

TULSA **M**ETROPOLITAN **A**REA **P**LANNING **C**OMMISSION

Minutes of Meeting No. 2118

Wednesday, June 25, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Carnes | Boyle | Almy | Linker, Legal |
| Doherty | Dick | Jones | Counsel |
| Gray | | Stump | |
| Horner | | | |
| Jackson | | | |
| Ledford | | | |
| Midget | | | |
| Pace | | | |
| Westervelt | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 20, 1997 at 1:40 p.m., in the Office of the City Clerk at 1:34 p.m., as well as in the office of the County Clerk at 1:31 p.m.

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

Minutes:

Approval of the minutes of June 11, 1997, Meeting No. 2116:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **APPROVE** the minutes of the meeting of June 11, 1997 Meeting No. 2116.

Reports:

Director's Report:

Mr. Stump stated the TMAPC receipts and deposits for the month of May were somewhat below average.

Mr. Stump presented street closing request No. 5-3-97-54 for the east side of Peoria Avenue between 44th and 45th Street. The request is for half of the service road to be closed in conjunction with a recent rezoning request for commercial zoning which was approved by the City Council.

Mr. Stump stated at the City Council meeting there was some concern about needing additional buffering for the single-family residences to the east. The proposal was if adequate buffering could be provided, it might be beneficial to close the frontage road and allow the developer of the commercial property to move his development to the west and provide a larger area for buffering on the east side of the property.

Mr. Stump stated the request before the Commission today is for a 15-foot planted area between Peoria and the service road, which includes the 50-foot roadway area for a total of 65 feet. He stated the only other use which is served by this road is a 32-unit condominium development. The condominium's access to parking is off of 45th Street, which is a one-way, dead end parking lot that he feels does not circulate well. He stated visitors and emergency vehicles use the service road.

Mr. Stump stated staff's recommendation is to consider vacating both segments of the frontage road and use the 10-foot strip on the north side of condos for a paved, one-way drive from the parking lot located at the back of the condos. This would allow for additional angular-type parking and a loop-type circulation. If the south portion was closed, it would prohibit the commercial development from using the service road as access to their development.

Interested Parties Comments:

Elmer Glenn, 4517 South Peoria Avenue #18, 74105, stated he lives in the condos. The street in question runs directly in front of the condos. He feels if the street is closed, it would cut off services, such as police, fire, ambulance, postal and delivery service, to the front of the condominiums.

Mr. Glenn feels the proposed drive and angular-type parking lot would not be adequate due to the area is not large or wide enough and there is a balcony to be dealt with by delivery truck or fire trucks.

Mr. Glenn presented pictures and a plat showing the condominiums and the parking area. He stated there are 32 units, privately-owned, and each has one or more assigned parking space(s). There are adequate parking spaces for the owners, but not for visitors or service vehicles.

Mr. Glenn stated the residents purchased their condos for the beauty and accessibility. They are against losing the greenbelt. The greenbelt is used as screening between the condos and Peoria. He stated the greenbelt cuts down on the noise. He stated when the Commission met on the rezoning request the residents had no objections to the property being zoned commercial as long as the street remains open.

Mr. Glenn pointed out that the president of the condo association, at the time of the rezoning, did not carry out the instruction of the association in regard that the condo property would not change to commercial unless someone purchased the entire property and building and then requested the change in zoning.

Mr. Glenn noted that Mr. Levy stated he had no intentions of closing the service road. He feels if Mr. Levy have expressed intentions of closing the service road at the time of the rezoning hearing, the association would not have supported the zoning change. He feels the closing of the service road would reduce the value the condos.

Carol Swenson, 1723 East 71st Street, stated she has been retained by the homeowners association of Swiss Riviera. She stated there are 32 homeowners in the condominium complex, six of whom are the original owners since 1965. She noted most residents are older persons who are retired. She feels most residents purchased at this location due to the aesthetics of the greenbelt that buffers the residents from Peoria Avenue.

Ms. Swenson stated the service road is the only street access to the front of the condos. The parking lot is a limited common element maintained by the association, but the actual parking lots are owned individually by the unit owners. She noted access to the rear parking lot is key-activated and not a public access. Security is also a concern of the association.

Ms. Swenson feels if an additional parking lot or a turnaround is constructed, it would only encourage more use by non-residents and lower security. She noted the association does not have the financial means to construct a parking lot or maintain the vacated parcel.

Ms. Swenson stated the commercialization is one thing, but to close the service road, which is the only through street to the front, would only reduce the aesthetics and value of the condo property. She noted the association is prepared to prevent the closing of the service road at the court level.

Nancy Apgar, 3914 South Norfolk, stated she represents the Brookside Neighborhood Association. She reminded the Commission of her appearing before them in January and presented a letter of opposition to the zoning change and noted she suggested a PUD be filed.

Ms. Apgar stated she was unable to attend the City Council meeting regarding the zoning request; however, she was able to tape the meeting and Mr. Levy's statement that he had no intentions of closing the service road.

Ms. Apgar stated Ms. Dunham, the president of the association at the time of the rezoning, gave the impression that she did not care whether the road was closed or not. She feels Ms. Dunham's remarks were misunderstood. She clarified the desire of the association to Councilman Gardner in that the association does not want the road closed.

Ms. Apgar noted the residents of the condos purchase trees and City crews planted them in the greenspace along Peoria Avenue, providing a residential-looking atmosphere. She stated she is not aware of what type of landscaping will be provided on the CS-zoned property.

Ms. Apgar stated she has talked with the residents on Quaker Avenue, which backs to the commercially-zoned tract, in regard to the a roadway being constructed behind their residents.

Ms. Apgar asked the Commission to deny the request and keep the service road open.

TMAPC Comments:

Mr. Doherty stated he understands many of the condominium residents are concerned with the service road being closed because it is necessary to them for access. He asked whether the residents have been briefed on the fact if the road was closed and vacant the property would revert to them and they could make a private drive or another type of arrangement for their own use. Mr. Stump replied he has not talked to the group directly.

Mr. Doherty asked Mr. Glenn the reason why the association uses the service road. Mr. Glenn replied it is used for mail, fire truck, delivery services, as well as visitor parking. He noted there is an "unmarked" loading/unloading zone.

Mr. Doherty explained if the road was closed and vacated, the condo owners would retain ownership. Mr. Glenn replied he understood that; however, if the road is closed the residents would have to turn around to exit the condos instead of driving straight through. Mr. Doherty reminded him if the road is left open commercial traffic traveling north is going to use the road. Mr. Glenn replied there is already commercial use of the road.

Mr. Doherty stated that if the street is vacated, the condo owners would have ownership and control of the property. Mr. Glenn replied the association does not want the road closed nor do they want the ownership of the property if the road is vacated. The association wants to maintain the greenbelt.

Mr. Doherty stated one of the problems is the depth of the commercial property. The residents on Quaker who backs to the commercial property would have less noise if the service road is closed and the development is moved farther to the west.

Mr. Doherty feels the issue is how to best redevelop the property without hurting the entire Brookside neighborhood. The circulation pattern benefits the residents of the condos and residents on 45th Street. The proposed development will hurt the residents on Quaker Avenue.

Mr. Doherty suggested closing the north half of the service road. Ms. Apgar stated if the north half is vacated, the people on the south half would have to make some type of arrangements for a turnaround or access road. Mr. Doherty stated an access drive may not work due to the balcony; however, a hammerhead turnaround could be installed that would work.

Ms. Apgar stated the condo association has requested the service road to remain open and that Mr. Levy stated in the rezoning hearing the road would remain open. Mr. Doherty replied that this request came about from a request by Council Gardner in regard to the circulation pattern for the residents on Quaker Avenue. Ms. Apgar suggested if the road is closed, special care should be given to ensure buffering and green space. Mr. Doherty suggested the vacation be conditioned to the commercial property develop as a PUD.

Mr. Midget feels a PUD would be a good way to guide the development and protect the surrounding neighborhood. He stated he would not like to see the service road closed unless there are some means of protecting the residents by providing a buffering or greenbelt.

Mr. Westervelt stated it is difficult to support the street closing by the information that was provided in the agenda packet. He suggested an aerial photo be included in the packets in the future. He stated he did not have a chance to visit the site and suggested continuing the request to another meeting to allow him and other Commissioners time to visit the site and review the aerial photo.

Ms. Gray stated she visited the site and noted the condo units are well-maintained and the residents have a large invested interest in their properties. She stated she tried to access the parking lot and was unsuccessful. She feels an access drive would not be sufficient due to the limited space.

Ms. Gray feels since Mr. Levy presented the rezoning request under the impression the service road would not be closed, to close the road would be an injustice to neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **CONTINUE** the Right-of-Way Closing Request No. 5-3-97-54 to July 2, 1997.

Ms. Apgar requested the request be continued to July 9, 1997 because she would not be able to attend the July 2 meeting.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick "absent") to **AMEND** the motion to **CONTINUE** the Right-of-Way Closing Request No. 5-3-97-54 to July 9, 1997.

Zoning Public Hearing:

Application No.: Z-6595

AG to RS-2

Applicant: Warren G. Morris

(PD-26) (CD-8)

Location: West of Southwest corner 111th Street South and South Yale Avenue

Presented to TMAPC: Warren G. Morris

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity - Residential.

According to the Zoning Matrix the requested RS-2 zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately five acres in size and located west of the southwest corner of East 111th Street South and South Yale Avenue. The property is gently sloping, non-wooded on the east half and partially wooded with a single-family dwelling on the west half, and is zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north, south and west by single-family dwellings, zoned RS-1 and to the east by vacant land, zoned AG.

Zoning and BOA Historical Summary: The history of zoning actions in this area indicate that RS-1 zoning has been approved to the north, south and west.

Conclusion: Based on the Comprehensive Plan and the existing zoning patterns in this area, staff can support the requested RS-2 zoning and recommends **APPROVAL** of RS-2 zoning for Z-6595.

Applicant's Comments:

Warren G. Morris stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to recommend **APPROVAL** of RS-2 zoning for Z-6595 as recommended by staff.

Legal Description for Z-6595:

The West Half of the North Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 33, T-18-N, R-13-E, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and located west of the southwest corner of East 111th Street South and South Yale Avenue, Tulsa, Oklahoma.

Application No.: Z-5956-SP-2a

(PD-18) (CD-8)

Applicant: Thomas Mansur

Location: Southeast corner East 61st Street and South 107th East Avenue

Presented to TMAPC: Thomas Mansur

(Minor Amendment to Corridor Site Plan to increase the permitted ground sign height.)

Mr. Westervelt left the dais and indicated he would be abstaining from this item.

Staff Recommendation:

The applicant is requesting a minor amendment to an approved corridor site plan to increase the permitted ground sign height from 25 feet to 50 feet with 216 square feet of display surface area. The approved development standards allow a 25-foot ground sign with a maximum display surface area of 240 square feet.

Staff has reviewed the request and finds the proposed location of the 50-foot ground sign is just within the freeway sign corridor being 400 feet from the publicly-acquired right-of-way of the Mingo Valley Expressway at East 61st Street South. Within a freeway sign corridor a ground sign with a maximum height of 50 feet is allowed.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment to allow a 50-foot ground sign within the freeway sign corridor as shown on the plot plan submitted.

NOTE: Minor Amendment approval does not constitute detailed sign plan approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-1** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** Minor Amendment Z-5956-SP-2a to allow a 50-foot ground sign within the freeway sign corridor as recommended by staff.

Application No.: PUD-564 Charles E. Norman **RS-2 to CS/PUD**
Applicant: Charles E. Norman (PD-17) (CD-5)
Location: North and east of northeast corner East 31st Street and South Memorial Drive

(Interested party has requested a two-week continuance.)

Staff Comments:

Mr. Stump stated a request for a two-week continuance has been received from interested parties in the area. Mr. Norman has agreed to a two-week continuance. Therefore, staff recommends continuance to July 9, 1997.

Interested Parties Comments:

Jim Casey, 10023 East 40th Street, 74146, stated he would rather hear the case today, however, he would reluctantly agree to the continuance.

TMAPC Comments:

Mr. Doherty explained the TMAPC's policy is to grant interested parties one continuance.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **CONTINUE** the Zoning Public Hearing for PUD-564 to July 9, 1997.

Application No.: PUD-207-16

(PD-26) (CD-8)

Applicant: Glen D. Edwards

Location: 6135 East 97th Street South

(Minor Amendment to reduce the required garage front yard from 25' to 21'.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required garage front yard from 25 feet to 21 feet for construction of a new dwelling. The plot plan submitted indicates the proposed two-story dwelling will have a front loading garage on the western boundary of a corner lot.

Staff review of the request finds the lot to be smaller than surrounding lots being an average of 65 feet by 96 feet. Positioning the garage four feet closer to the street on the western edge of the property does not block the line-of-sight at the intersection of East 97th Street and Maplewood Avenue. Finally, five Minor Amendments to reduce the required 25-foot garage setback due to characteristics of individual lots in the Mill Creek Addition have been approved since 1981.

Staff finds the reduction in garage setback to 21 feet will have a negligible effect and does not substantially alter the character of the PUD or surrounding dwellings. Staff, therefore, recommends **APPROVAL** of PUD-207-16, subject to the applicant's submitted plot plan.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Doherty, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Gray, Midget "absent") to **APPROVE** the Minor Amendment PUD-207-16 to reduce the required garage front yard from 25' to 21' as recommended by staff.

Application No.: Z-5498-SP-2b

(PD-18) (CD-2)

Applicant: Steven M. May

Location: 7920 South Lewis Avenue

(Minor Amendment to Corridor Site Plan to enlarge the hotel.)

Staff Recommendation:

The applicant is requesting approval of an amendment to the corridor site plan to allow a 11,200 square foot increase in building floor area and modification of an existing 295-room hotel. The applicant is also proposing the removal of a 1,000

square foot storage structure approved in 1995 (Z-5498-SP-2-a), adding a fence to the south property boundary, installing additional signage and modifying the existing parking to the north of the hotel.

The increase in square footage will allow the applicant to develop additional meeting and conference space and does not require the provision of additional parking under the code. The maximum building square footage, including the proposed increase in floor area, will increase to 191,200 square and will require 323 parking spaces. The amended site plan provides over 3232 parking spaces.

Staff has reviewed the site plan and finds the request conforms to bulk, area, parking, circulation, landscape area and sign size and number requirements of the corridor district.

Therefore, staff recommends **APPROVAL** of the Minor Amendment to the Corridor Site Plan per the submitted plans subject to Landscape Plan approval by the Planning Commission prior to the issuance of a building permit and Sign Plan approval by the Planning Commission prior to the issuance of a sign permit.

Staff Comments:

Mr. Stump stated, for the record, although the applicant has not submitted a detail landscape or sign plan, the areas shown for landscaping appear to be acceptable subject to a detail planting scheme. Also the general guidelines the applicant is proposing for signage are reasonable. Staff feels the applicant's criteria for signage is appropriate. He noted the applicant will have to submit a detail landscape and sign plan prior to a building permit being issued.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Minor Amendment Z-5498-SP-2b as recommended by staff.

* * * * *

Other Business:

AC-021 Ron Marsh

(PD-6) (CD-9)

4817 South Victor Avenue
(Alternative Landscape Compliance.)

Staff Recommendation:

The applicant is requesting Alternative Compliance from the irrigation requirement of the Landscape Chapter and seeks approval to utilize hose attachments to irrigate required landscape areas of a new three-dwelling unit

development. The 30,000 square foot site contains 53 mature trees, including street yard trees, ranging from 6 inches to 32 inches with an average caliper of 12 inches. The applicant claims the existing mature trees do not require underground irrigation and hose attachments can sufficiently irrigate required landscape areas.

Staff has reviewed the proposal and finds that the applicant's landscape plan meets all requirements of the code except that no underground irrigation system is being provided. The applicant will provide two hose attachments for each housing unit to irrigate the lawn areas of the property. None of the required landscape areas have hose attachments greater than 100 feet away.

The elimination of the underground sprinkler system and utilization of hose attachments to irrigate lawn areas will not adversely effect mature trees and is sufficient to maintain lawn areas in the front and rear of each dwelling unit.

Staff, therefore, recommends **APPROVAL** of the request to eliminate an underground irrigation system and finds the request, while not meeting the technical requirements of the landscape chapter, is equal to those requirements.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-1-0** (Carnes, Doherty, Gray, Horner, Jackson, Ledford, Pace "aye"; Westervelt "nay"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Alternative Landscape Compliance AC-021 to eliminate an underground irrigation system and allow hose attachment in its place as recommended by staff.

AC-022 Albert Haney

(PD-17) (CD-5)

10131 East 47th Place South
(Alternative Landscape Compliance.)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance to permit the use of a hose attachment to irrigate three required street yard trees in an industrial district on a 125-foot by 140-foot corner lot.

Staff has reviewed the application and finds the total street yard area abutting East 47th Place South and 102nd East Avenue totals 3,750 square feet and requires three trees. Due to the narrow street yard along East 47th Place, the required street yard trees are grouped in a corner location and can be more easily irrigated with a hose attachment. The plot plan indicates a hose attachment will be placed less than 50 feet from the required trees.

Staff, therefore, recommends **APPROVAL** of the request to substitute a hose attachment for an underground sprinkler system and finds the request, while not meeting the technical requirements of the landscape chapter, is equivalent to those requirements.

TMAPC Comments:

Mr. Westervelt feels the Commission has approve too many alternative landscape compliance plans without sprinkler systems. He reminded the Commission what the City landscape looks like in late summer. He feels sprinkler systems are a real benefit.

Mr. Doherty stated the reason he support the previous request is because the sprinkler system would cut into the roots of the mature trees.

Mr. Doherty expressed disagreement with this request because the hose attachments are not used on a regular basis and there is no enforcement to replace the trees the have died.

Ms. Pace pointed out that there is no enforcement of sprinkler systems being used on a regular basis.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **6-1-0** (Carnes, Doherty, Gray, Jackson, Ledford, Pace "aye"; Westervelt "nay"; none "abstaining"; Boyle, Dick, Horner, Midget "absent") to **APPROVE** the Alternative Landscape Compliance AC-022 to substitute a hose attachment for an underground sprinkler system as recommended by staff.

Mr. Stump informed the Commission that Bob Gardner, Deputy Director for INCOG, has decided to retire after 36 years of service. His final working day will be July 31, 1997.

Mr. Doherty stated a reception has been scheduled for July 24, 1997 at the Home Builders Association of Greater Tulsa, Inc.

There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date Approved: 7/9/97

ATTEST: [Signature]
Secretary

[Signature]
Chairman