

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2231

Wednesday, February 23, 2000 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Hill	Beach	Jackere, Legal
Carnes	Horner	Bruce	Counsel
Collins		Dunlap	
Harmon		Huntsinger	
Jackson		Matthews	
Ledford		Stump	
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, January 22, 2000 at 9:00 a.m., posted in the Office of the City Clerk at 8:52 a.m., as well as in the office of the County Clerk at 8:48 a.m.

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

### **REPORTS:**

#### **Chairman's Reports:**

Mr. Westervelt stated that he has discussed item no. 8 with Mr. Carnes regarding the Policies and Procedures Committee. He indicated that it has been determined to let the Policies and Procedures Committee duties return to the Comprehensive Plan Committee and Rules and Regulations Committee as in the past.

#### **TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Jackson, Ledford, Pace, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Horner "absent") to **APPROVE** the elimination of references to a Policies and Procedures Committee and to roll its responsibilities to the Comprehensive Plan Committee and Rules and Regulations Committee pertaining to Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission.

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**Committee Reports:**

**Rules and Regulations Committee**

Mr. Boyle reported that there would be a meeting at 2:00 p.m. or immediately upon adjournment of this meeting in Room 1102, City Hall. He indicated that the work session is to discuss the revisions to the Subdivision Regulations.

**Director's Report:**

Mr. Stump reported that there are no items on the City Council agenda.

Mr. Stump stated that staff met with the Finance Committee of the City Council on February 22<sup>nd</sup>. He explained that the committee wants a review of what projects TMAPC and INCOG are doing in FY 2001 and if any problems are foreseen. He informed the Planning Commission that there is a meeting with the Mayor's Budget Committee, Thursday, February 24<sup>th</sup>.

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Mr. Westervelt recognized a letter received from the Brookside Neighborhood Association from Robert Pinney. He indicated that the letter requests the Planning Commission to review improvements on Riverside Drive in the 2001 Work Program. He stated that staff would submit the letter to Public Works.

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**Mr. Harmon in at 1:36 p.m.**

**ZONING PUBLIC HEARING**

**APPLICATION NO.:** PUD-476-1

**MINOR AMENDMENT**

**Applicant:** John Moody

(PD-6) (CD-9)

**Location:** East of the northeast corner of East 41<sup>st</sup> Place South and South Peoria Avenue

**Staff Recommendation:**

The applicant is requesting Minor Amendment Plan approval to allow a 140-foot monopole antenna structure in the northeast corner of the 18,750 square foot PUD. The Minor Amendment is also requesting a reduction in the 154-foot minimum required setback from abutting R Districts to 147 feet from the east boundary and 110 feet from the south boundary. The requested reduction in the 110% of tower height setback requirement, therefore, is seven feet from the eastern R district boundary and 44 feet from the southern R District boundary.

The site plan for the antenna structure indicates a 140-foot tall collocatable antenna tower placed within the mini-storage compound. The monopole antenna will accommodate four wireless users. Related equipment will be fully enclosed and located within a mini-storage unit designated as Unit C-1. The site plan also

indicates an eight-foot wood privacy fence enclosing the tower base providing screening and separation from mini-storage uses. Existing buildings, fencing and mature trees provide additional screening and buffering from abutting uses.

Staff has reviewed the Detail Site Plan and conducted a site visit. The abutting RM-2 district consists of two-story multifamily uses to the east and two-story multifamily uses to the south across East 41<sup>st</sup> Place. Commercial uses are found to the north and west. The area can be categorized by mixed-use commercial and residential. Another antenna tower in the area is located at East 37<sup>th</sup> Street and is approximately 90 feet tall.

Staff is of the opinion that the request for a 140-foot monopole tower is 40 to 50 feet taller than other towers approved in older urban areas within Tulsa. A 14-story structure will be quite visible from many areas including Riverside, Midtown and Downtown. The applicant has represented to staff that a gap in service area coverage exists and the subject tower will fill the gap at the 41<sup>st</sup> and Peoria location for wireless providers. Staff, however, would question the need for the 140-foot tower height as possibly being above that necessary to meet the required minimum setback.

Staff, therefore, recommends **APPROVAL** of PUD-476-1 subject to meeting the 110% setback from the nearest R District resulting in a tower height of 99 feet. Further, staff finds the use and screening requirements conform to conditions outlined in Section 1204 of the Zoning Code.

**AND**

**APPLICATION NO.: PUD-476**

**DETAIL SITE PLAN**

**Applicant:** John Moody

(PD-6) (CD-9)

**Location:** East of the northeast corner of East 41<sup>st</sup> Place South and South Peoria Avenue

**Staff Recommendation:**

The applicant is requesting Detail Site Plan approval to allow a 140-foot monopole antenna structure in the northeast corner of the 18,750 square foot PUD. In a related request for Minor Amendment approval the applicant is seeking a reduction in the minimum required setback from abutting R Districts to 147 feet from the east boundary and 110 feet from the south boundary.

The site plan for the antenna structure indicates a 140-foot tall collocatable antenna tower placed within the mini-storage compound. The monopole antenna will accommodate four wireless users. Related equipment will be fully enclosed and located within a mini-storage unit designated as Unit C-1. The site plan also indicates an eight-foot wood privacy fence enclosing the tower base providing screening and separation from mini-storage uses. Existing buildings, fencing and mature trees provide additional screening and buffering from abutting uses.

Staff has reviewed the Detail Site Plan and conducted a site visit. The abutting RM-2 district consists of two-story multifamily uses to the east and two story multifamily uses to the south across East 41<sup>st</sup> Place. Commercial uses are found to the north and west. The area can be categorized by mixed use commercial and residential. Another antenna tower in the area is located at East 37<sup>th</sup> Street and is approximately 90 feet tall.

Staff is of the opinion that the request for a 140-foot monopole tower is 40 to 50 feet taller than other towers approved in urban areas within Tulsa. A 14-story tower will be quite visible from many areas including Riverside, Midtown and Downtown. The applicant has represented to staff the existing gap in service area and the importance of the 41<sup>st</sup>/Peoria location in filling that gap for wireless providers. Staff, however, would question the need for height above that necessary to meet the required minimum setback.

Staff, therefore, recommends **APPROVAL** of the detail site plan for PUD-476 subject to the approval, conditions, and restrictions of Minor Amendment PUD-476-1. Further, staff finds the use and screening requirements conform to conditions outlined in Section 1204 of the Zoning Code.

**TMAPC Comments:**

Mr. Westervelt requested an elevation or photograph of the proposed monopole. In response, Mr. Dunlap stated that he did not have a photograph or elevation for this proposal. Mr. Westervelt stated that he would prefer to have a photograph of the monopole.

Mr. Westervelt asked the applicant if he had a photograph of an existing monopole. In response, Mr. Moody answered negatively. Mr. Moody stated that if the Planning Commission preferred, the detail site plan could be passed until there is a determination of the actual location and height of the structure.

**Applicant's Comments:**

**John Moody**, 7146 South Canton Avenue, Tulsa, Oklahoma 74136, stated that he represents the Hemphill Corporation for this application. He indicated that his client builds communication towers all over the United States.

Mr. Moody stated that Voice Stream Company, which is not adequately covered in the Brookside area, has approached his client. He indicated that there are two cell towers in the Brookside area; however, these towers are not large enough or adequate for collocation. He stated that Voice Stream approached Channel 2 regarding their tower; however, Channel 2 will not work with Voice Stream with respect to any type of communication facility.

Mr. Moody reminded the Planning Commission of the issues to be considered when determining the tower height allowed according to the Zoning Code.

Mr. Moody stated that Voice Stream originally requested a 150' tower from his client, but 140' would be the minimum height for optimum usage. In addition the 140' height would permit the location of three other communication companies and reduce the number of towers in the subject area. He commented that Voice Stream does not have a facility near the proposed site.

Mr. Moody explained that the 140' height is necessary in order to allow collocation and to allow enough spacing between each of the communications providers. He reminded the Planning Commission that collocation is one of the things that the Zoning Code tries to encourage.

Mr. Moody stated that the proposed site is in CS and CH districts, which is subject to a PUD that was originally approved for a mini-storage warehouse. The location of the proposed tower encompasses the northernmost mini-storage facility, as well as a 20' x 10' area that will be the location of the service lines and area for the tower. There will be four equipment rooms that will be provided inside the mini-storage facility, which eliminates ground clutter. He indicated that the tower is required to set back 110% of the height of the tower from a residential lot that abuts the subject property. He stated that his client could meet the 110% requirement without the Planning Commission's approval from the east property line by locating the tower up against the existing building.

**TMAPC Comments:**

Mr. Westervelt asked Mr. Moody to explain why he would like to place the tower in the proposed site rather than where he feels it could be placed without the Commission's approval.

Mr. Moody stated that the proposed site is in order to provide the proper service and the proper room for spacing with regard to getting in and out of the building and providing service for the antenna.

Mr. Moody indicated that the proposed site is 147' away from the property line and the apartments are located an additional 20' from the property line. He explained that if the tower fell, it would fall completely within the mini-storage facility as far as the east line is concerned. He commented that he is not asking to place this tower within 140' of a residential structure.

Mr. Moody discussed the view of the tower and explained that the tower will be a gray color and will blend in with the sky. He commented that the visible intrusiveness will not be noticeable. He stated that it would be hard for a person to stand at 21<sup>st</sup> and Lewis and actually see an 18" pole in the sky.

Mr. Moody submitted photographs (Exhibit A-1) to show the subject area and the mini-storage facility.

**TMAPC Comments:**

Mr. Boyle asked Mr. Moody if Voice Stream would be located at the top of 140' tower. In response, Mr. Moody stated that he will be representing Hemphill Corporation, who will be leasing the tower, and they need a 140' tower. Mr. Moody explained that Hemphill builds and designs these towers in order to provide collocation services and the subject tower is specifically designed for four carriers. Mr. Boyle stated that Voice Stream requires 140', and Hemphill states that they can move the tower and have a 125' tower. Mr. Boyle questioned Mr. Moody if Voice Stream would then have to find somewhere else to locate at 140'. In response, Mr. Moody stated that Voice Stream can locate on 125' height tower, but it is not the best service for the company.

**Interested Parties Comments:**

**Dan Vibelar**, Engineer for Voice Stream, 3812 North East 140<sup>th</sup> Terrace Circle, Oklahoma City, Oklahoma, stated that the 140' in height is necessary to cover the service disadvantage his company is now experiencing in the Brookside area, Riverside Drive and south of I-44. He indicated that 140' would be the optimum level. He explained that if his company has to locate at 125', it would provide less service coverage. He stated that currently the closest tower for Voice Stream is over two miles away and this causes some spots in the subject area to miss service.

**TMAPC Comments:**

Mr. Boyle asked Mr. Vibelar if at 125'; the company cannot provide service and must move to another location, or if it means that at 125' the company can provide service, but is not the preferred height. In response, Mr. Vibelar stated that Voice Stream could provide service at 125', but it would provide less coverage than what his company would like along Riverside Drive, I-44 and toward 21<sup>st</sup> Street. Mr. Vibelar explained that there is a slight hill on 21<sup>st</sup> Street.

Mr. Boyle asked if a 140' tower were allowed and there were three collocations below the Voice Stream 140' location, wouldn't the companies at the lower locations would be just as unhappy with that location or more than Voice Stream would be with a 125' tower. Mr. Vibelar stated that if the companies have a closer tower than Voice Stream, then they could locate at a lower height and it would be sufficient.

Mr. Boyle asked if Voice Stream could use the tower if it were limited to 99' as recommended by staff. In response, Mr. Vibelar stated that 99' would not cover to I-44 or north of 31<sup>st</sup> Street and he is not sure it will cover Riverside Drive at all. Mr. Vibelar commented that 99' would be his definition of poor design engineering.

Mr. Moody stated that if Voice Stream were held at 99', then they would have to go to other sites and build additional antennas along Riverside Drive, Skelly Drive or other locations to close the gap in the coverage.

**Interested Parties Comments:**

**Nancy Apgar**, 3913 South Norfolk, Tulsa, Oklahoma 74105, Brookside Neighborhood Association, stated that she is familiar with the subject site and it is close to her neighborhood. She indicated that there are several other towers in the subject area. She commented that she would prefer that the tower be held at 99' in height; however, she would prefer not see new towers in the subject area; either. She commented that regardless how the companies paint their towers, it not very pleasing to sit in the yard and see the tall towers and equipment.

Ms. Apgar requested that the Planning Commission hold the tower height to 99'.

**TMAPC Comments:**

Mr. Boyle stated that the Planning Commission is posed with the choice that Ms. Apgar identified, which is to hold the towers lower and run the risk of more towers. In response, Ms. Apgar stated that she is aware of the choices and realizes that it is a hard issue to resolve. Ms. Apgar stated that she would rather see one tall tower, but her choice is not to see any additional towers in the neighborhood because there are several there already.

**Interested Parties Comments:**

**Tim S. Clark**, 4129 South Peoria, Tulsa, Oklahoma 74105, stated that he represents the Nordic Corporation, which owns the mini-storage facility. He commented that similar tower facilities are well maintained and are not intrusive. He explained that the equipment would be housed inside the mini-storage facility and the tower would be in the corner and would not be noticeable.

**Applicant's Rebuttal:**

Mr. Moody stated that he could move the tower next to the mini-storage building and reach 125' in height without Planning Commission approval; however, this is not a desirable location or height. He commented he is not sure what is accomplished by eliminating a collocation feature by denying the additional fifteen feet.

**TMAPC Comments:**

Mr. Westervelt commented that collocation has been discussed extensively; however, Voice Stream was not allowed to collocate on the Channel 2 tower and there are two additional towers within a short distance of the subject site. Mr. Westervelt asked Mr. Moody why his client has not looked into collocating on the existing towers and if he has, why is it not available. In response, Mr. Moody stated that his client has looked into collocating on the other towers in the subject area and it is not possible.

Mr. Westervelt stated that the reasoning for collocation is used for the additional height, yet no one seems to want to collocate. In response, Mr. Moody stated that the reason for not collocating on the existing towers in the subject area is because they are not designed for collocating, and the KVOO tower will not permit collocation. Mr. Moody stated that there is not a structure in the Brookside area that would permit Voice Stream to have a facility that would allow collocation.

**Interested Parties Comments:**

**George Wirewick**, Voice Stream Wireless, 4533 Enterprise Drive, Oklahoma City, Oklahoma, stated that he is familiar with the two towers in the subject area. He explained that the tower by the church is 100' in height. The original carrier is at the top and the second carrier is at 80', which means that Voice Stream would have to be located at 60' and that is too low. The tower behind the Sonic Drive-in is 60' and Voice Stream would have to be at 40', which is too low for their needs.

**TMAPC Comments:**

Mr. Boyle stated that if the proposed tower were limited to 99' or 125', then there would still be room for collocation below Voice Stream's location. In response, Mr. Wirewick stated that the optimum service would be at 140', 120' and 100'.

Ms. Pace stated that by allowing Voice Stream to build a tower at 140' in the name of efficiency, it would be at the expense of the neighborhood and the additional fifteen feet would be noticeable.

Mr. Harmon stated that the neighborhood does not want a proliferation of towers and he doubts that the extra fifteen feet would be noticeable. It may prevent future towers.

Mr. Boyle stated that to allow a 140' tower would set a precedent for this neighborhood, and several other towers would request the 140' or more. He commented that in his opinion the 140' would stretch the intent of the Code.

Mr. Westervelt stated that he feels that the 99' tower would be adequate for Voice Stream. He commented that all of the cell phone companies talk about collocation, but he is not sure that actually happens.

Ms. Pace stated that the Planning Commission can urge collocation, but if the companies are not willing to pay the price to collocate, then more than likely that company will request its own tower or find another tower to collocate on. By law the Planning Commission is obligated to provide the users sites for the towers, but the Commission is not obligated to do more than that. Ms. Pace concluded that the Planning Commission is not obligated to allow a 140' tower in order to allow the Hemphill Company to have more than one carrier on its tower.



**MOTION** of **BOYLE** to recommend **APPROVAL** of the minor amendment for PUD-476-1 subject to meeting the 110% setback from the nearest R district, resulting in a tower height of 99 feet as recommended by staff, and recommends **APPROVAL** of the detail site plan for PUD-476 subject to the approval and conditions and restrictions of Minor Amendment PUD-476-1 as recommended by staff. Further, staff finds the use and screening requirements conform to conditions outlined in Section 1204 of the Zoning Code.

**Ms. Pace recognized Mr. Moody.**

Mr. Moody requested Mr. Hemphill to address the issue regarding collocation.

**Applicant's Comments:**

**John Hemphill**, 6308 South 5<sup>th</sup> Avenue, Broken Arrow, 74012, stated that in the past telephone companies did not collocate, but there has been a change in that practice. He indicated that his company is in the business of manufacturing towers for collocation. He stated that it is a business issue regarding collocation. Sometimes it does not work out and then the second party may go to other towers or request its own.

Mr. Hemphill stated that 75% to 90% of the time he is able to reach an agreement with companies who want to collocate on his towers throughout the United States.

Mr. Jackson asked Mr. Hemphill if Hemphill Corporation would own the tower or Voice Stream. In response, Mr. Hemphill stated that the Hemphill Corporation would own the tower. Mr. Jackson asked if Voice Stream had any say regarding other companies wanting to collocate on the Hemphill tower. In response, Mr. Hemphill stated that Voice Stream does not have any say.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **6-3-0** (Boyle, Collins, Ledford, Midget, Pace, Westervelt "aye"; Carnes, Harmon, Jackson "nays"; none "abstaining"; Hill, Horner "absent") to recommend **APPROVAL** of the minor amendment for PUD-476-1 subject to meeting the 110% setback from the nearest R District, resulting in a tower height of 99 feet as recommended by staff, and recommend **APPROVAL** of the detail site plan for PUD-476 subject to the approval and conditions and restrictions of Minor Amendment PUD-476-1 as recommended by staff.

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**OTHER BUSINESS:**

**Commissioners' Comments:**

Mr. Westervelt recognized Ms. Apgar.

**Interested Parties Comments:**

**Nancy Apgar**, 3914 South Norfolk, Tulsa, Oklahoma 74105, stated that the Brookside Neighborhood thought long and hard about the letter mailed to the TMAPC from Robert Pinney. She commented that she does not feel that Mr. Pinney made it clear that it had the approval of the Board of Brookside Neighborhood Association and was not his own comments.

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**PUBLIC HEARING FOR COMPREHENSIVE PLAN AMENDMENTS**

**FY 2001 CITY OF TULSA CAPITAL IMPROVEMENT PROJECT REQUESTS TO FIND IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.**

**Staff Recommendation:**

Staff members have reviewed the City's FY 2001 requests for Capital Improvement Project (CIP) funding and find them generally in accord with the Comprehensive Plan. Specific comments on several of the projects follow.

With regard to three of the requests for new facilities, staff suggests that when specific sites are being considered, the operating departments begin to work with any adjacent neighborhoods as early as possible in the final site selection process so that any concerns can be addressed mutually. Projects involved are Tulsa Transit's funding request for a third transit transfer station in southeast Tulsa (proposed for the 91<sup>st</sup> and Mingo corridor area) and Tulsa Fire Department's request for new stations in south and east Tulsa (no locations specified).

The proposal for new signage in the downtown area is supported by the District One Plan. Staff recommends coordinating this and all other projects proposed for the CBD with Downtown Tulsa Unlimited (DTU).

Communication from DTU President Jim Norton (copy attached) indicates two downtown projects that were not included for review here. These are the sidewalk/street improvements and completion of the Main Mall renovations. These are actually continuations of projects the TMAPC reviewed in previous years and do not require another review. Mr. Norton's letter also mentions a third proposal for a museum annex in downtown. When the documentation for that proposal is available and action taken on it, a separate CIP request must be submitted for TMAPC review.

INCOG/TMAPC Transportation Planning staff notes that any transportation project requests that will involve use of federal monies must first be included on the 2020 Foresight: Long Range Transportation Plan, in addition to being on the Major Street and Highway Plan. Projects that may be affected include the widening of South Delaware Avenue from 81<sup>st</sup> Street to 91<sup>st</sup> Street and the Gilcrease/L.L. Tisdale Expressway Interchange.

Staff members have raised various other non-land use related issues involving information on some of the request forms. These will be conveyed by separate memorandum to Mr. Hays and the operating departments involved.

Staff recommends the TMAPC find the FY 2001 CIP requests, as submitted by the City, in accord with the Comprehensive Plan. These will be discussed in worksession on February 16 and reviewed for action by the full TMAPC on February 23.

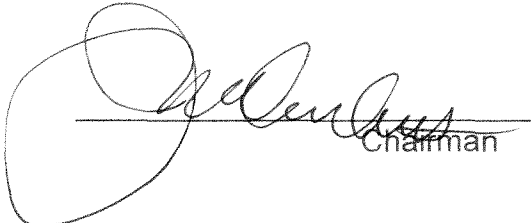
**TMAPC Action; 8 members present:**


On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-0** (Boyle, Carnes, Collins, Harmon, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Horner, Midget "absent") to recommend **APPROVAL** of the FY2001 City of Tulsa Capital Improvement Project Requests to be in compliance with the Comprehensive plan for the Tulsa Metropolitan Area as recommended by the Comprehensive Plan Committee.

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There being no further business, the Chairman declared the meeting adjourned at 2:15 p.m.

Date approved: 3-15-00

  
Chairman

ATTEST:   
Secretary

