

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2041

Wednesday, October 18, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace

Members Absent

Boyle
Carnes
Selph
Taylor

Staff Present

Gardner
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, October 16, 1995 at 11:23 a.m., in the office of the County Clerk at 11:19 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Doherty called the meeting to order at 1:31 p.m.

Minutes:

Approval of the minutes of October 4, 1995, Meeting No. 2039:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Ballard, Gray, Horner, Ledford, Midget, Pace, "aye"; no "nays"; Doherty "abstaining"; Boyle, Carnes Selph, Taylor "absent") to **APPROVE** the minutes of the meeting of October 4, 1995 Meeting No. 2039.

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REPORTS:

Committee Reports:

Budget and Work Program Committee

Mr. Horner informed that the Budget and Work Program Committee met during the 11:30 work session today and attempted to prioritize unfunded work program requests. However, due to lack of funding no decision was made.

Comprehensive Plan Committee

Ms. Gray reported that the Comprehensive Plan Committee found the amendments to the Urban Renewal Plan for the Neighborhood Development Program in connection with the twenty-first year Community Development Block Grant Program to be in conformance with the Comprehensive Plan. She informed that this item will be on the October 25, 1995 TMAPC agenda.

Ms. Gray announced that Sandra Alexander, Utility Board Chair, presented an update of the progress of the Turkey Mountain water tank proposal.

Rules and Regulations Committee

Mr. Doherty reported that the Rules and Regulations Committee met in work session to consider possible amendment to the Zoning Code relating to outdoor advertising. He informed that no consensus was reached and the item was continued to November 15, 1995.

Director's Report:

Mr. Stump reported on research regarding newspaper legal notice costs, stating that *The Tulsa World* has increased costs approximately 400%. He informed that rates charged by the *Tulsa Legal News* would be significantly less.

It was the consensus of the Planning Commission to begin advertising with the *Tulsa Legal News* and so instructed Staff.

SUBDIVISIONS:

PRELIMINARY PLAT:

BABY SUPERSTORE (PUD 498) (784)

(PD-18) (CD-8)

East of the southeast corner of East 71st Street South and Mingo Road.

Jones presented the plat with Dan Tanner present at the TAC meeting.

Baby Superstore is a one lot commercial subdivision plat which contains 3.10 acres and is part of PUD 498. Mutual access is provided for this lot and the Home Depot tract to the west. A detail site plan is being processed at this time.

Staff would offer the following comments and/or recommendations:

1. Remove building and parking from plat.
2. Show book/page information for existing E. 71st Street right-of-way.
3. All conditions of PUD-498 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.

4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
21. This plat has been referred to Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the motion of Cotner, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Preliminary Plat of Baby Superstore, subject to all conditions listed above.

Staff Comments

Mr. Jones announced that Roy Johnsen was present representing the plat.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** the PRELIMINARY PLAT of Baby Superstore as recommended by Staff.

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PLAT WAIVER, SECTION 213:

Z-6509 (Eisenhower Addition) (2193)

(PD-6) (CD-7)

Southeast corner of E. 35th Street and S. Indianapolis Avenue.

Jones presented the request with Larry Johnston present at the TAC meeting.

Somdecerrf requested a 25' radius of additional right-of-way at the southeast corner of South Indianapolis and 35th Street.

Z-6509 is a pending rezoning application to rezone a 125' x 295' tract from RS-3 to PK to permit a parking lot for an existing church. The rezoning request is scheduled to be heard by the TMAPC on October 25, 1995.

Based on the existing subdivision plat and size of the tract (.85 acres). Staff is supportive of the request plat waiver. Staff would also note that no new building is proposed for the tract.

Staff recommends APPROVAL of the plat waiver for Z-6509 subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On the motion of Nelson, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Plat Waiver for Z-6509, subject to all conditions listed above.

TMAPC Action; 7 members present:

On MOTION of MIDGET, the TMAPC voted 7-0-0 (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to APPROVE the PLAT WAIVER for Z-6509 as recommended by Staff.

CBOA-1381 (Unplatted) (774)

(PD-19) (CD-County)

North of the northwest corner of East 141st Street South & South Garnett Road.

Jones presented the request with Roy Johnsen and Christine Connery in attendance at the TAC meeting

CBOA-1381 is a request to permit a 180' monopole telephone tower in an AG zoned district. The leased property is 50' x 50' in size and will contain an unmanned equipment shelter.

Since the property is only leased, it can be assumed that at some point in the future the property will be rezoned prior to development and will be included in a subdivision plat. Staff would view the use as an interim use and all necessary right-of-way and easements can be obtained at a later date.

Staff recommends APPROVAL of the plat waiver for CBOA-1381.

On the motion of Somdecerff, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the plat waiver for CBOA-1381 with no conditions.

Staff Comments

Mr. Jones pointed out that this property is in a regulatory floodway, which the applicant is aware of.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** the **PLAT WAIVER** for CBOA 1381 as recommended by Staff.

CONTINUED LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS :

L-18119 Wilma David

(PD-10)(County)

500 S. 73rd West Ave.

Staff Comments

It is proposed to split an approximate 128' X 179' lot from an approximate 208' x 179' tract. The remaining piece (80' x 179'), which is vacant, will be attached to the adjacent vacant property to the west and will meet current zoning standards for the RS District. The 128' x 179' lot resulting from the split will also meet current zoning standards for the RS district. The 128' x 179' lot will contain the existing house with a septic system. It is served by a two-inch waterline. The mainline extends northward from W. 7th St. and stops approximately 100' south of the subject property. The two-inch waterline is connected to the main line approximately at the point where the main line ends. The new vacant lot, which will result from the split will not abut a public water main. According to City Ordinance Title 11-C, Section 204.A the main line must be extended to abut this lot for it to have water

service. The Tulsa City-County Health Department would concur with the lot-split provided both lots have access to a public water supply and provided that the new lot created on the west passes a percolation test. If the water main is extended to abut both lots and the western lot's percolation test is acceptable, the waivers described below will still be needed.

- Waiver of roadway right-of-way dedication from 30' to 0' on S. 73rd W. Ave., which is the easternmost boundary of the property. The Major Street and Highway Plan designates this portion of S. 73rd W. Ave. a Residential Collector. The existing dwelling is 16.4' from the eastern boundary.
- If more than two feet of roadway right-of-way dedication is required, applicant will also need a waiver of the Subdivision Regulations [Section 4.11.2(a)] requiring a minimum lot size of 22,500 SF for a percolation rate of not less than one inch in sixty minutes.

TMAPC Comments

Mr. Doherty informed that the applicant contacted him to ask that he view the property, which he did.

Staff Comments

Mr. Jones reviewed that the application was before the Planning Commission two weeks ago. He referred to Title 11-C, Section 204 of the City Code which states that every lot shall have access to a public water supply. Mr. Stump pointed out that under the current City Code the newly-created lot would have no water service in accordance with the law.

After viewing the property, Mr. Doherty stated that it is unlikely that South 73rd West Avenue will be extended access to the northern property. He pointed out that if right-of-way of 30' is not waived the house will be in the right-of-way. Mr. Doherty deemed that dedication is not needed.

TMAPC Action; 7 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** L-18119 for **WAIVER** of dedication of right-of-way on South 73rd West Avenue, noting that the requirement under Title 11 of extension of the water main to the lot must be met before the deed is released.

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LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS :

L-18072 Perry/Teresa Hood (2984)
10669 S. Garnett

(PD-19)(County)
AG

Jones presented the request with no representative present at the TAC meeting.

It is proposed to split a 5-acre tract from a 20-acre tract. Both tracts meet the zoning standards for the AG district. There is an existing dwelling that will be on the smaller tract after the split. It is served by a septic system and public water. The applicant has constructed a brick fence approximately 38'-40' from centerline of Garnett. Applicant does not wish to dedicate any right-of-way and is asking for waiver of the 50' right-of-way dedication on both tracts.

After considerable discussion, the TAC could find no physical reason to prohibit the applicant from making the dedication. It was pointed out that the property abutting the subject tract to the south contained the recommended right-of-way.

On the motion of Rains, the Technical Advisory Committee voted unanimously to recommend **DENIAL** of the lot-split waiver L-18072.

Applicant's Comments

Dean Solberg, representative for the applicant, informed that the existing fence is quite expensive and he pointed out that the bulk and area requirements are in compliance.

Mr. Ledford commented that in developing areas, such as this, it behooves the Planning Commission to require right-of-way. He noted that the applicant can work out a license agreement with Tulsa County or more than 5 acres can be purchased to comply.

Perry Hood, applicant, informed that the fence originally extended 5' farther to the west than the existing fence and the fence to the north is in line with his fence.

Mr. Gardner pointed out that if the applicant dedicated right-of-way no waiver would be required.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **DENY** the **WAIVER** of Subdivision Regulations for L-18072.

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L-18151 Kenneth/ Betty Linebarger (3113)
1708 E. 72nd St. North.

(PD-12)(County)
RS

Jones presented the request with no representative present at the TAC meeting.

It is proposed to split a 32,025 SF lot into two lots as configured below. Both lots will have access to public water and sewer. Staff has determined both lots will meet the standards for the RS district. Applicant is configuring the lots in this way so that both lots will meet frontage requirements and the average lot width. But since one of the proposed lots will have more than three side lot lines, it does not comply with Tulsa Subdivision Regulations requiring that residential lots have no more than three side lot lines. Applicant is requesting waiver of this requirement.

On the motion of McGill, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the lot-split waiver L-18151.

TMAPC Action; 7 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** the **WAIVER** of Subdivision Regulations prohibiting more than three side lot lines on a residential lot for L-18151 as recommended by Staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18163 Muriel L. Johnson (L. Johnson) (1614)
1/4 mile Northeast of E. 96th St. N. & S. 129th E. Ave.

(PD-15)(County)
RE

Staff Comments

Mr. Jones announced that Staff has found the above-listed lot-split to be in conformance with the lot-split requirements.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **RATIFY** the above-listed lot-split having received prior approval and finding it to be in accordance with Subdivision Regulations

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD 306-D** Major Amendment to Development Area "J"

Applicant: John Moody

Location: East of the northeast corner of 101st Street South and Delaware Avenue.

Date of Hearing: October 18, 1995

Presentation to TMAPC: John Moody

The applicant is requesting to add Use Unit 15 to the permitted uses in the east `150' of Development Area "J" of PUD 306 to permit an equipment rental establishment. Development Area "J" currently allows use permitted by right in a CS district. The tract is bordered by the Creek Turnpike on the north, Jenks' future school site on the east, undeveloped portion of Development Area "J" on the east and across 101st Street to the south by a newly-developing single-family subdivision.

Staff can support the proposed equipment rental business if certain typical characteristics of this use are modified. Specifically, the outdoor display or storage of merchandise for rent should be screened from view from the south and east and the exterior of the building should be other than a typical metal building.

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 306-D 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 306-D subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross)	40,500 SF
(Net)	33,000 SF

Permitted Uses:	Small equipment rental and Use Units 1, 4, 10, 11, 12, 13, 14 and 19
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Minimum Building Setbacks	
From centerline of 101st Street South	100'
From north and west boundaries	0'
From east boundary	20'

Maximum Floor Area Ratio:	0.34
Minimum Landscaped Area	10% of lot
Maximum Building Height:	2 stories

Maximum Signage:

Ground Signs - One ground sign is permitted with a maximum height of 25' and a maximum display surface area of 150 SF. It shall be located at least 120' from the east boundary.

Wall Signs - Wall signs shall not exceed 1½ SF of display surface area per linear foot of building wall to which attached. No wall signs are permitted on east facing walls.

3. A screening wall or fence or acceptable vegetative screen shall be provided along the eastern boundary and all outdoor display or storage of merchandise or rental equipment shall be screened from public view from the east and south boundaries of the tract.
4. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, 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.
5. A Detail Landscape Plan 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 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.
6. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. 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.
9. 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 have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
10. No Building Permit shall be issued until the requirements of Section 1170E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City beneficiary to said Covenants.

11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments

Mr. Moody, representing Sooner Rental and Supply, Inc., advised that this firm has been in business locally for 19 years and he informed that this facility represents an improvement upon typical outdoor equipment display facilities. He presented a detailed description of the surrounding area disclosing that he does not anticipate further residential development to occur in this area due to existing commercial zoning in the area. Mr. Moody informed that he spoke with individuals who wrote letters of protest. He explained to them that given the fact that commercial use has been approved in the area any impact on their properties has already occurred and it is unlikely the proposed use for the subject tract will have any adverse impact beyond that existing. Mr. Moody explained that this tract could be used for any number of commercial uses by right. He explained that a major amendment is being filed because the zoning clearance officer determined that outdoor rental equipment uses belonged in Use Unit 15. Mr. Moody pointed out that his client has made improvements to the development concept of an equipment rental establishment by eliminating parking along the front and relocating it along the sides of the building. He noted that also eliminated is one of three areas of outdoor display beyond the building setback line, which will now be a landscaped area in front of the building. Mr. Moody informed that the building was redesigned to relocate the security fence to the building setback line. Additionally, two outdoor display areas will be no more than 4' wide and 10' long, and these areas will be landscaped and paved with landscaping stones. The only equipment to be located on these pads will be small equipment that would be displayed only during hours of business. Mr. Moody assured the Planning Commission that there will not be large rows of heavy equipment. He described the outside of the building front as masonry brick veneer with no entrances on the south end of the structure. With the modifications stated, Mr. Moody expressed agreement with Staff recommendations. Mr. Moody addressed concerns of the protestants who wrote letters regarding hazardous materials, informing that all materials are disposed of off-site by licensed recyclers and waste haulers and there will be no underground storage tanks at the site.

TMAPC Comments

Mr. Midget asked Mr. Moody to comment on the necessity of the outdoor display areas.

Mr. Moody informed that the display areas are critical for the business and pointed out that commercial zoning permits outdoor display of merchandise.

Responding to inquiry from Mr. Ledford, Mr. Moody responded that the display area will be at ground level and not elevated.

Interested Parties

William Eagleton

100 West 5th #900 74103

Mr. Eagleton, representative for the Property Company of America which is the developer of the single-family subdivision south of the subject tract, informed that the tract to the south of the tract is a 128-lot single-family subdivision. He declared that the proposed use would be detrimental to the investment made in the neighborhood. Mr. Eagleton stated that investors anticipated shopping center-type facilities would be developed on the subject tract. He informed that there are good reasons for Use Unit 15 uses to not be allowed near single-family subdivisions. Mr. Eagleton presented photographs of similar facilities along with two

photos of a business owned by the applicant. He declared that allowing Use Unit 15 would set a precedent and expressed concern that other similar types of uses may be allowed in the CS-zoned tract west of the subdivision. Mr. Eagleton expressed concerned over enforcement of the type of equipment that would be allowed for display on the pad sites. He urged the Planning Commission to deny the major amendment.

The below-listed individuals wrote letters of opposition to the application:

Bill Hollenkamp
Rick Holley
Art McGowen
Honeywell Inc.

2926 East 101st Place South 74137
2924 East 102nd 74137
12129 East Skelly Dr. 74128-2410

Applicant's Rebuttal

Mr. Moody stated that the Sooner Rental business depicted in the photographs presented abuts an existing single-family addition and noted that there have been no complaints from area residents. He pointed out that the PUD restrictions can eliminate the objectionable features the protestants are concerned with.

TMAPC Review

Mr. Gardner noted that open-air storage or display of merchandise offered for sale within 300' of a residential area is not allowed in a CS district; however, he stated that there is no reference in the Zoning Code to a 300' setback in Use Unit 15. He determined that there is no distinction between selling merchandise or merchandise rental.

Mr. Doherty stated that outdoor display as a limited promotional devise might be appropriate; however, signage would probably be allowed. He questioned at what point equipment display becomes a problem. Mr. Doherty revealed that he sees no problem with small equipment being placed outdoors as a promotion on a limited basis.

Ms. Pace suggested a wooden gate be installed to screen equipment from view at the close of business.

Mr. Moody suggested a fence material that has a slat what would provide screening. He expressed agreement with Mr. Doherty's suggestion of extending a permanent screening fence from the building to the dimension of the parking and provide semi-opaque gating material on either side.

Mr. Doherty suggested limiting outdoor display to two pieces of equipment per pad site.

TMAPC Action; 7 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to recommend **APPROVAL** of PUD 306-D Major Amendment as recommended by Staff with the condition that the front gate area have an opaque treatment with solid wings in front of the parking area to be considered at detail site plan and the pad site for outdoor display be limited to two 4' x 10' display areas as per the applicant's description.

LEGAL DESCRIPTION

Lot 3, Block 1, River Creek Village, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof, and located east of the northeast corner of East 101st Street And South Delaware Avenue, Tulsa, Oklahoma.

Application No.: **Z-6508 and PUD 386-A**

Present Zoning: RM-1/AG

Applicant: Roy Johnsen

Proposed Zoning: CS

Location: North of Northeast corner E. 91st St. & South Memorial

Date of Hearing: October 18, 1995

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 as Low Intensity - Linear Development on the west 550', Low Intensity - No Specific Land Use and Development Sensitive on the eastern portion of the property.

According to the Zoning Matrix the requested CS zoning is **not in accordance** with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 3.75 acres in size, wooded, sloping, has an office building on it and is zoned RM-1/PUD-386.

Surrounding Area Analysis: The subject tract is abutted on the north by a church, zoned AG; to the east by vacant land and beyond that residential dwellings, zoned RS-3; to the south by a shopping center, zoned RM-1/PUD-448; and to the west by vacant property, zoned CS/PUD-529.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that commercial development has been approved on the intersection of E. 91st Street S. and S. Memorial Drive. All the developments in this particular area have been within Planned Unit Developments.

Conclusion: The Comprehensive Plan does not support CS zoning on this parcel, nor does this parcel abut any commercial zoning. The closest commercial zoning is across Memorial Drive to the southwest where PUD-529 was approved for mini-storage. If the mini-storage amendments to the Zoning Code proposed by TMAPC are adopted by City Council, the Planning Commission has said it will initiate a rezoning application to downzone this CS tract to an office or multifamily zone.

If the subject property is rezoned CS, it will be spot-zoning far from the medium intensity node at 91st Street and Memorial Drive and could lead to Memorial Drive being strip-zoned

commercially between 81st and 91st Streets. Such a development pattern would overload planned roadways and negate the intent of the Development Guidelines and Comprehensive Plan. Therefore staff recommends **DENIAL** of Z-6508.

AND

PUD 386-A North of the northeast corner of 91st Street South and Memorial Drive.

The applicant is proposing to add a commercial development area to the west side of PUD 386 and reduce the allowable building floor area on the remainder of the tract to 70,000 SF. The existing office building would remain and an additional 50,000 SF of office space could be constructed on the eastern portion of the PUD with a maximum height of four stories. The western development area which abuts Memorial Drive is proposed to have 31,000 SF of retail and restaurant uses. There is an accompanying rezoning request for CS zoning (Z-6408) on the west 330' of the PUD.

Staff cannot support commercial zoning or development this far from the node. It is contrary to the Comprehensive Plan and the Development Guidelines. Therefore, Staff recommends **DENIAL** of PUD 386-A.

Applicants Comments

Mr. Johnsen, attorney for the applicant, gave a zoning history of the property and presented a detailed description of surrounding properties. He submitted photographs of the properties surrounding the subject site depicting substantial open space and declared that since this property's location is unique, retail is an appropriate use that is compatible with the surrounding area. Mr. Johnsen pointed out that the east and west boundaries of the subject tract is floodplain. He declared that this site is located where there are firm and permanent transitional areas to the north of the tract and to the south is commercial property. Mr. Johnsen noted that the applicant's proposal is to change only part of the front of the project to retail use. He informed of receiving favorable response to the application from the Higher Dimensions Church north of the tract as well as from the nearest homeowner in Chimney Ridge. Mr. Johnsen took issue with Staff conclusion that this application would be spot zoning since Hobby Lobby and Wal-Mart are immediately south of the tract. He deemed this rezoning request to be a logical extension of existing zoning. Mr. Johnsen pointed out that this application proposes 70,000 SF of office, 31,000 SF of retail and food service, which is substantially less than 109,000 SF of office use which can be developed on the site by right. Mr. Johnsen presented a traffic analysis of existing use and the proposed use of the tract, noting that the proposed use is anticipated to generate 51 fewer trips per day than the existing use. Mr. Johnsen informed that Development Guidelines provide for 10 acres of commercial at primary and secondary streets, and he pointed out that both the northwest and northeast corners of 91st and Memorial have been built at less than the maximum permitted. He deemed that the overall intensities that the Development Guidelines allow will not be exceeded in this application. Mr. Johnsen stated that frontage north on Memorial on the east side of the street is recognized as transitional within a PUD. He disclosed that this application meets all standards for a linear development area except for retail use.

Interested Parties

Lloyd Hobbs, District 18 Planning Team Chair

5846 South Hudson Place

Mr. Hobbs, representing members of the District Planning Team, expressed agreement with Staff recommendation and stated he was not supportive of permitting deviation from the Development Guidelines. Mr. Hobbs declared that the proposed development is outside the node and requested denial of the application.

TMAPC Review

Mr. Gardner cautioned that to go beyond the permitted intensity at the node is to violate the Development Guidelines and is contrary to the Comprehensive Plan. He pointed out that the church north of the subject tract may also wish to rezone commercially and sell its property if this tract is zoned commercially.

Mr. Midget commented on the excessive commercial development on 71st Street near Memorial and urged caution in considering this application.

Mr. Doherty acknowledged that this application is not in accordance with the Comprehensive Plan and noted that the difference in this site are the natural features and that drainageway, sewer and pipeline easement to the north make a definitive break on the east side of Memorial.

Ms. Pace deemed the site to be a gradual deintensification from the northern intersection and discerned it to be acceptable for office use. She inquired as to the highest combination of office and restaurant use allowed under lower density.

Mr. Gardner replied that with 50,000 SF of office use an accessory restaurant would be allowed; however, a free-standing restaurant would not be permitted. He disclosed that if the allowable amount of office were developed, accessory retail would be allowed in the principal building.

Mr. Ledford questioned how present zoning at the node on the southeast corner of 81st and Memorial and the unplatted part of the unzoned area to the south would be affected if this application is approved.

Mr. Gardner explained that there is an existing PUD on the southeast corner with commercial use and a buffer that are bound by a particular plan. He declared that Carmen Ministries is the buffer and if that buffer is jumped, making another property the buffer, it would destroy any argument that a specific commercial is no longer appropriate this far from the node; therefore, there are no rules and regulations in considering future legal matters.

Mr. Johnsen acknowledged that precedent is an important consideration in all zoning considerations; however, because the tract north of the drainageway is not the same set of facts. He pointed out that north of the subject tract would not be appropriate for commercial zoning since it is across the street from single-family development, whereas the subject site is across the street from mini-storage development.

Mr. Doherty acknowledged that the application is contrary to the Comprehensive Plan and Development Guidelines. He questioned whether there were sufficient unique circumstances regarding this tract to warrant violating the Comprehensive Plan and Development Guidelines to extend the zoning line to the north.

Mr. Midget expressed concerned about moving commercial zoning outside the commercial node.

Ms. Pace agreed that there are good natural boundaries; however, she pointed out that only the southern section of the tract is opposite CS zoned property and the remainder is in a permanent floodplain. Ms. Pace made a motion for denial. Mr. Midget seconded the motion.

Mr. Doherty shared concerns over extending the zoning line to the north and stripping out Memorial. He deemed that the natural barriers would be sufficient.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **3-4-0** (Gray, Midget, Pace "aye"; Ballard, Doherty, Horner, Ledford "nay"; none "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to recommend **DENIAL** of Z-6508 as recommended by Staff.

MOTION FAILED.

TMAPC Action; 7 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **4-3-0** (Ballard, Doherty, Horner, Ledford "aye"; Gray, Midget, Pace nay"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to recommend **APPROVAL** of Z-6508 for CS zoning as requested by the applicant.

Mr. Johnsen noted that PUD conditions were not reviewed by Staff and asked to continue PUD 386-A to October 25th, 1995.

After discussion, it was the consensus of the Planning Commission that the zoning and PUD applications should be heard as companion items.

TMAPC Action; 7 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **RECONSIDER** Z-6508.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **CONTINUE** Z-6408 and PUD 386-A to October 25, 1995.

ZONING PUBLIC HEARING:

Application No.: **PUD-179 T-1** Minor Amendment
Applicant: Ted Sack
Location: 9000 E. 71st Street
Date of Hearing: October 18, 1995
Presentation to TMAPC:

The applicant is requesting approval of a minor amendment to create two parcels from one in Development Area B.

Staff has reviewed the request and finds that a Site Plan was approved for Development Area B in April of 1995. The Site Plan as approved showed two motels with appropriate landscaping and parking on this site. The Minor Amendment as proposed does not change the approved Site Plan but distributes the appropriate parking and landscaped areas into two parcels, each of which contains a motel. The parcel proposed to be split was approved with zero frontage on a public street.

The parcels as proposed meet the parking and landscaped area requirements of the PUD. Staff notes that the two parcels do not have frontage on a public street but are served by access to a private drive in the adjacent (west) PUD and by common access easements North to 71st Street. The proposed western parcel has direct access on its western boundary via the adjacent private drive and access north to 71st Street through Lot 1 Block 1 via access easement. The proposed eastern parcel has access to the private drive in the west through the western parcel and to 71st Street in the north through the western parcel and through Lot 1 Block 1.

Staff recommends **APPROVAL** subject to the following:

- a) Development of the parcels as proposed shall conform to the previously approved site plan.
- b) The western parcel (Tract A) shall contain a maximum floor area of 30,200 SF and the eastern parcel (Tract B) shall contain a maximum floor area of 30,200 SF.
- c) Parking shall be as required per zoning code.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** PUD 179 T-1 **MINOR AMENDMENT** as recommended by Staff.

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Application No.: **PUD-417 B-1** MINOR AMENDMENT
Applicant: Charles Norman
Location: Northwest corner E. 19th Street & South Wheeling
Date of Hearing: October 18, 1995
Presentation to TMAPC: Charles Norman

The applicant is requesting approval of a minor amendment to allow the construction of an indoor pool on the north side of the Health Plaza Building at St. John's Medical Center.

- a) Reduction of the building setback along the northern boundary of Area B from 58' to 4' in the west 85'
- b) Reduction of the building setback along the northern boundary of Area B from 15' to 12' in the west 59' of the east 223'
- c) Reduction of the building setback along the western boundary of Area B from 25' to 18' in the north 58'

Staff has reviewed the request and finds that the existing setbacks for this area were established (PUD 338-Area B, 11/83) in response to the single-family residential development that was immediately north of this parcel at the time of development. In late 1985 the Medical Center purchased the area to the north and combined the existing PUDs converting their holdings in this area into one (PUD 417). The residential units have subsequently been replaced with park area. The project site is surrounded by Medical Center holdings with the exception of a residential property to the northeast.

Conversation with the applicant indicates that the proposed structure will be an addition to the existing structure, will house an indoor pool and related facilities and will be approximately 26' in height. The applicant has also indicated that the property owner to the northeast has previously indicated acceptance of this sort of development and is being contacted with the specifics of this plan. Based on the information included by the applicant, the proposed structure will be approximately 44' from the homeowner's garage at the nearest point. The existing home is buffered from the proposed pool structure by the garage and sits to the northeast of it.

Based on the above, Staff recommends **APPROVAL** of the reduction in setbacks as proposed.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** PUD 417 B-1 MINOR AMENDMENT as recommended by Staff.

OTHER BUSINESS:

PUD 261-C: Alternative Landscape Compliance- East of the Northeast corner of 71st Street and South Peoria - Lot 3, Block 1 of Riverbridge West.

The applicant is requesting Alternative Landscape Compliance for "Quick Trip". The purpose of the request is to gain approval of a plan which includes parking spaces at the front entry to the building which are farther than 50' from a landscaped area.

Staff has reviewed the request and finds that the amount of landscaping proposed on the remainder of the subject site exceeds the requirements of the ordinance.

Staff would also note that a similar request was brought before the Commission in September of 1994, meeting with the Commission's approval.

Based on the plan's exceedence of the landscape requirements, Staff recommends **APPROVAL**.

Staff would request from the Commission administrative review ability for other similar convenience store cases where parking which fronts into the store does not meet the 50' landscape spacing requirement.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** ALTERNATIVE LANDSCAPE COMPLIANCE for Lot 3, Block 1, Riverbridge West as recommended by Staff.

Approval of document to vacate Garnett Park Industrial Addition, Plat 2358.

Staff Comments

Mr. Stump announced that Staff recommends **APPROVAL** of vacating Garnett Park Industrial Addition.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; "abstaining"; Boyle, Carnes, Selph, Taylor "absent") to **APPROVE** the document to vacate Garnett Park Industrial Addition, Plat 2358 as recommended by Staff.

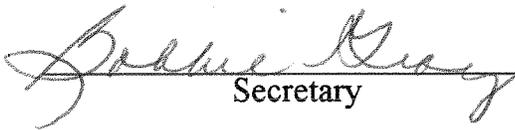
There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 11-1-95



Chairman

ATTEST:



Secretary

