIC HEARING

ZONING PUBLIC HEARING

Application No.: Z-6378 Present Zoning:
Applicant: TMAPC Proposed Zoning: HP Overlay
Location: Maple Ridge area between 15th and 21st Streets South and Peoria Avenue and the old right-of-way of the Midland Valley Railroad.
Date of Hearing: January 13, 1993

At the request of Maple Ridge homeowners and the Tulsa Preservation Commission, the TMAPC initiated this request for Historic Preservation (HP) overlay zoning for the Maple Ridge area. The Preservation Commission has developed Design Guidelines, which would be applicable to all new construction, remodels, additions and demolitions in the proposed district.

The Maple Ridge area encompasses a larger area than is being requested for HP designation. The portion under consideration has been designated the North Maple Ridge area and stops at 21st Street. The entire Maple Ridge area extends to 31st Street and is Tulsa's largest and best known historic area. It was the first Tulsa historic area listed in the Oklahoma Landmarks Inventory and in 1983 was placed on the National Register. The 1992 Tulsa

Historic Preservation Plan Report, a part of the Comprehensive Plan, also identifies Maple Ridge as historic resource for the City which should be protected.

Staff recommends that the Maple Ridge area be designated HP and that the Design Guidelines proposed by the Preservation Commission be **APPROVED**.

TMAPC Comments

Chairman Doherty announced that it will not be possible to take action because notices mailed for the public hearing were incomplete.

Russell Linker, Assistant City Attorney, advised that the public hearing notice did not contain a statement required by Ordinance. Mr. Linker concluded that this invalidates the notice that was mailed. In response to inquiry from Chairman Doherty, Mr. Linker advised that the public hearing cannot be conducted; however, input may be heard.

TMAPC members and Staff discussed an appropriate date for continuance of the public hearing with a motion submitted to continue to February 17, 1993.

TMAPC Action; 11 members present:

On **MOTION** of **WILSON**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "none absent") to **CONTINUE** the public hearing to consider HP designation for the Maple Ridge area to February 17, 1993.

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Comments

**Steven Carr, Chairman
of the Tulsa Preservation Commission (TPC) 1516 S. Boston Ave.**
Mr. Carr expressed support of TPC for HP overlay zoning of the Maple Ridge area, and added that it is in conformance with the Comprehensive Plan, as well as the Preservation Plan for the City of Tulsa. Mr. Carr described the steps which led to this request. He stressed that there has been significant support expressed to TPC Staff at neighborhood meetings and reported that area residents walked the neighborhood to gather support and presented a petition in support for HP overlay zoning. Mr. Carr explained the guidelines under HP overlay zoning, should construction, other than residential, occur.

There was concern expressed among the Planning Commission over the percentage of area residents in favor of HP overlay zoning and those opposed. The Planning Commission requested a map be presented indicating a lot-by-lot designation of various land uses.

The Planning Commission requested Mr. Carr to prepare such a map for the February 17 public hearing.

There was discussion over protecting rights of property owners opposed to the proposed zoning change.

Interested Parties in Support

Pat Hanford	1530 S. Norfolk	74120
Jim Fehrle	1531 S. Madison	74120
Patricia Dickey, Executive Board Swan Lake Neighborhood Assn.	1404 E. 20th St	74120
Paul Atkins IV Swan Lake Neighborhood	1638 E. 17th Pl.	74120
Betsy Horowitz	316 E. 18th St.	74120
Johnna Thurston	1720 S. Detroit	74120

The above-listed individuals expressed support for HP overlay zoning and made the following comments:

Individuals who walked the neighborhood area reported receiving enthusiastic support from residents. Most residents indicated support of HP overlay zoning and were very willing to sign petitions of support.

Instances were cited of individuals not residing in the area, enjoying the character of the neighborhood so much that they go out of their way to visit the area for walks. This individual encouraged preservation of the area.

One individual expressed concern over the wording of the public hearing notice. Stating "changing of existing zoning to HP zoning", he pointed out that it is not a change, but rather an overlay.

A member of the Executive Board of Swan Lake Neighborhood Association presented a letter expressing support of the HP zoning and advised that the Association would be following this process very closely, since they will be considering an application within the next two years.

It was commented that the Committees administering the Certificate of Appropriateness will be well-organized and well-informed, as in other cities that have HP zoning.

The Planning Commission was cautioned to not be afraid to proceed with this request. It was declared that there is nothing strange about this request, but rather greater enhancement and protection of an area.

It was reported that information, as well as reports in a neighborhood newsletter regarding HP zoning, have been distributed to area residents. Petitions containing 180 signatures of support have been gathered out of 366 properties.

Interested Parties in Opposition

Brian Whitehurst

316 E. 18th St. 74120

Mr. Whitehurst expressed opposition to HP overlay zoning due to the complexity of the ordinance. Mr. Whitehurst voiced concern that individuals administering the zoning do not have a complete understanding of the proposed zoning and questioned whether it will be administered as it should be. He added that a color-coded map (showing those for and those against the request) is a requirement of the ordinance.

TMAPC Comments

Mr. Buerge expressed concern over the percentage of area residents in support of and in opposition to this request.

Chairman Doherty reported on an earlier meeting with Urban Development, the result of which was a decision that a written procedure would be prepared for applicants for HP zoning. Chairman Doherty advised that at the public hearing there will be a map indicating those in support, those opposed, and those making no response.

Mr. Gardner informed the Planning Commission that every property owner received notice of the HP overlay zoning and there have only been three responses indicating opposition.

Mr. Buerge voiced concern over imposing restrictions on property owners, which do not currently exist, and ensuring those opposing the zoning are heard.

Chairman Doherty assured Mr. Buerge that the Planning Commission intends to study this very carefully and deliberately. He encouraged the Planning Commissioners to again read the ordinance and provisions.

Staff was instructed to compile copies of the minutes from earlier HP hearings so the Planning Commissioners can review discussions held, concerns raised, and comments from area residents as to why HP zoning is needed.

Commissioner Dick reminded the Planning Commission that they are not here to simply enforce majority rules. He declared that they have a duty to consider more than what a particular majority of individuals want, but to consider the sanctity of the ownership of each home.

Chairman Doherty directed Staff to place this item after routine business on the date of the hearing.

ZONING PUBLIC HEARING

Application No.: Z-6384
Applicant: David A. Tracy
Location: 7600 E. 31 Street
Date of Hearing: January 13, 1993
Presentation to TMAPC: David A. Tracy

Present Zoning: RS-3
Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

According to the Zoning Matrix, the requested CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .5 acre in size and is located at the southwest corner of East 31st Street South and Skelly Drive Expressway (I-44). It is nonwooded, flat, contains an outdoor advertising sign and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north across East 31st Street by a residential subdivision zoned RS-3; on the east and south by Skelly Drive Expressway (I-44) zoned RS-2; and on the west by mostly vacant property with one single-family dwelling zoned RS-3.

Zoning and BOA Historical Summary: The TMAPC has recommended denial to rezone the subject tract anything above OL zoning which is the highest intensity designation that is in or may be found in accordance with the Comprehensive Plan

Conclusion: Based on the Comprehensive Plan, previous actions, and existing zoning pattern for the area, Staff is not supportive of the requested commercial, but would support OL zoning as was supported in 1982.

Therefore, Staff recommends **DENIAL** of the requested CS zoning and **APPROVAL** of OL zoning in the alternative.

TMAPC Comments

Chairman Doherty announced receipt of an untimely request for continuance. He noted that there were interested parties present. After hearing from the applicant and interested parties, it was the consensus of the Planning Commission to move this item to the end of the agenda to eliminate the applicant's scheduling conflict.

TMAPC Action; 11 members present:

On MOTION of CARNES, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to MOVE this item to the end of the agenda.

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Applicant's Comments

David Tracy

1701 S. Boston

Mr. Tracy advised that the subject property is vacant except for an outdoor advertising structure and a variance has been granted to allow Christmas tree sales on the subject property. He noted that since it is in the floodplain, it precludes any present structural change. The change in zoning is being requested to permit the continued use of the property for outdoor advertising. He reported on future plans for Audubon Creek and noted the work contemplated on the west side of the expressway will create a buffer between the proposed tract and the neighborhood to the west, in addition to the vacant property. Mr. Tracy advised that OL zoning would be of no benefit to him.

Interested Parties

Ray McCollum

3135 S 76ht E. Ave. 74145

Mr. McCollum, property owner to the west, voiced opposition to the delay in hearing this item. Petitions were presented to the Planning Commission from homeowners in the area opposing this rezoning request. Objections stated were to signs along the highway and the sign on the subject property. Concern was expressed over increased traffic problems with a commercial structure on this tract, and that it may be used for tent sales which residents would oppose. In response to a question, Mr. McCollum expressed objection to OL zoning also. He informed of Stormwater Management's intention to buy this property and construct a park.

It was the consensus of the Planning Commission that CS would not be appropriate for this location; however, it was noted that OL may be appropriate if a PUD were with it.

TMAPC Action; 11 members present:

On MOTION of PARMELE, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to DENY Z-6384 for CS zoning or lesser zoning category.

LEGAL DESCRIPTION

The East 150' of a tract of land described as follows: Beginning at a point 35' south and 99' East of the NW corner of the E/2, NW/4, NE/4 of Section 23, Township 19 North, Range 13 East, Tulsa County, Oklahoma; thence East along the south line of East 31st Street 834.01' to a point on the NW boundary line of Interstate Highway 44 thence in a southwesterly direction 1197.05' to a point 99' East of the East boundary line of the E/2, NW/4, NE/4 of said Section 23 thence north along the east boundary line of Magnolia Terrace Addition 797.79' to the point and place of beginning, containing some 3 acres more or less.

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ZONING PUBLIC HEARING

Application No.: **Z-6385** Present Zoning: CS, RS-3
Applicant: Steve Ranley, II Proposed Zoning: CS
Location: North of the Northeast Corner of East Admiral Boulevard and Garnett Road
Date of Hearing: January 13, 1993

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use, Corridor Area and Development Sensitive.

According to the Zoning Matrix the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2.79 acres in size and is located approximately 660' north of the northeast corner of East Admiral Boulevard and Garnett Road. It is partially wooded, flat, contains several mobile homes being stored and for sale and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by an apartment complex zoned RM-2; on the east by private school facility zoned RS-3; on the south by a mobile home sale lot zoned CS; and on the west across Garnett Road by vacant property and a single-family dwelling zoned RS-3.

Zoning and BOA Historical Summary: Medium intensity designations have been approved by the City in the immediate area of the subject tract.

Conclusion: The subject tract would fall into a node established by the other three corners of the intersection and is appropriate for commercial zoning. Based on the Comprehensive Plan and existing zoning pattern for the area, Staff is supportive of CS zoning.

Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6385 as requested.

There were no interested parties present

TMAPC Action; 11 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to recommend **APPROVAL** of Z-6385 for CS zoning as recommended by Staff.

LEGAL DESCRIPTION Z-6385

The West Half of the West Half (W/2, W/2) of U. S. Government Lot 4, of Section 5, T-19-N, R-14-E of the Indian Base and Meridian, in the City and County of Tulsa, Oklahoma according to the U. S. Government Survey thereof, less the South 356.1' thereof, containing 2.79 acres

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ZONING PUBLIC HEARING

Application No.: **Z-6386** Present Zoning: **CS, RS-3**
Applicant: **Frank McDonald** Proposed Zoning: **CS**
Location: **Northeast corner of Admiral Place and 106th E. Place**
Date of Hearing: **January 13, 1993**

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use and Corridor on the south 200 feet and Low Intensity -- No Specific Land use and Corridor on the north 80 feet.

According to the Zoning Matrix the requested CS District is found in accordance with the Plan Map on the South 200 feet and not in accordance on the north 80 feet.

Staff Recommendation:

Site Analysis: The subject tract is approximately 2-1/2 acres in size and is located at the northeast corner of Admiral Place and 106th East Place. It is partially wooded, gently sloping, contains a mobile home sales lot and is zoned CS and RS-3.

Surrounding Area Analysis: The tract is abutted on the north by Cooley Creek floodplain which is vacant and zoned RS-3; on the east by an office building zoned CS; on the south across Admiral Place by single-family homes zoned RS-3; and on the west by a business fronting Admiral and single-family homes behind zoned CS and RS-3.

Zoning and BOA Historical Summary: CS zoning has been approved immediately east and southwest of the subject tract.
Conclusion: Even though the Comprehensive Plan does not envision CS zoning as far to the north as is proposed in this request, staff can support it due to the CS zoning to the east and the physical buffer provided by Cooley Creek on the north.

Therefore, Staff recommends **APPROVAL** of CS as requested for Z-6386.

Chairman Doherty instructed Staff to review the Comprehensive Plan for possible Housekeeping ammendments regarding changed conditions, transition, etc.

There were no interested parties present.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to recommend **APPROVAL** of Z-6386 for CS zoning as recommended by Staff.

LEGAL DESCRIPTION Z-6386

Lot 6, less the S 45' for Highway, Spring Grove Subdivision of Lot 2 of Section 6, Township 19 North, Range 14 East of the Indian Base and Meridian, Tulsa County

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ZONING PUBLIC HEARING

Application No.: **Z-6387** Present Zoning: **OL**
Applicant: **James M. Zyskowski** Proposed Zoning: **CS**
Location: **Southwest corner of East 31st Street South and South 126th E. Avenue**
Date of Hearing: **January 13, 1993**
Presentation to TMAPC: **James M. Zyskowski**

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

According to the Zoning Matrix, the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .42 acres in size and is located at the southwest corner of East 31st Street South and South 126th East Avenue. It is nonwooded, flat, vacant, and is zoned OL.

Surrounding Area Analysis: The tract is abutted on the north by a church zoned AG; on the east by convenience store and strip commercial center zoned CS; on the south by a single-family dwelling and subdivision zoned RM-1; and on the west by a church zoned RS-3.

Zoning and BOA Historical Summary: CS zoning was denied on the subject tract in 1973.

Conclusion: In review of the minutes from Z-4580, it was determined that the primary reason for denial was to stop the stripping of commercial along 31st Street and to avoid any negative impact to abutting residences. Staff finds no change in the physical character of the area and would have the same concerns. The proposed zoning would extend further west than the existing commercial zoning on both the north and south sides of East 31st Street. A significant difference between the subject tract and existing CS zoning to the east is that the subject tract is not located at the rear of residences but rather at the side.

Therefore, Staff recommends **DENIAL** of the requested CS zoning. For the record, CS zoning with a companion PUD could be supported by Staff where uses not appropriate to an abutting residence could be excluded and design criteria established to buffer abutting uses.

Applicant's Comments

Dr. Zyskowski explained his intent to construct a veterinary hospital at this location. He explained that currently his hospital is at 31st Street and Garnett Avenue, which abuts a residential area similar to the subject tract. Dr. Zyskowski gave a description of the surrounding area and the businesses in the area. He advised that the proposed building would be a fully-enclosed self-contained structure.

Interested Parties

Patty Madole 3116 S. 126th E. Ave. 74146
Ms. Madole, representative of residents of Briarglen Meadows, presented a petition opposing the zoning change. Residents feel the requested CS zoning would be an intrusion into the residential area. Concern was also expressed over the possibility of outside kennels and the amount of noise and commotion associated with a veterinary hospital. Ms. Madole voiced concern over other uses which could be allowed under CS zoning.

Jeff Schaller 12425 E. 31st St.
Mr. Schaller declared that he could support a veterinary hospital at this location.

Applicant's Rebuttal

Dr. Zyskowski explained that he has had a practice in the vicinity of the subject tract since 1974 and would like to stay in the general vicinity. Dr. Zyskowski explained the plans for the proposed structure would be completely self-contained; there would be no outside kennel.

TMAPC Review Session

Chairman Doherty noted the uses allowed under CS zoning would not all be appropriate at this location. It was suggested that the restrictions allowed under a PUD might be an appropriate use for this property, and that Dr. Zyskowski may wish to continue his application to allow time to examine the PUD process.

Dr. Zyskowski agreed to the continuance to allow him time to examine the PUD process.

TMAPC Action; 11 members present:

On MOTION of CARNES , the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Z-6387 to January 19, 1993.

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ZONING PUBLIC HEARING

Application No.: Z-6388 Present Zoning: AG
Applicant: James L. Brown Proposed Zoning: IL
Location: East of the southeast corner of East Pine Street and North 129th East Avenue
Date of Hearing: January 13, 1993

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 (Industrial).

According to the Zoning Matrix, the requested IL District may be found in accordance with the Plan Map. All zoning districts may be found in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately 3.2 acres in size and is located approximately 1,600 feet east of the southeast corner of East Pine Street and North 129th East Avenue. It is nonwooded, gently sloping, contains what appear to be two nonresidential buildings and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned CH; and on the east, south and west by vacant property zoned IL.

Zoning and BOA Historical Summary: Light industrial zoning was established several years ago abutting the subject tract. The subject tract was under a separate ownership and not part of the request.

Conclusion: Based on the Comprehensive Plan and existing zoning pattern, Staff is supportive of the requested IL zoning.

Therefore, Staff recommends **APPROVAL** of Z-6388 as requested.

There were no interested parties present.

TMAPC Action; 11 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to recommend **APPROVAL** of Z-6388 for IL zoning as recommended by Staff.

LEGAL DESCRIPTION

A tract of land beginning at a point 1594.7' East and 50.0' south of the northwest corner of Section 33, Township 20 North, Range 14 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U. S. Government survey thereof; thence East 300.0'; thence South 466.42'; thence West 300.0'; thence North 466.80' to the Place of Beginning, containing 3.21 Acres, more or less.

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ZONING PUBLIC HEARING

Application No.: **Z-6389** Present Zoning: **OM**
Applicant: **Roy Johnsen** Proposed Zoning: **CS**
Location: North of the northwest corner of Trenton Ave. and 71st St. South
Date of Hearing: January 13, 1993
Presentation to TMAPC: Roy Johnsen

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- Office.

According to the Zoning Matrix, the requested CS District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1-1/2 acres in size and is located north of the northwest corner of Trenton Avenue and 71st Street South. It is nonwooded, flat, vacant, and is zoned OM.

Surrounding Area Analysis: The tract is abutted on the north by vacant property zoned OM; on the east by apartments zoned RM-1; on the south by restaurants and other commercial uses zoned CS and PUD 388-A; and on the west by Wal-Mart zoned OM, CS and PUD 261-A.

Zoning and BOA Historical Summary: The subject tract is part of Development Areas C and D in PUD 388-A and was approved for retail commercial uses and offices. Commercial uses were permitted to a greater depth than proposed here in the PUD to the west. This request is as a result of a proposed major amendment (PUD 388-B) which would permit mini-storage in Development Areas C and D.

Conclusion: Staff can only support increasing the amount of CS underlying zoning in the PUD to provide additional building floor area for mini-storage. Additional retail commercial floor area in the PUD would not be appropriate.

Therefore, Staff recommends **APPROVAL** of Z-6389 for CS as requested if PUD 388 is amended to allow additional floor area for only mini-storage.

AND

PUD 388-B North of the northwest corner of Trenton Avenue and 71st Street South

The applicant is proposing a major amendment to PUD 388-A to permit a mini-storage use, decrease setbacks and increase permitted floor area for such a use in Development Areas "C" and "D". In order to provide the requested increase in building floor area, the applicant has also requested to rezone (Z-6389) the southern portions of Development Areas "C" and "D" from OM to CS. Staff can support this additional use and floor area and the decreased setback if appropriate conditions are placed upon the mini-storage use.

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 388-B 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 388-B subject to the following conditions:

1. If none of Development Area "C" or "D" is developed as mini-storage then the requirements of PUD 388-A shall apply.

2. If any portion of Development Area "C" or "D" is developed for mini-storage, the following requirements shall be enforced in those two development areas:

Development Standards:

Development Subareas within Development Areas "C" and "D" are defined as follows:

Development Area 1 - north 100' of south 230.35' of the east 104' of Lot 3, Block 1, 71 Trenton Addition.

Development Area 2 - south 130.35' of the east 104' of Lot 3, Block 1, 71 Trenton Addition.

Development Area 3 - remainder of Lot 3, Block 1, 71 Trenton Addition.

Permitted Uses:

Development Areas 1 and 2	Use Unit 11
Development Area 3	mini storage, except outside storage is prohibited.

Maximum Building Floor Area:

Development Area 1	3,000 SF
Development Area 2	3,000 SF
Development Area 3	71,900 SF

Maximum Building Height:

Development Areas 1 and 2	1½-story*
Development Area 3 (north 180')	1 story (12')
Development Area 3 (remainder)	2 stories (24')*

*No windows are allowed on the north and west sides of buildings above the first floor

Minimum Building Setback:

Development Area 1	
east boundary	25'
north boundary	10'
west and south boundaries	0'

Development Area 2	
east boundary	25'
south boundary	30'
north and west boundaries	0'

Development Area 3	
north boundary	20'
east boundary (abutting a street)	25'
east boundary (abutting Development Areas 1 & 2)	0'
south boundary**	10'
or width of the utility easement, whichever is greater	
west boundary	20'

**the existing 30' mutual access and utility easement at the southeast corner of Development Area 3 shall remain free of any structure.

Minimum Off-street Parking: As required for the applicable Use Unit by the Tulsa Zoning Code.

Minimum Landscaped Open Space:
Individual Development Areas 15%

Signs:

Development Areas 1 and 2	
Ground Signs	None
Wall Signs	One per Development Area with a maximum display surface area of 32 SF.

Development Area 3

Ground Signs	One in the south 50' of the Development Area with a maximum height of 25' and a maximum display surface area of 150 SF.
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Wall Signs	Wall signs shall not exceed 1/2 SF per lineal foot of building wall to which they are attached and no wall sign shall face north nor be within 150' of the north boundary of the PUD.
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Exterior Trash Container Minimum Setbacks:

From north boundary of PUD	150'
From centerline of Trenton Avenue	100'

- Only an emergency vehicle access point shall be permitted to Development Area 3 within 200' of the north boundary of the PUD. The mini-storage use in Development Area 3 shall be accessed by use of the 30' mutual access easement on the south side of Development Area 2.
- The mini-storage shall be designed so that all openings to buildings and parking areas are totally screened from

view standing at ground level in adjacent residential areas or 71st Street by construction of masonry walls which are finished with materials such as stucco, rock, and brick. Long walls facing the residential areas to the north or east shall be designed with periodic variations in surface materials or effective landscaping. If an emergency vehicle access point is provided to the mini storage at the northeast corner of the property, solid gates, at least 6' in height, shall be provided which prevent use by customers and screen the interior of the mini storage from view.

5. Along the north boundary of the PUD a minimum of a 20' wide heavily landscaped buffer area will be provided. A minimum of 32 trees of appropriate species shall be planted within the 20' landscaped buffer area on the north side of the PUD.
6. 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 required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. 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.
8. 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.
9. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
10. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 10'.

11. The Department of 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
12. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

Applicant's Comments

Roy Johnsen

Mr. Johnsen, attorney for the applicant, gave a detailed description of the proposed development. Mr. Johnsen presented a drawing of the proposed mini-storage with landscaping. He noted the drawing depicts 16 trees and added that, because of covenants existing on this property, the applicant is required to install 32 trees within a 20 ft. strip. Regarding condition #4, Mr. Johnsen asked that it be modified to add "or effective landscaping". Mr. Johnsen asked that the maximum building floor area be increased from 2,200 SF to 3,000 SF and the maximum building height increased from one story to 1½ stories in Development Areas 1 and 2.

Mr. Gardner advised that staff could agree with the 1½ story so long as there are no windows on the north or west sides of the structure.

Mr. Johnsen addressed the requirement of the southern most building setback of 20' be amended to 10', in the event they are able to vacate the existing utility easement. Staff agreed with this change.

Mr. Buerge expressed concern over the lack of screening material on the south property line.

Mr. Johnsen noted that the focus has been for landscaping along the north boundary adjoining single-family residences and an attractive facade along Trenton. He noted the proposed structure does not front 71st Street, and there are intervening commercial uses.

Mr. Buerge pointed out the south boundary will be more visible to pedestrians and motorists than will the north boundary.

Mr. Johnsen reporting having met with some area property owners and advised that generally they expressed support for the project. Mr. Johnsen advised that Mrs. Handlan, owner of two homes in the area, was concerned about individuals lurking in the open area between back yards and perhaps using it as an escape route. Mr. Johnsen declared there are plans to install a cyclone barricade of some kind to prevent access from Trenton to reach this area.

Interested Parties

Annette Taylor

1540 E. 68th PL. 74136

Ms. Taylor, who resides at the corner of Trenton and 68th Place, expressed opposition to having a storage facility at the rear of her property. Ms. Taylor expressed concern over the construction of a screening wall allowing a buffer strip which individuals could use as a cut through. Ms. Taylor pointed out the possibility of individuals using this area as an access to hide, which would create a potentially dangerous area. She expressed concern over the safety issue even should landscaping be planted. Ms. Taylor also expressed concern over the unattractiveness of a concrete wall behind her house. However, Ms. Taylor voiced support of construction of an office complex.

Mr. Carnes suggested allowing a decorative wall to extend to the property line or allowing residents to extend their fences to use and maintain the land in question.

Marianne Handlan

6117 S. Gary 74136

Ms. Handlan owns property at 1510 and 1506 E. 68th Place, and expressed concern over the buffer strip area which would be created and voiced concern over safety. She cited an instance in which a suspected shoplifter, being chased by store employees, climbed her fence to escape. Ms. Handlan voiced concern over vandalism and thefts from storage facilities.

Terry Wilson, Planning Team Chair District 5

Mr. Wilson voiced concern over the noise aspect of a mini-storage, and suggested limiting hours of operation.

Applicant's Rebuttal

There was discussion over ways to eliminate the buffer strip area between resident's fences and the mini-storage.

Mr. Johnsen advised that it would require unanimous consent from area residents and mechanisms to be set up to maintain the property. Mr. Johnsen discussed the security issue and believes the risk to the neighborhood is minimal compared to other uses which could be allowed at this area.

There was discussion over the necessary height of the cyclone fence to discourage lurking or hiding in the open area. Mr. Johnsen assured the Planning Commission that the applicant would install an effective fence to discourage individuals from climbing it or children from using it as a play area.

Mr. Johnsen pointed out there will be a resident security staff.

TMAPC Discussion

It was the consensus of the Planning Commission to place a restriction for hours of operation from 6 AM to 10 PM, note that a major amendment would be required to allow outside storage, changed language in paragraph #4 to provide for landscaping or building

materials to break up the expanse of the wall, restricted access at the east and west ends of the buffer strip on the north side of the PUD and impose a 12' 1 story height limitation within the north 180' of Development Area 3, and a 2 story no more than 24' in height limitation on the balance of the Development Area.

Mr. Parmele commented that this mini-storage is a less intense use than what could be built there. He noted that a mini-storage has minimum traffic, whereas a commercial office building or shopping center would experience higher traffic volume. He perceives this to be a compatible use with the surrounding neighborhood.

Ms. Wilson pointed out that residents can still prepare petitions from area residents and bring forward any information to the City Council before a final determination is made.

TMAPC Action; 11 members present:

On MOTION of PARMELE , the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to recommend APPROVAL Z-6389 for CS zoning and recommend APPROVAL of PUD 388-B as recommended by Staff with the additions and amendments as stated above.

LEGAL DESCRIPTION PUD 388-B

Lot 3, Block 1, 71 Trenton, Addition to the City and County of Tulsa, OK.

LEGAL DESCRIPTION Z-6389

Lot 3, Block 1, less the north 200' thereof of 71 Trenton, Addition to the City and County of Tulsa, OK.

* * * * *

OTHER BUSINESS

PUD 166-E Detail Landscape Plan - northeast corner of 93rd Street South and Sheridan Road

The PUD requires that a 20' landscaped area on the south boundary of the tract be provided and a 6' screening fence be constructed along the east and south. There is also a provision that TMAPC may approve an alternate screening plan if it produces a comparable or better buffering effect. This is what the applicant is requesting. Staff has reviewed his plan which has the required 6' screening fence on the east boundary and a combination of 5' high by 16' wide fence segments and evergreens along the south side of the PUD. Staff recommends APPROVAL of this alternate plan with the addition of one more 16' fence section running in an east-west direction, beginning at the southern-most point of the fence on the east boundary of the PUD.

TMAPC Action; 11 members present:

On MOTION of PARMELE, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE PUD 166-E as recommended by Staff.

* * * * *

There being no further business, the Chairman declared the meeting adjourned at 3:40 p.m.

Date Approved: 1/27/93

James R. Cabot
Chairman

ATTEST:

David D. DeLoach
Secretary

Vice-Chairman

