

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2213

Wednesday, August 4, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Dick	Dunlap	Jackere, Legal
Carnes	Midget	Huntsinger	Counsel
Harmon		Matthews	
Hill		Stump	
Horner			
Jackson			
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 2, 1999 at 11:00 a.m., posted in the Office of the City Clerk at 10:49 a.m., as well as in the office of the County Clerk at 10:47 a.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:30 p.m.

Minutes:

Approval of the minutes of July 21, 1999, Meeting No. 2211

On **MOTION** of **CARNES** the TMAPC voted **6-0-1** (Boyle, Carnes, Hill, Horner, Jackson, Pace "aye"; no "nays"; Westervelt "abstaining"; Dick, Harmon, Ledford, Midget "absent") to **APPROVE** the minutes of the meeting of July 21, 1999 Meeting No. 2211.

REPORTS:

Mr. Harmon in at 1:32 p.m.

Director's Report:

Mr. Stump reported that there are three items on the City Council agenda for August 5, 1999.

Mr. Stump reviewed the receipts for the month of June and indicated that the receipts are down in number.

SUBDIVISIONS

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- L-18849 – Sisemore Weisz & Associates, Inc. (1283)** (PD-18) (CD-7)
7215 South Memorial Drive
- L-18882 – Linda Morrissey (593)** (PD-4) (CD-4)
2815 East 3rd Street
- L-18892 – Jeffrey G. Levinson (2383)** (PD-18) (CD-8)
9618 South Memorial Drive
- L-18901 – Gregory Zuzack (1193)** (PD-5) (CD-5)
6917 East 12th Street
- L-18907 – City of Tulsa (684)** (PD-18) (CD-8)
Southeast corner of East 66th Street and South Mingo Road
- L-18908 – City of Tulsa (382)** (PD-8) (CD-2)
6150 South Union Avenue
- L-18909 – Bill Gilbert (2772)** (PD-21) (County)
2819 West 171st Street South
- L-18910 – Cindy Inman (2523)** (PD-14) (County)
14101 North Memorial
- L-18913 – Tulsa Engineering & Planning Association (894)** (PD-17) (CD-6)
Northwest corner East 21st Street and 129th East Avenue
- L-18914 – Jeffrey G. Levinson (2283)** (PD-18) (CD-8)
Northwest corner East 93rd Street and Sheridan Road
- L-18915 – City of Tulsa (483)** (PD-18) (CD-8)
7033 South Louisville
- L-18917 – Michael Webb (2992)** (PD-9) (County)
4402 South 61st West Avenue

STAFF RECOMMENDATION:

Mr. Dunlap stated that these lot-splits are in order and staff recommends approval.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING PUBLIC HEARING

Application No.: Z-6708

RS-3/PUD-599-A to IL/PUD-559-A

Applicant: John W. Moody

(PD-18) (CD-8)

Location: South of the southwest corner East 61st Street and South 104th East Avenue

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Corridor.

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

Staff Comments:

Site Analysis: The subject property is approximately 36' x 143' in size, is the access drive for PUD-599-A, and is located south of the southwest corner of East 61st Street South and South 104th East Avenue. The property is flat, non-wooded, vacant, and zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by an automobile rental and sales business, zoned IL/PUD-599-A; to the east by vacant property and the Mingo Valley Expressway, zoned RS-3; and to the south and west by vacant land, zoned OL and OL/PUD-599-A. Farther to the west is one of the Union schools and farther to the southeast is Grove Elementary School.

Zoning and BOA Historical Summary: A Planned Unit Development was approved on the adjoining tract to the north and west in February 1999; which allowed automobile sales, rental and detailing on the tract except the south 160'. Past zoning actions have established the area north of 61st Street as light industrial and the two schools located south and west of the subject tract have been granted special exceptions by the Board of Adjustment to serve the predominantly single-family neighborhood nearby.

Conclusion: The subject tract was inadvertently omitted, due to incomplete legal descriptions, from rezoning action both from the rezoning application in 1983 on the tract to the north and the zoning application in 1996 that rezoned the abutting property on the south. This request will rezone the 36' x 143' strip to IL, which is already a part of PUD-599-A.

Staff recommends **APPROVAL** of IL zoning for Z-6708. If approval is granted, staff further recommends that plan map amendments be prepared to reflect this change.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Ledford, Midget "absent") to recommend **APPROVAL** of IL zoning for Z-6708 as recommended by staff.

Legal Description for Z-6708:

The South 36.12' of the North 336.32' of Lot 4, Block 1, Union Gardens, a Subdivision in Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Mr. Ledford in at 1:34 p.m.

Application No.: Z-6698

Applicant: Chris Nikel

Location: 1112 South Atlanta Avenue

RS-3 to PK

(PD-4) (CD-4)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Medium Intensity - No Specific Land Use.

According to the Zoning Matrix the requested PK zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 50' x 140' in size and is located south of the southwest corner of East 11th Street South and South Atlanta Avenue. The property is flat, partially wooded, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by an auto repair and painting facility, zoned CH; to the east by a parking lot, zoned CH; to the south by single-family dwellings, zoned RS-3; and to the west by a non-conforming parking lot, zoned RS-3.

Zoning and BOA Historical Summary: The most recent zoning actions in this area have been approved by the Board of Adjustment to allow businesses on East 11th Street to meet parking requirements by the use of adjoining vacant properties or larger parking lots that are within walking distances.

Conclusion: The Comprehensive Plan indicates that rezoning adjacent to commercial uses should be considered for OL or PK zoning (item 3.3.4). Item 3.3.9.4 states that existing commercial and office uses are encouraged to provide sufficient parking in accord with CH zoning category provisions. The 11th Street Corridor study specifies that where inadequate parking exists for businesses, additional off-street parking should be located to the rear of the structures to a total depth of three lots or a total depth of 150' feet off 11th Street. If rezoned, this property's southernmost PK boundary would line up with the existing CH zoning line on the properties to the east. Therefore, due to existing development, land use trends and provisions of the Comprehensive Plan, staff recommends **APPROVAL** of PK zoning for Z-6698.

STAFF COMMENTS:

Mr. Stump informed the Planning Commission that there has been discussion with the applicant and Zoning Officer, Kurt Ackermann. He stated that staff and Mr. Ackermann are of the opinion that the storing of automobiles either waiting for or in the process of having bodywork performed on them in a PK district would not be permitted. This would be an accessory use to a body shop use and would be classified as a body shop use.

APPLICANT'S COMMENTS:

R.L. Reynolds, 2727 East 21st Street, Suite 200, Tulsa, Oklahoma 74114, stated that he has met with the neighbors and they have reached an agreement. Mr. Reynolds submitted a letter (Exhibit A-1) that he mailed to the neighbors. He summarized the letter explaining that his client would develop the subject property in accordance with the Zoning Code. He indicated that all of the automobiles parked on the subject property will be driven in and driven out under their own power. There will be no work performed on the automobiles outside of the building and all the autos will be capable of driving on the street. Mr. Reynolds concluded that he met with the neighbors and satisfied their concerns.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Reynolds how long the automobiles would be left on the subject property. Mr. Reynolds stated that on average an automobile would stay for one day or less.

Ms. Pace asked Mr. Reynolds if the use of the PK lot would be to stack automobiles awaiting some type of bodywork. In response, Mr. Reynolds stated that the automobiles will not be stacked, but parked while waiting for bodywork and some will be waiting to be picked up by the owner.

Ms. Pace asked Mr. Jackere if automobiles could be legally stored on the PK lot. She stated that the PK lot is not for use by the employees or customers, but cars waiting to be worked on. In response, Mr. Jackere stated that the Zoning Code does not distinguish between a lot used for parking of automobiles and a lot used for storage of automobiles. Mr. Jackere commented that he did not know if he could tell whether a car is parked on a lot or stored on a lot. Ms. Pace asked Mr. Jackere if inoperable

automobiles would be legally parked on PK lots. In response, Mr. Jackere stated that if the automobiles are not operable then it could be determined as a salvage yard use. Mr. Jackere stated that it is difficult for him, in the context of this particular case, to distinguish between the parking of a car and the storage of a car.

Mr. Reynolds stated that nothing different is proposed for this lot other than what is happening at any other parking lots in Tulsa. The vehicles are driven on and driven off of the lot. He indicated that the subject parking lot will have more screening from view than any other parking lot in the city. He stated that his client has agreed to gate the parking lot with a six-foot screening fence and keep the gate closed.

INTERESTED PARTIES IN SUPPORT OF Z-6698:

Eric Gomez, 2716 East 13th Street, Tulsa, Oklahoma 74104 and **Tom Neal**, 2507 East 11th Place, Tulsa, Oklahoma 74104.

INTERESTED PARTIES COMMENTS:

The proposal will enhance the subject area when the applicant replaces the screening fence on the property to the west (Lewis Place) to match the subject lot. This proposal will have a low impact on the neighborhood with the proposal to maintain the existing foliage and install a screening fence on the subject property where it abuts the residential area.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of PK zoning for Z-6698 as recommended by staff; finding this application consistent with the 11th Street Corridor study and the Infill Task Force Study recommendations.

Legal Description for Z-6698:

Lot 3, Block 1, Boswells Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

Application No.: CZ-253/PUD-612

Applicant: David M. Dryer

Location: East of northeast corner East 181st Street and South 14th

AG to RS/PUD

(PD-20) (County)

STAFF RECOMMENDATION FOR CZ-253:

Relationship to the Comprehensive Plan:

The subject property is not within any adopted district plans. The Development Guidelines, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, provide

for evaluation of the existing conditions, land uses, existing zoning and site characteristics for the goals and objectives of areas that have not been specifically defined for redevelopment. Provisions of the Development Guidelines would designate this site Low Intensity.

Staff Comments:

Site Analysis: The subject property is approximately 50 acres in size and is located east of the northeast corner of East 181st Street South and South 145th East Avenue. The property is flat, wooded, vacant, and zoned AG.

Surrounding Area Analysis: The subject tract is abutted on the north, west and east by vacant property, zoned AG; and to the south across East 181st Street South by scattered single-family dwellings, zoned RE.

Zoning and BOA Historical Summary: No activity has occurred in this area.

Conclusion: Based on the lack of existing development of similar-intensity development in the surrounding area and the relative lack of infrastructure, staff cannot support the requested RS zoning. This appears to be a case of "leapfrog" development. Staff recommends **DENIAL** of RS zoning on the subject property. If the Planning Commission is inclined to rezone the site, AG-R zoning may be appropriate.

AND

STAFF RECOMMENDATION FOR PUD-612:

The applicant has submitted a proposed private street subdivision and Deed of Dedication and Restrictive Covenants (enclosed) to be reviewed as a PUD. The 50-acre tract is located east of 145th East Avenue on the north side of East 181st Street South. The tract is currently zoned AG. Concurrently an application has been filed, CZ-253, to rezone the tract from AG to RS. There is AG-zoned property to the north, east and west of the subject tract and RE zoning to the south in the city limits of Bixby. The PUD proposes 26 residential lots (based on sketch plat) with private streets that do not meet the requirements of the subdivision regulations or the draft guidelines for private streets (enclosed).

The proposed PUD is not consistent with the PUD chapter of the Tulsa County Zoning Code. The proposal does not:

1. Maintain appropriate limitations on the character and intensity of use and does not assure compatibility with adjoining and proximate properties.
2. Utilize the unique physical features of the site.
3. Provide and preserve meaningful open space.

4. Achieve a continuity design within the development.

Therefore, staff recommends **DENIAL** of PUD-612.

STAFF COMMENTS:

Mr. Dunlap stated that this proposal was on last week's agenda and the applicant was not present. He reminded the Planning Commission that this application was continued one week in order to contact the applicant. He stated that he contacted the applicant and advised him that his application had been continued to today's meeting. He indicated that he has had no further contact with the applicant and there has been no change in the application.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **DENY** the RS zoning for CZ-253 and **DENY** PUD-612 as recommended by staff.

Application No.: Z-6706

Applicant: Bob Nichols

Location: East side of Zunis Avenue between Independence and North Haskell

RM-1 to IM

(PD-3) (CD-3)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity-No Specific Land Use and Special District 2 Industrial Area. Plan policies (items 3.1 and following), among other things, encourage future industrial development to locate here and specify that industrial activities will provide adequate parking for employees.

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

Staff Comments:

Site Analysis: The subject property is approximately 1.2 acres in size. The largest portion of the tract is located on the east side of North Zunis Avenue between East Independence Street and East Haskell Place and the smaller tract is a five-foot strip located along the west side of North Zunis Avenue from East Independence Street to East Haskell Place. The property on the east is flat, non-wooded, contains four single-family dwellings, and is zoned RM-1, The western strip is vacant and part of the industrial use to the west and is zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north and west by Gate City Steel Company, zoned IL and IM; and to the south and west by single-family dwellings, zoned RM-1.

Zoning and BOA Historical Summary: In 1980 the entire residential block located west of the subject tract was rezoned from RM-1 to IL except for the eastern five-foot strip of the block which separated the industrial zoning from residential zoning and prevented access to the industrial lots from North Zunis Avenue.

Conclusion: Based on the Comprehensive Plan, existing uses and trends staff recommends **APPROVAL** of Z-6706 for IM zoning.

STAFF COMMENTS:

Mr. Dunlap stated that this proposal has been discussed with the City staff and it has been determined that IM zoning is needed for this type of manufacturing.

APPLICANT'S COMMENTS:

Robert Nichols, 801 North Xanthus, Tulsa, Oklahoma 74110, stated that the use will remain the same as it has been for the last 70 years. He explained that the long-range plan has been IM zoning for many years. He indicated that the properties acquired were rental properties with many problems which will not exist when Valmont razes the houses. The residents that will be adjacent to the subject properties will have the same type of environment that has existed for the last several years.

Mr. Nichols stated that Valmont will be expanding in the future and it will be good for the City and the neighborhood. He indicated that his company will be making a new product that will take off in the next four years and his company has to know what type of manufacturing it can do and if it can expand.

Mr. Nichols concluded that Valmont would like to be a good neighbor and make the transition to IM zoning as painless as possible for the residents in the subject area.

TMAPC COMMENTS:

Ms. Pace stated that her main concern with the transition is to respect both the neighborhood uses and the manufacturing uses. She asked the applicant if there is a way that Valmont could direct their employees to exit on Independence or on Haskell to

Lewis. In response, Mr. Nichols stated that the current traffic pattern should not change with the expansion. Mr. Nichols explained that streets are marked with signage that prevents truck traffic. Mr. Nichols indicated that the majority of employees enter on Haskell Place. He commented that the neighborhood is protected from truck traffic by the City's signage prohibiting trucks.

INTERESTED PARTIES COMMENTS:

Maria Barnes, 2252 East 7th, Tulsa Oklahoma 74110, representing Kendall-Whittier Neighborhood Association, stated that she is not against Valmont, but she understood that the application was for a parking lot and now it is for expanding the manufacturing. She expressed concerns with the IM zoning and hopes that the applicant installs the proper screening for the houses that abut Valmont's property. She requested that the applicant work with the neighborhood.

Mr. Stump cited the screening and landscaping requirements for the east and south boundaries that abut the residential district.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of IM zoning for Z-6706 as recommended by staff.

Legal Description for Z-6706:

Lots 8 through 14, Block 2, and the East 5' of Lots 1 through 7, Block 3, Cherokee Heights Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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ZONING PUBLIC HEARING

Application No.: PUD-168-8

Applicant: R.L. Reynolds

(PD-18) (CD-8)

Location: Southeast corner East 81st Street and South Harvard

(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to increase the maximum height of the permitted shopping center tenant identification sign allowed within Development Area D-1 from 16 feet to 17.08 feet (17'1"). PUD-168 sign standards approved in 1975 allowed one center identification sign in area D-1 and one center identification sign in area E-1. The sign standard specified a maximum height of 16 feet and an aggregate display surface area of 400 SF for the two signs.

In 1992 TMAPC approved a tenant identification sign in Development Area D-1 conditioned on the removal of two shopping center identification signs along South Harvard. This conditional approval allowed one shopping center tenant sign located at least 100 feet south of the centerline of East 81st and containing 112 SF of display surface area.

Staff has examined the current request and has conducted a site visit. The proposed 17+-foot replacement signage contains approximately 180 SF of display area. Two convenience store signs along South Harvard and directly east of PUD-168 are approximately 20 feet in height. During the site visit staff also observed additional signage within PUD-168 along both South Harvard and East 81st Street that was never approved by TMAPC.

The two center identification signs that were to be removed along Harvard remain and a third off-site residential subdivision ID sign has been erected farther south within Development Area E-1. A four-foot high monument sign has also been erected in Development Area D-1. This sign is located along the East 81st Street boundary of the PUD approximately 275 feet east of the tenant identification sign currently under review. The 81st Street sign advertises the *El Paso Restaurant*.

Staff is of the opinion that the original approval and subsequent 1992 approval of a tenant identification sign did not allow all of the aforementioned signage. Staff can support the current request as reasonable in light of other commercial signage along South Harvard. Staff also finds the request is not counter to the originally-approved PUD-168 sign standards. Staff, however, believes that two of the three signs have been placed and/or remain along the South Harvard Street frontage illegally and must be removed.

Staff, therefore, recommends **APPROVAL** of PUD-168-8 modifying the development specifications for Development Areas D-1 and E-1 as follows and subject to conditions outlined below.

GROUND SIGN STANDARDS FOR DEVELOPMENT AREAS D-1 AND E-1:

One center tenant identification sign with a maximum height of 18 feet and a maximum surface display area of 200 SF is allowed within Area D-1. The sign shall be located at least 100 feet south of the centerline of East 81st Street. One other center tenant monument sign is allowed within Development Areas D-1 and shall be no more than six feet in height nor greater than 50 SF in display surface area and be located approximately 285 feet east of the South Harvard right-of-way.

One center tenant identification sign with a maximum height of 18 feet and a maximum surface display area of 200 SF is allowed within Area E-1

CONDITIONS OF APPROVAL:

Approval of PUD-168-8 is conditioned on removal of any two of the three center or subdivision identification signs in Development Area E-1. No permit for erection of a sign shall be issued by Development Services until the two signs are removed and confirmation of the same is received by TMAPC.

There were no interested parties wishing to speak.

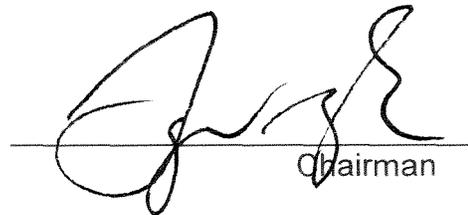
The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to **APPROVE** the Minor Amendment for PUD-168-8; subject to conditions as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

Date approved: 8-18-99


Chairman

ATTEST: 
Secretary