

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1990

Wednesday, September 14, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes, 2nd Vice
Chairman
Doherty
Gray
Harris
Horner
Midget, Mayor's
Designee
Pace
Parmele
Chairman
Wilson

Members Absent

Ballard
Neely

Staff Present

Gardner
Hester

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 13, 1994 at 9:57 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

REPORTS:

Rules and Regulations Committee

Mr. Doherty called attention to a distribution regarding tentative site locations for the Planning District Elections scheduled for October 25, 1994.

Chairman Parmele asked the Planning Commissioners to attend one of their assigned liaison districts' election.

Director's Report:

Mr. Gardner reported on items to be heard on the City Council Agenda on Thursday, September 15, 1994.

LOT-SPLIT FOR DISCUSSION:

L-17933 Earl W. & Toni S. Arnold
2612 East 69th Street South.

Chairman Parmele announced that this item was continued to allow Staff additional time for research to determine whether or not the application meets Subdivision Regulations.

Staff Recommendation

Mr. Gardner informed that the Engineering Staff reviewed this lot split by computer to aid in determining an average width. He noted that because of its shape, it is impossible to determine an average width unless an average depth can be used in the calculation. Mr. Gardner informed that an average depth was calculated, and he stated that if additional land were added to the flag portion of the lot (which the applicant provided), it would meet the average width using the average depth calculation.. He disclosed that the lot would appear to meet the average width if the front yard is off the north street and if in the formula, an average depth could be used. Mr. Gardner declared that due to configuration of the lot, it is impossible to calculate an average width.

Applicant's Comments

Earl Arnold

2612 East 69th Street South

Mr. Arnold declared that at the time this application was filed he was informed that the lines as submitted did comply with the City requirements, as stated in the letter from Paula Hubbard. He revealed that at the August 24 meeting regarding this matter, it was conveyed that the survey lines as now presented would meet regulations. Mr. Arnold disclosed that the primary objection from area residents is that they prefer not to have a vacant lot next door. He noted that any of the residents can have the lot remain as it is if they choose to use their resources to do so. Mr. Arnold believes that residents are seeking the Planning Commission to sidestep what has historically been the process to determine whether the standards and criteria are met. Mr. Arnold cited an example of an adjacent lot requiring a variance which was approved only two to three months ago, at which there were no objections. Mr. Arnold requested that the same standards be applied to this lot-split as was determined by Paula Hubbard to allow resolution of this matter.

In response to a question from Chairman Parmele, Mr. Linker informed that this application can be denied if a reason can be determined under the health, safety and welfare provisions of the State Statutes.

Chairman Parmele acknowledged the opinion from Paula Hubbard indicating that the lot-split appeared to meet Subdivision Regulations, but noted that after research, Planning Commission professional Staff is unable to determine whether it does comply or not.

Mr. Doherty informed that after meeting with Ms. Hubbard, she reported that upon making a visual inspection she determined that the proposed lot appeared to meet standards, but she did not make any calculations of the average lot width.

Mr. Linker informed that the Planning Commission must determine whether or not the lot-split complies with Subdivision Regulations before it can be denied.

Mr. Gardner referred to four examples of calculations to determine average lot width of odd-shaped lots. He declared that it is impossible to determine an average width if there is no absolute depth of the lot.

Mr. Doherty noted that at the last meeting Staff attempted with mathematical maneuvering to calculate a way this lot-split could meet Subdivision Regulations. According to Mr. Gardner the lot would meet Subdivision Regulations only if the southeast triangular portion is disregarded. Mr. Doherty does not believe the Subdivision Regulations allow disregarding any portion of a lot in computation. Mr. Doherty made a motion that the Planning Commission find this lot-split not to be in conformance with Subdivision Regulations. The motion was seconded by Mr. Carnes.

In response to Mr. Parmele's request for reasons for denial, Mr. Doherty explained that his reasons are strictly mathematical since he cannot be assured that the average width of the subject lot conforms to the minimum required by the Subdivision Regulations.

TMAPC Action; 8 members present:

On **MOTION** of, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Harris, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Neely "absent") to **FIND** the LOT-SPLIT **NOT** to be in conformance with Subdivision Regulations.

MOTION PASSED.

Mr. Carnes made a motion for denial of L-17933 due to potential impact on the area's health, safety and welfare. Mr. Doherty seconded the motion.

Mr. Doherty summarized that the Planning Commission is being asked to approve a lot-split that is not in conformance with the Subdivision Regulations; however, he pointed out that the Planning Commission could approve it by waiving Subdivision Regulations. In this instance he does not believe Subdivision Regulations should be waived because of the topography of the lot, lack of access to dedicated streets, and therefore, that the resultant lot would not be appropriate for development.

Ms. Pace commented on the unusual configuration of the subject lot in order to hook into the City's infrastructure. She questioned the safety aspect of accessing the property and conceded that the lot does not appear to be buildable.

Mr. Parmele agreed that it is impossible to calculate the dimensions to determine whether the lot is in conformance with Subdivision Regulations; however, he expressed having a problem with justification for denial for reasons of health, safety and welfare.

In response to Mr. Doherty's request to define health, safety and welfare, Mr. Linker advised that the Planning Commission must find a legitimate reason that the lot-split would be detrimental to the public.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 7-1-0 (Carnes Doherty, Gray, Harris, Horner, Pace, Wilson "aye"; Parmele "nay"; no "abstentions"; Ballard, Midget, Neely "absent") to **DENY** L-17933 .

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LOT SPLIT FOR DISCUSSION:

L-17829 Katell, Inc. (Daniel Zeligson)
2424 East 46th Place

Staff Comments

Mr. Gardner informed that the subject lot has easements south to 47th Street and north to 46th Street in order to run sewer and water to both lots. He informed that the City does not support creating the panhandles in order to avoid extension of sanitary sewer and water mains. Mr. Gardner referred to a letter from Ken Matthews, Chief of Wastewater Design, for the City of Tulsa Public Works Department, addressing that Department's desire for an extension of the major line, as opposed to the proposed method.

In response to a question from Chairman Parmele, Mr. Gardner replied that if the panhandles are used for utility extensions, then lot-split requirements are met. He explained how no average width could be determined on this lot because there is no absolute depth to divide into the lot area.

Applicant's Comments

Dan Zeligson

1840 East 27th Street

Mr. Zeligson explained that this tract was purchased with the intent of selling the house on one lot and splitting off the back yard. He explained that he first applied for a lot-split with conventional north and south lots approximately square, which appeared to comply. Mr. Zeligson disclosed that the engineer informed him that as the lot was configured, it would cost approximately \$25,000 to meet the City's requirements for extending sewer and water to the property. He informed that the engineer explained that if the lot is reconfigured, as presented, it would comply.

TMAPC Comments

Mr. Doherty declared that this lot does not meet Subdivision Regulations.

There was discussion as to the excessive length of the panhandle and that its primary purpose is for access to utilities. Mr. Doherty questioned whether this lot-split meets the letter of the Subdivision Regulations.

Ken Matthews, Chief of Wastewater Design, Public Works Department, presented a rendering depicting unsewered areas and explained why Public Works is opposed to the lot-split. He explained that if panhandles and service lines are created to tap onto water lines throughout this area, there will be problems with water pressure, fire protection, infrastructure, etc.

Mr. Matthews answered questions from the Planning Commission and conceded that presently there are no problems with water pressure or over-capacity sewer lines.

There was discussion over fee-ownership versus easement to utilities.

Mr. Doherty asked Mr. Linker that if there is an equal treatment problem if the lot-split is denied, since there are other lots in the area which do not have fee-ownership of access to utilities.

Mr. Linker informed that if similar situations have been approved and this is denied, then there could be an equal protection problem.

Mr. Doherty reasoned that this lot-split should be approved because of legal counsel's concern of equal protection; however, he declared that the lot-split does not meet Subdivision Regulations, and therefore would require a waiver.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-0** (Carnes, Doherty, Gray, Harris, Horner, Midget Pace, Wilson "aye"; Parmele "nay"; "abstentions"; Ballard, Neely "absent") to **FIND** L-17829 **NOT** in accordance with Subdivision Regulations.

MOTION PASSED

Mr. Doherty moved for approval and waiver of Subdivision Regulations. Mr. Carnes seconded the motion.

Ms. Pace asked Mr. Linker whethersince the surrounding area of the tract is so densely populated, and if the City does not provide for switching this area over from septic systems to sanitary sewer, that it may not be providing for the public health ,safety and welfare.

Mr. Linker explained the procedure under State law for providing sewers by creating sanitary sewer improvement districts.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely "absent") to **WAIVE** Subdivision Regulations and **APPROVAL** of Lot-split L-17829.

Mr. Gardner pointed out that there is an obvious difference between this lot-split which was approved and the previous one which was denied, because these lots have an absolute depth and if the sewer extensions could be created by easements in lieu of handles these lots would be rectangular in shape (east-west split).

Mr. Doherty informed that was one of the reasons for his motion and the fact that both of these lots have extensive frontage on a public street, are buildable and fit the surrounding character very well, causing no harm to the public.

ZONING PUBLIC HEARING:

Public Hearing on proposed amendment to City of Tulsa and Tulsa County Zoning Codes to provide for Staff approval of Planned Unit Development Detail Plans and providing for appeal of Staff decision to TMAPC.

SECTION 1107

PROPOSED ZONING CODE AMENDMENT:

Amend the first paragraph of Section 1107C **Detail Plans** by adding the following bold text at the end of the paragraph:

C. Detail Plans

The City Council, as a condition of approval of a Development Plan, may require the following detail plans to be submitted to the City Council and/or the Planning Commission for approval. **When the Planning Commission is authorized by the City Council to approve detail plans, the Commission may delegate to members of its Staff, review and approval of Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans to determine if said plans comply with approved development standards of the PUD. Appeals to the Planning Commission from a decision of the Staff, with regard to a detail plan, may be taken by any person or persons aggrieved by the filing of a notice of appeal with the Secretary of the Planning Commission within ten (10) days from the date of such Staff decision.**

TMAPC Comments

Mr. Doherty informed that this proposed amendment is under consideration because of the delay in refinements to redevelopments in PUDs. However, he noted that it was not intended for the initial Detail Site Plan to be handled administratively. Mr. Doherty reported on telephone conversation with Cathy Voight, Vice Chair, District 6, in which she pointed out that the proposed language might permit a future Planning Commission to delegate initial Detail Site Plan approval to Staff.

Mr. Gardner noted the change in language specifically referring to **“Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans”**

There were no interested parties in attendance.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely "absent") to **APPROVE** the amendment as presented.

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Application No.: **CZ-214**
Applicant: Kathryn Tumleson
Location: Northwest corner 86th Street North and North Yale Avenue.
Date of Hearing: September 22, 1994
Presentation to TMAPC: Kathryn Tumleson

Present Zoning: AG
Proposed Zoning: CG

Relationship to the Comprehensive Plan:

The District 15 Plan, a part of the North Tulsa County Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Corridor.

According to the Zoning Matrix the requested **CG** District **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject tract is approximately 3.8 acres in size and is located on the northwest corner of E. 86th Street N. and N. Yale Avenue. It is nonwooded, flat, contains a single-family dwelling, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property, zoned AG; to the west by a single-family dwelling, zoned AG; to the south and east by vacant property zoned CS; and to the southeast by vacant land, zoned AG.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that the most recent rezoning occurred in 1983, which rezoned the northwest corner of E. 86th Street N. and US Hwy 75 to CS. The CS nodes located adjacent to the subject tract on the south and east have been designated as commercial property since 1980.

Conclusions: CG zoning for this tract would not be compatible with the adjacent nodes and the Comprehensive Plan designates this area along US 75 N. as Corridor. Therefore, Staff recommends **DENIAL** of CG zoning and recommends **APPROVAL** of CS zoning for CZ-214.

TMAPC Comments

Ms. Wilson asked if CS zoning would accommodate the proposed usage for mini-storage.

Mr. Gardner replied that it would not and the applicant would be required to make application to the Board of Adjustment (BOA) if CS zoning is approved.

Applicant's Comments

Ms. Tumleson gave a detailed description of the area surrounding her property and her proposal for development.

Mr. Gardner explained that at present mini-storage requires a BOA special exception in a CS District. This may be amended in the future.

Interested Parties

A.E. Dunn

5400 East 94th Street North 74023

Mr. Dunn asked if the Planning Commission made an impact study regarding the subject tract for a mini-storage facility.

Mr. Doherty explained that the Planning Commission typically does not require impact studies and explained its philosophy for zoning on the corners.

Mr. Dunn presented photographs of homes in the area, depicting new home construction of high quality. He advised that area residents would like to see any construction compatible with the surrounding area.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Carnes Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Neely "absent") to recommend **APPROVAL** of CS zoning for CZ-214 as recommended by Staff.

LEGAL DESCRIPTION CZ-214

A tract of land beginning at the southeast corner of Section 21, T-21-N, R-13-E, thence South 88°37'41" West along the section line a distance of 333.56' to a point; thence North 1°22'19" West a distance of 33' to a point; thence North 79°52'00" West a distance of 285.70' to a point; thence South 88°37'41" West a distance of 23.84' to a point; thence North 2°00'33" West a distance of 259.10' to a point; thence due East a distance of 640.87' to a point on the East line of said Section 21; thence South 1°17'45" East a distance of 333.73' to the point of beginning, less and except approximately 1/2 acre highway right-of-way heretofore conveyed, and located on the northwest corner of E. 86th Street and North Yale Avenue, Tulsa, Oklahoma.

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Application No.: **PUD-306-9**

Applicant: Roy Johnsen

Location: North of East 95th Street South and west of South College Place.

Date of Hearing: September 14, 1994

Presentation to TMAPC: Roy Johnsen

Minor Amendment
to Development Areas "C" & "D" of the Woodside Village Addition

The applicant is requesting a Minor Amendment allowing 288 dwelling units within Phase II of Development Area "D", converting a portion of Development Area "D" south of 95th Street South from multifamily to single-family use, reallocating 77 units from Development Area "D" to Development Area "F" and/or "H" and allowing increased height in Development Area "D" north of 95th Street South.

Staff has reviewed the request and finds the requested number of units are still available in Development Area "D" per the Minor Amendment of December 3, 1986, which reallocated development densities within the PUD. Conversion of the southern portion of Area "D" to single-family dwellings development will still be compatible with surrounding existing and planned land uses.

Based on the above findings, Staff recommends **APPROVAL** of the requested 288 dwelling units in area "D"; **APPROVAL** of single-family development in area "D" south of 95th Street, with a maximum of 29 dwelling units subject to the standards as described in Minor Amendment 306-6 (08/16/89); **APPROVAL** of an increase in the height of apartment buildings in Area "D" north of 95th Street South, providing that the top of the highest top plate is no more than 30'; and **DENIAL** of the transfer of 77 dwelling units to Development Areas "F" and/or "H", since that would significantly increase previously-approved development densities.

Applicant's Comments

Mr. Johnsen gave a detailed history of the subject property and displayed an aerial photograph of the surrounding area. He gave a presentation of the Minor Amendment proposal. Regarding allocation of 77 dwelling units, Mr. Johnsen asked that the Planning Commission defer this portion rather than deny it. He presented an illustration depicting the elevation and exterior view of the proposed apartments. Mr. Johnsen informed that the three-story buildings will be setback 182' from the single-family residential area to the nearest apartment unit. Mr. Johnsen agreed to continue the Site Plan portion due to concerns from Grupe Company regarding private access.

Interested Parties

Mike DeMarco

9315 South College Court 74137

Mr. DeMarco, along with several property owners who reside in the College Parke addition in attendance, presented a petition to the Planning Commission expressing opposition to the change in building height from two-story to three-story. He noted that when homeowners purchased their homes they were informed that the subject tract would be developed as a two-story multifamily complex. Mr. DeMarco disclosed that it would take many years for the landscaping to mature to sufficiently seclude the proposed dwellings from existing homes and will adversely affect the esthetics of his neighborhood. He pointed out that other apartments and homes in the area are no taller than two stories and this development will be

obtrusive to the neighborhood. Mr. DeMarco expressed concern over future changes to the PUD. He also expressed concern that any increase in dwelling units will increase existing traffic congestion.

Mr. Gardner answered questions from the Planning Commission and informed that including a maximum height of 35' would accommodate a three-story structure with a low-pitched roof.

Applicant's Rebuttal

Mr. Johnsen informed that a pitched roof and varied roof lines makes for an esthetically more pleasing and better quality project. He informed that due to the landscaping, fencing and parking, area residents' view of the parking area will be obscured.

Mr. Johnsen answered questions from the Planning Commission regarding landscaping, fencing, building materials, structure height and consideration as to reduced height on structures at the easternmost boundary.

TMAPC Review

Ms. Wilson made a motion to approve PUD 306-9 Minor Amendment as recommended by Staff, including the denial of the transfer of 77 dwelling units. Mr. Midget seconded the motion.

Mr. Doherty reasoned that the eastern area does not need to be 50' high so close to the residential area. He moved to amend the main motion to limit the eastern building within 150' of the easternmost boundary to 35' maximum height and allow the applicant's request on the balance. Ms. Pace seconded the motion.

Chairman Parmele believes that to restrict the height on one group of buildings leaves the option available to still have three stories, but the esthetics and appearance will be less than what the applicant is proposing. He believes the purpose is being defeated of creating an attractive project. He deemed that the 12' difference at 185' is not significant, while three stories with a flat-pitched roof closer to the single-family would not be as attractive as a pitched roof.

Mr. Midget acknowledged the merit in limiting the height of the buildings to protect the integrity of the residential neighborhood. He expressed confidence that the applicant will not construct an unattractive two-story structure.

Mr. Johnsen replied that it is possible that a modified three-story structure would be constructed; however, he does not believe that it would be very attractive. He cautioned the Planning Commission against concluding that by limiting the height as is being considered, would necessarily mean the structure would be two-story. Mr. Johnsen surmised that if the structure were to be two-story then the structures may revert to a standard setback, thereby moving them closer to the residential area.

Mr. Gardner noted that if the structure is limited to 35', rather than designating the eastern portion identify the two easternmost buildings and circle them on the plan to clarify which structures are actually affected.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-3-0** (Doherty, Gray, Harris, Midget, Pace, "aye"; Horner, Parmele, Wilson "nays"; no "abstentions"; Ballard, Carnes, Neely "absent") to **AMEND** the motion to reduce the height of the easternmost buildings as shown on the site plan of the easternmost boundary to 35' maximum height and allow the applicant's request on the balance.

MOTION PASSED.

Mr. DeMarco advised that the issue of height and esthetics has proven to be more complex than residents first perceived. He asked for a continuance in order to obtain legal counsel.

Mr. Doherty suggested reconsideration of the height issue, approval of the balance of the PUD and allowing area residents to discuss the application with the applicant.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely "absent") to **RECONSIDER** the motion to amend.

MOTION PASSED.

Mr. Doherty withdrew his motion to amend.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely "absent") to **AMEND** the main motion to **CONTINUE** the portion of PUD 306-9 MINOR AMENDMENT pertaining to building height to October 5, 1994 and **APPROVE** Staff recommendation for the balance.

MOTION PASSED.

TMAPC Action; 8 members present:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely "absent") to **APPROVE** Staff recommendation for PUD 306-9 MINOR AMENDMENT and **CONTINUE** the portion of PUD 306-9 MINOR AMENDMENT pertaining to maximum building height for the top plate to October 5, 1994.

MOTION PASSED.

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Application No.: **Z-6461/CZ-217**

Applicant: Tulsa Chamber of Commerce

Location: Cherokee Industrial District, east of North Yale Avenue between 61st Street
North and 76th Street North

Date of Hearing: September 14, 1994

Presentation to TMAPC: Farren Bennett

Present Zoning: IL

Proposed Zoning: IM

Relationship to the Comprehensive Plan:

The North Tulsa County Plan and the Regional Industrial Land Use Plan, Year 2000, for the Tulsa Metropolitan Area, designates the subject property as High Intensity - Industrial Special District 1 - for industrial use.

According to the Zoning Matrix the requested IM zoning is in accordance with the Plan.

Staff Comments:

Site Analysis: The subject property is approximately 988 acres in size, it is partially wooded, gently sloping, with an industrial facility located on the north side at the southeast corner of E. 76th Street N. and N. Lakewood Ave. and another industrial facility located in the southwest portion of the property, the entire tract is zoned IL.

Surrounding Area Analysis: The subject tract is abutted on the east and south by vacant property, zoned AG; to the west by scattered single-family dwellings and vacant land, zoned AG; and to the north, east of Sheridan Road, by single-family dwellings on large lots, zoned AG and west of Sheridan Road by vacant land, zoned AG.

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

Conclusion: Based on the Comprehensive Plan and the Regional Industrial Land Use Plan, Year 2000, for the Tulsa Metropolitan Area, the subject property is a part of the proposed industrial area which extends from US Highway 75 N. on the west; N. Memorial Drive on the east; bounded on the north by E. 76th Street N.; and approximately one half mile south of E. 56th Street N. as proposed industrial use. All public utilities are available to this area, and the property is in close proximity to a major transportation network. Staff therefore recommends **APPROVAL** of IM zoning for Z-6461/CZ-217 except for the north 300' east of Sheridan Road and the west 150' of Section 3, Township 20 North, Range 13 East.

TMAPC Comments

Announcing a conflict of interest, Mr. Doherty removed himself from the discussion.

Applicant's Comments

Farren Bennett
Metropolitan Tulsa Chamber of Commerce

616 South Boston

Rusty Linker
Metropolitan Tulsa Chamber of Commerce

616 South Boston

Mr. Linker displayed a map and gave a detailed description of the area surrounding the subject property. He pointed out locations of homes in the immediate vicinity.

Mr. Bennett noted that the map was in error identifying North Yale Avenue, north of East 66th Street North, which is actually Whirlpool Drive and where it depicts Whirlpool Drive South of East 66th Street North is actually North Yale Avenue. Regarding Staff recommendation, he requested a change in Staff recommendation from 300' to 200' at the east boundary of the Amoco property going east. He deems that a 300' setback might limit future uses and economic development for that area. Mr. Bennett informed that Amoco, approximately an eight-acre block, wishes to remain IL.

Mr. Linker distributed copies of *Restrictions Governing Cherokee Expressway Industrial District*.

Mr. Gardner informed that Staff could agree to the changes requested by the applicant.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Doherty, Neely "absent") to recommend **APPROVAL** of IM zoning for Z-6461/CZ-217 as amended and delete the portion owned by Amoco, allowing it to remain IL.

LEGAL DESCRIPTION

Cherokee Expressway Industrial District, Blocks 1-5; and the NW/4 and the W/2 of the NE/4 of Section 35, T-21-N, R-13-E of the IBM, less and except those portions within the North 200' of Section 35, T-21-N, R-13-E, the West 150' of Section 3, T-20-N, R-13-E, and the North 600' of the West 601.94' of Lot 1, Block 1, Cherokee Expressway Industrial District all being in Tulsa County, State of Oklahoma.

Application No.: Z-6460
Applicant: Leonora Felix
Location: 653 East Apache
Date of Hearing: September 14, 1994
Presentation to TMAPC: Leonora Felix

Present Zoning: RS-3
Proposed Zoning: OM

TMAPC Comments

Chairman Parmele announced receipt of a request for continuance to allow a PUD to be filed. The applicant will be requesting OL zoning, restricting the use of the property to this use only, with the understanding that a condition of the PUD will be if that use is ever abandoned the property will revert to single-family zoning.

Interested Parties

George Curl	645 East 26th Place North 74106
Scott McIntosh	
Peaches Curl	645 East 26th Place North 74106

The above-listed individuals voiced objection to the application.

Interested parties informed that the subject property has already been renovated for the proposed use.

Applicant's Comments

Mavis L. Felix-Walton

653 East Apache

Ms. Walton explained that she is a nurse who has worked with families in the north Tulsa community for the past nine years and identified that people of African-American descent had a problem accessing health care. She expressed agreement to a continuance of six weeks to file a PUD, for which she initially thought she was applying. Ms. Walton informed that she wishes for the property to remain as a house and not an office, a place where individuals can meet regularly for a health checkup if there is a need. Once that ceases to be required, the house will revert to a single-family residence. Regarding the open house, she informed that was based on the premise that the PUD would have been approved. Ms. Walton reported that she canvassed the neighborhood and the majority of the area residents have voiced support of her application.

TMAPC Action; 7 members present:

On **MOTION** of **HARRIS**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **CONTINUE** Z-6460 to October 26, 1994.

Application No.: Z-5903-SP-1
Applicant: John W. Moody
Location: Northeast corner of East 66th Street south & South Mingo Road.
Date of Hearing: September 14, 1994

Chairman Parmele announced that the applicant has requested a continuance to October 12 for revision.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **CONTINUE** Z-5903-SP-1 to October 12, 1994.

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Application No. : **PUD 179 (O) -4**
Applicant: John Moody
Location: Lots 1 and 2 of Block 1 of the Woodland Hills Annex - South of 71st Street and approximately ¼ mile west of Mingo Road.
Date of Hearing: September 14, 1994

Minor Amendment

The applicant is requesting approval of a Minor Amendment to permit one additional ground sign in Development Area "C" to serve Development Area "B" (this increases the number of allowed signs on the street frontage from two to three); increase total display surface area allowed in the PUD from 250 SF to 390 SF; decrease parking in Area "C" by one space, and decrease the minimum spacing requirement for this sign from 200' to 115'.

Staff has reviewed the original PUD approval and finds that one sign was allowed along the Memorial frontage for a maximum of 250 SF. If two signs were provided, the maximum display area would be 112 SF each or 224 SF. Minor Amendment 179-3 increased the maximum area of the proposed sign in Area "C" to 126 SF.

Staff also notes that the requested increase will require Board of Adjustment approval. Sections 1221 D of the Zoning Code states, "*that if more than one sign is erected the maximum display area shall not exceed one square foot per linear foot of street frontage.*" Street frontage of Area "C" is 160', 126 SF of display area is being utilized by the existing sign leaving 34 SF.

Staff finds that the request as presented, does not conform to the spirit and intent of the original PUD approval. It far exceeds the original anticipated visual impact along the Memorial frontage. Therefore, Staff recommends **DENIAL**.

The applicant was not present.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **DENY** PUD 179-O-4 MINOR AMENDMENT as recommended by Staff.

Application No.: **PUD 481-6**

Applicant: Ted Sack

Location: Lot 1, Block 2, Mingo Marketplace, Development Area B - northwest corner of 101st East Avenue and 71st Street South

Date of Hearing: September 14, 1994

Presentation to TMAPC:

The applicant is proposing to transfer 3,800 SF of building floor area from Development Area "D-2" to Development Area "B" and reduce the building setback on the west side of Area "B" from 40' to 17.5'. Since the tract west of Development Area "B" is now to be the rear of a shopping center, Staff can support both the transfer of floor area and reduction of building setback. Therefore, Staff recommends **APPROVAL** of PUD 481-6 as requested.

The applicant expressed agreement with Staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **APPROVE** PUD 481-6 MINOR AMENDMENT as recommended by Staff.

OTHER BUSINESS:

PUD-306: Detail Site Plan for Lot 2, Block 1, Woodside Village III - north and west of 95th Street South and South College Place - Development Area D, Phase II.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely "absent") to **CONTINUE** PUD 306 DETAIL SITE PLAN to October 5, 1994.

PUD 481 Detail Site Plan - Lot 1, Block 2, Mingo Marketplace
Development Area B - northwest corner of 101st East
Avenue and 71st Street South

If minor amendment PUD 481-6 is approved, then the proposed site plan for Development Area B, which contains 7,776 SF of retail uses, will comply with the PUD conditions. If PUD 481-6 is approved, Staff recommends **APPROVAL** of the Detail Site Plan.

Staff Comments

Mr. Gardner pointed out an error on the drawing indicating 20' height of the building, which should be changed to 25'.

TMAPC Action; 7 members present:

On **MOTION** of **HARRIS**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **APPROVE** PUD 481 **DETAIL SITE PLAN** as recommended by Staff.

PUD 468 Detail Sign Plan - Lot 2 Sam's Center for "China Chef" north of the northwest corner of Mingo Road and 71st Street South.

The applicant is proposing a 112 SF 25' tall ground sign 22' from the north property line of Lot 2. This is a change in location from what was shown on the approved site plan which had the ground sign near the south side of the lot. Also proposed are wall signs on both the east and west sides of the building which are 12' 1" X 20" in size. Staff can support all of the proposal except the change in location of the ground sign. The new location would put it within 67' of a residential area north of the PUD. Therefore, Staff recommends **APPROVAL** of the PUD, with the condition that the ground sign be placed on the south side of the lot where originally proposed in the site plan.

Applicant's Comments

Jim Wessel
Acura Neon

509 North Redbud, Broken Arrow 74012

Mr. Wessel explained that the sign at Sam's would be less than 50' south if the proposed sign were moved to the south end of the lot as recommended. He also explained that the trees at existing businesses would obscure the sign.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes Neely, Wilson "absent") to **APPROVE** PUD 468 **DETAIL SIGN PLAN** to allow the sign location to be 150' or farther south as recommended by Staff.

PUD 507 Revised Site Plan for Development Area "A", Lot 2, Block 1, Woodland Hills Plaza.

The applicant needs to provide additional information so that Staff can complete their review.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes Neely, Wilson "absent") to **CONTINUE** PUD 507 to September 28, 1994.

PUD 405 Revised Detail Plan - northeast corner of 78th East Avenue and 92nd Street South.

Joe Marina Honda is requesting approval of a temporary (September 14 through October 1, 1994) tent on the back side of their used car area. Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **APPROVE** PUD 405 REVISED DETAIL SITE PLAN as recommended by Staff.

PUD 489 Detail Site Plan - Golden Corral, Lot 4, Block 71, Mingo Center north of the northeast corner of 71st Street South and Mingo Road.

Golden Corral is requesting approval of wall signs on the west and south sides of the building. They comply with the PUD standards; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **APPROVE** PUD 489 DETAIL SIGN PLAN as recommended by Staff.

PUD 364-A

Development Area "B" - Yale Cleaners
North of the northeast corner of 101st Street South and Mingo Road.

SITE PLAN

The applicant is proposing a Yale Cleaners containing 4,000 SF. The Board of Adjustment approved a variance of the size limitation of a Use Unit 15-dry cleaners from 3,000 SF to 4,000 SF (BOA-16664).

Staff review finds the site plan to be generally in compliance with PUD conditions if the following changes are made:

1. Building setback from the east boundary should be 50' since the building is over 14' tall.
2. The screening fence on the north boundary should be extended to the right-of-way line of Mingo Road.
3. The exterior finish of the north and east sides should be the same as the west and south with no smooth concrete block or metal sheets.

SIGN PLAN

One ground sign on Mingo Road is proposed which is 17' high and contains 50 SF. Canopy signs are proposed on the north, south and west sides of the building. Staff recommends the following alterations to increase compatibility with residential areas to the north and east:

1. Move the ground sign south so that it is at least 150' from the residential area.
2. No background portions of the canopy signs shall exceed 25 foot-candles measured 2' from the sign.

LANDSCAPE PLAN

The proposed landscape plan complies with the PUD requirements if the following changes are made:

1. Add four more trees to the street yard.
2. Provide tree varieties in the street yard which will not conflict with overhead power lines, which will probably be placed in the 17.5' utility easement when Mingo Road is widened.
3. All landscaped areas must be irrigated.

Applicant's Comments

Bill Rothrock

9818 South Jamestown

Mr. Rothrock expressed agreement with Staff recommendation with the exception of elimination of the canopy sign on the north side of the building. He explained that the sign illumines have been reduced from 75 to 25 making it much more dim. Mr. Rothrock explained that the building will be located approximately 124' from the nearest property line. Mr. Rothrock disclosed that upon learning of a complaint about signage lighting from a nearby property owner, he now turns the lights off about 30 minutes after closing. He declared that he would work with any persons issuing complaints about his business.

Regarding fencing, he suggested an alternate building material of steel and masonry, which is permanent and requires little maintenance.

TMAPC Action; 7 members present:

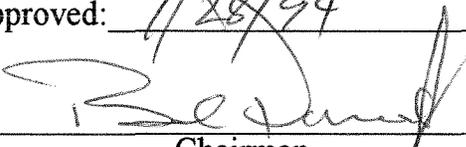
On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Doherty, Gray, Harris, Horner, Midget, Pace, Parmele "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Neely, Wilson "absent") to **APPROVE** PUD 364-A DETAIL SITE, SIGN AND LANDSCAPE PLANS as amended.

Subject to the following conditions:

Alternate fence material of steel and masonry.

To allow canopy signs on the north elevation provided the illumination does not exceed 25 foot-candles measured 2' from the sign and that the sign is at least 100' from the nearest property boundary.

There being no further business, the Chairman declared the meeting adjourned at 4:38 p.m.

Date Approved: 9/28/94


Chairman

ATTEST:



Secretary