

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2336

Wednesday, February 26, 2003, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Collins	Dunlap	Romig, Legal
Carnes	Hill	Huntsinger	
Coutant	Ledford	Stump	
Harmon			
Horner			
Jackson			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, February 25, 2003 at 9:32 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Jackson called the meeting to order at 1:34 p.m.

REPORTS:

Worksession Report:

There will be a worksession immediately following the TMAPC meeting in Room 1102.

Director's Report:

Mr. Stump stated that there are two items on the City Council agenda for Thursday, February 27, 2003.

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Mr. Midget in at 1:36 p.m.

CONTINUED ZONING PUBLIC HEARING:

Application No.: PUD-333-A

MAJOR AMENDMENT

Applicant: Darin Akerman

(PD-18) (CD-9)

Location: South of southeast corner of East 56th Street and South Lewis Avenue

Staff Recommendation:

The PUD proposes a branch bank office with drive-through and ATM lanes on .834 gross acres located at 5623 South Lewis Avenue.

PUD-333 was approved by the City in 1983. Those uses permitted by right in an OL district were approved.

The subject tract is abutted on the north by office uses zoned OL and a single-family dwelling zoned RS-2, on the east by single-family dwellings zoned RS-2 and on the south by a single-family dwelling zoned RS-2 and property zoned OL/RS-2/PUD-403 that has been approved for office uses. To the east of the tract, across South Lewis Avenue, is a shopping center zoned CS.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-333-A as modified by staff, 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-333-A 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	0.834 Acres
Net	0.694 Acres

Permitted Principal Uses:

Those uses included within Use Unit 11 including drive-in bank facilities.

Maximum Building Floor Area: 5,000 SF

Minimum Building or Canopy Setbacks:

From the centerline of South Lewis Avenue

Building Wall 100 FT

Driven-In Canopy 65 FT

From the east boundary of the PUD

Building Wall 65 FT

Drive-In Canopy including any ATM 190 FT

From the north boundary of the PUD ~~25~~ 29 FT

From the south boundary of the PUD ~~25~~ 21 FT

Minimum Parking Space or Access Drive Setbacks:

From east boundary of the PUD 10 Ft

From east 110 FT of the north boundary of the PUD ~~40~~ 15 FT

From east 35 FT of south boundary of the PUD ~~40~~ 15 FT

Signs:

Shall comply with the provisions of the OL district.

Other Bulk and Area Requirements:

As established within an OL district.

Minimum Landscaped Area and Screening:

There shall be a ~~six~~ eight-foot high masonry wall constructed and maintained along the east boundary, the east 110 feet of the north boundary, and the east 50 feet of the south boundary of the PUD unless modified by TMAPC at time of detail landscape plan approval. The design of the screening wall and supporting structure shall be

approved by TMAPC at time of landscape plan review. A landscaped area of not less than ten feet in width shall be located along the east boundary of the PUD. A landscaped area of not less than ~~five~~ 15 feet in width shall be located along the east 110 feet of the north boundary, and not less than five feet along the east 35 feet of the south boundary of the PUD. All landscaping shall meet or exceed the requirements of the Tulsa Zoning Code.

Access:

The drive-through and ATM shall be so designed so as to not circulate traffic around the building. The primary circulation for the drive-through and ATM shall be in the west 75 feet of the PUD. Any access drive on the north side of buildings in the PUD shall be one-way east bound only and no more than 18 feet in width. All access shall be approved by Traffic Engineering and TMAPC.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking landscaping areas and finished grading plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. 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 for the lot, 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.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element

or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed eight feet in height in the east 160 feet of the PUD nor 15' in the remainder of the PUD. No outdoor lighting shall be permitted within 20 feet of the east boundary of the PUD, within 20 feet of the east 110 feet of the north boundary of the PUD or within 20 feet of the east 35 feet of the south boundary of the PUD.

9. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
10. No building permit shall be issued until the requirements of Section 1107F 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 and making the City beneficiary to said covenants that relate to PUD conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
13. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.
14. There shall be security cameras monitoring the parking on the east side of the bank..

Applicant's Comments:

Darin Akerman, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he has reviewed the staff recommendation and he is in agreement. He explained the history regarding the subject proposal. There have been some changes regarding the circulation of traffic and modifications by increasing some setback areas. There have been a lot of effort on the subject proposal with adjacent property owners, planning staff and a number of other parties.

TMAPC Comments:

Mr. Westervelt asked Mr. Akerman if he managed to meet with anyone to discuss root ball diameters for the trees on the adjacent lot. In response, Mr. Akerman stated that the President of the Union Bank of Chandler has spoken with a landscape architect and received some advice and input concerning saving offsite landscaping as best possible. Mr. Akerman commented that he believes that the intent is to do a pier system for the fence itself, rather than a trench style of footing, which would retain the root system as best as possible for the offsite trees. Mr. Westervelt asked Mr. Akerman, if and when there is a detail site plan, he would be able to delineate on the plan or make a note from the consultant. In response, Mr. Akerman answered affirmatively.

Interested Parties opposing PUD-333-A:

Paul Rose, (Submitted proposed design Exhibit A-1) 2447 East 56th Place, Tulsa, Oklahoma 74105; **Nancy Hamill**, 2433 East 51st Street, Tulsa, Oklahoma 74105; **Hobart & Susan Hammond**, 2420 East 56th Place, Tulsa, Oklahoma 74105; **Brian & Diana Crotty**, (Submitted a Petition Exhibit A-2) 2428 East 56th Place, Tulsa, Oklahoma 74105; **Ron Hildebrant**, 2431 East 56th Place, Tulsa, Oklahoma 74105; **Dr. Barbara Hewett**, (Submitted maps Exhibit A-3 and photographs Exhibit A-4) 5607 South Lewis, Tulsa, Oklahoma 74105.

Interested Parties Comments:

The proposed design appears to be different from the design proposed at the neighborhood meetings; does not meet the light office zoning; screening and setbacks agreed upon have changed; remove the north drive lanes; need ten-foot development setbacks on the north and east side in order to save the trees; do not want a drive all around the bank; prefer to have the trash dumpster in the front of the property and away from the residents; proposal is inappropriate; lot is too small for the proposal; the drive-in windows and the ATM are clearly commercial and not light office; traffic 24-hours a day, seven days a week; the business would be too close to the neighborhood; trees would die; the proposal would ruin the neighbors' privacy and would set a precedent by placing a bank on the subject property; oppose the six-foot fence because it would not screen unless it is eight feet high; object to this amendment; neighbors' suggestions have been ignored at the meetings; concerns regarding security after hours of operation.

TMAPC Comments:

Mr. Westervelt asked Mr. Rose if he discussed with his neighbors the proposals discussed with Councilor Neal, Union Bank, and neighbors. Mr. Westervelt stated that the proposals Mr. Rose is stating he is surprised about were discussed during that meeting. In response, Mr. Rose stated that the neighbors all met and discussed the last round of changes. Mr. Rose indicated that the proposed plans would not save the Hammonds' tree and the neighbors do not want a drive-through that circles the building, which he thought had been worked out during the mentioned meeting. Mr. Westervelt stated that at the mentioned

meeting there was discussion regarding the driveway, but it wasn't suggested at that meeting that it was already agreed to and now the bank has changed their plans. Mr. Rose explained that the neighbors met with the bank to see the proposal that met all of their concerns, but the bank stated that there are two reasons why they couldn't use the plan, which were emergency access and turnaround and the bulk trash area. Mr. Rose commented that the neighborhood found that those two issues were not important.

Mr. Midget asked Mr. Rose if he talked with anyone from the Fire Department regarding the emergency access and turnaround. In response, Mr. Rose stated that one of the neighbors told him that they had checked into this issue and it wouldn't be required. Mr. Midget stated that usually the Fire Department tries to avoid situations where they would have to back out and that is why he was curious if the Fire Department was involved.

Mr. Harmon asked Mr. Hammond if there is any change that would be feasible and satisfy him. In response, Mr. Hammond stated that his greatest concern is with the drive on the north side and he does not see the purpose for it. Mr. Hammond explained that the traffic would be five feet from his property and the roots of his tree would die. Mr. Harmon asked Mr. Hammond if he would be happy with a setback of 15 feet. In response, Mr. Hammond stated that it would definitely help. Mr. Hammond commented that the tree in question is a major feature in his backyard and to the value of his property (submitted photograph Exhibit A-4).

Mr. Jackson stated that the subject proposal is for a single story building residential in nature. Mr. Jackson asked Mr. Crotty if he would feel averse if someone building a townhouse or a large estate on the subject property. In response, Mr. Crotty stated that if it fits within the PUD of a one-story building, he would not be averse to a townhouse. Mr. Crotty reiterated the concerns with the traffic generated 24 hours a day due to the ATM. Mr. Crotty stated that any business that would develop on the subject property should have an eight-foot screening fence.

Mr. Harmon asked Ms. Hammond if there are any changes that would make this proposal more palatable. In response, Ms. Hammond stated that eliminating the drive on the north side would help.

Mr. Jackson asked Dr. Hewett if she would be opposed to any style of office use located on the subject property. In response, Dr. Hewett stated that she wouldn't have a problem light office use and keeping the traffic down.

Mr. Westervelt stated that he hears Dr. Hewett's concern about the depth into the neighborhood. He asked how the Planning Commission should address the opposition's concerns when there is a six-lot deep OM district with eight stories adjacent to the subject neighborhood. In response, Dr. Hewett stated that she

was trying to demonstrate an indication of a line and how far intrusion would be allowed into the neighborhood. Dr. Hewett commented that by designating how far into the neighborhood the OM district would be, the neighbors would know what to expect in the future.

Mr. Stump stated that the subject property is currently approved for bank uses in PUD-333. This decision has been made and PUD-403 immediately south of the subject property is approved for office or bank uses. The decision was made long ago that the area encompassed by PUD-333 and PUD-403 would have non-residential uses.

In response to Ms. Bayles, Mr. Stump stated that he doesn't remember the specifics of PUD-403 and its exclusions, but at the time, he doesn't believe the applicant was asking for any of the special exception uses. Drive-in banks are a special exception use and not allowed by right in OL districts and funeral homes are something staff views as needing their own special review because they do generate traffic at certain times. Mr. Stump stated that these two uses were excluded, just as they were excluded in PUD-333, and it would take this type of review in order to include these uses in PUD-403 as well.

Mr. Jackson recognized Mr. Hammond.

Mr. Jackson asked Mr. Hammond how long he has lived in his home. In response, Mr. Hammond stated that he has lived there approximately 30 years. Mr. Jackson asked Mr. Hammond if he had a lot-split on his subject property, because his lot seems smaller than the other residents. In response, Mr. Hammond stated that he purchased his property exactly as it is today.

Applicant's Rebuttal:

Mr. Akerman stated that he would like to respond to the concerns of the neighbors. He reiterated that the subject site was previously approved in 1982 for bank uses and as well as other Use Unit 11 uses. He cited properties along Lewis that do encroach farther in the neighborhood than the proposal. Banks are typically very good neighbors to residential properties. He objected to the statement that banks are commercial use with 24-hour activity, because when one thinks of commercial use it usually is related to types of uses such as convenience stores, car washes, drive-in restaurants, etc. Banks are the most compatible with neighborhoods and are the strongest long-term stabilizers of land uses that can occur on a corridor such as Lewis.

Mr. Akerman stated that the fence issue has been discussed and the bank is conscious of this issue and has discussed using a pier style of footing in order to save trees. He suggested that the final decision regarding the screening fence be decided during site plan review.

Mr. Akerman stated that the proposal that was presented by the interested parties has some issues and inherit problems. He explained that Fred Calkins, Fire Marshall for the City of Tulsa, expressed concerns regarding a hammerhead or a full turnaround at the rear of the subject site, which would preclude the type of option regarding the setback for the bank. Additionally, if the bank was pushed back farther to the north and east, then there would be a full footing for the building. It would be detrimental to the concerns of the tree and tree-root system. Having the bank centrally placed into the site is a better alternative.

Mr. Akerman commented that his client has been very open with the neighbors and has received their input, as well as that of the City Council, Planning Commissioner Mr. Westervelt and staff. There has been open dialogue on all sides of this issue. Staff is recommending approval of the proposal and he believes it is a good plan.

TMAPC Comments:

Mr. Harmon stated that some of the neighbors are adamantly opposed to this proposal and some appear to be willing to compromise. He asked Mr. Akerman if an eight-foot wall would be a problem. In response, Mr. Akerman stated that the bank is in agreement with a masonry wall as staff has recommended. Mr. Akerman indicated that the bank is willing to install an eight-foot screening fence, but would like it to be cedar-style fencing for the 160 feet along the north and south. In response, Mr. Harmon stated that in his opinion the screening wall has to be masonry whether it is six feet or eight feet in height. In response, Mr. Akerman commented that he believes the eight-foot masonry wall could be accomplished.

Mr. Harmon asked if there would be external surveillance cameras. In response, Mrs. Gotwals stated that there wouldn't be any cameras in the back parking lot area. Mr. Harmon suggested that the bank reconsider that decision.

Mr. Harmon stated that if the bank reduced to a one-way traffic pattern around the bank, the bank could extend the landscape area to 12 feet and still have an 18-foot driveway. He suggested having a one-way lane heading north in order to allow additional landscaping, which would be pleasing to the neighbors. He pointed out that if there were cars coming and going in the north boundary, then there would be stacking problems and two-way traffic on the north drive is not practical. In response, Mr. Akerman stated that his option has never been discussed.

Mr. Stump stated that the Fire Department prefers a minimum of eighteen feet for access. In response, Mr. Harmon suggested that the north have an eighteen-foot drive that is one-way (entrance) and add an additional six feet to the landscaping area. In response, Mr. Akerman requested a moment to discuss this option with the bank.

Mr. Westervelt asked what would happen if someone passed the first entrance and then enters going the wrong way. In response, Mr. Harmon stated that it would have to be visibly marked as one-way. Mr. Stump stated that he believes this would work if there was a one-way lane on the north side and two-way lanes on the south side. Mr. Stump explained that this would make it possible to turn around in the parking lot if a driver has entered the south entrance and is heading east. Mr. Stump stated that this would still provide six additional feet of landscaping on the north side of the subject property.

Mr. Harmon suggested that the south two-lane drive narrow down to one lane for the last fifty feet and additional landscaping be added on the south side as well. In response, Mr. Akerman stated that with a one-way lane on the north side, it would allow more landscaping, but at the same time cars would stack up at busier times of the bank, and a car entering the north entrance would have to circulate the site, which has been a real point of contention with the neighbors. Mr. Akerman stated that the subject bank has a customer base of 100 customers and typically there wouldn't be a lot of traffic utilizing the subject property.

Mr. Harmon asked Mr. Akerman if he has done a study regarding the stacking issues. In response, Mr. Akerman stated that with the width of the subject property and the configuration of the site, it is a challenge.

Mr. Westervelt stated that he is in favor of the one-way entrance on the north side of the subject property.

Ms. Bayles asked Mr. Akerman what the hours of operation would be for the subject proposal. In response, Mr. Akerman stated that it would be 9:00 a.m. to 5:00 p.m. Monday through Thursday; on Friday, the bank would be open until 6:00 p.m. and no weekend activities are planned at this time.

Ms. Bayles asked about the security issues, since there wouldn't be a security camera in the back of the bank. In response, Mr. Akerman stated that he understands that there would be cameras in the back of the bank for monitoring.

Mr. Westervelt asked how many employees the bank would have. In response, Mr. Akerman stated that there are four employees and one full-time police officer.

Ms. Coutant asked if the ATM would be a 24-hour facility. In response, Mr. Akerman stated that it would be 24 hours and there are no other banks in Tulsa with restrictions as far as hours of operation for their ATMs. The two additional curb-cuts and moving the ATM up to the front was to mitigate the 24-hour issue that the neighbors expressed concern about earlier.

Mr. Akerman stated that the two-way lanes on the north and south are important to the bank, but if there is a way to increase the landscaping area and have a 20-

foot lane would allow an additional four feet of landscaping along the north side, the bank would consider them.

Mr. Stump stated that, regarding the 24 feet requirement, that would be the aisle behind a parking space. There are no stated standards in the Zoning Code for a straight access to the aisle, and in the past, staff has allowed 20 feet in width, which would be ten feet in each direction. The south side of the subject property would have some parking that would back out into the aisle and would need 18 feet of space, plus 24 feet of maneuvering room behind it. Since the area to the south is planned to be office, staff could give some relief on the landscaping along that property line. Typically, staff does not require landscaping between two office uses, and therefore, the five-foot strip along the southern boundary, where the parking is located, could be reduced to allow more landscaping on the north side.

Mr. Westervelt asked Mr. Stump if he is suggesting that if the bank were moved to the south and the landscaping next to the office no required, staff would be supportive. In response, Mr. Stump stated staff would support this, except for the portion that is abutting the residential area, which is the southeast 35 feet.

Mr. Stump stated that the one lane on the north side could be twelve feet in width unless the Fire Department decides they need it to be 18 feet in case of an emergency.

Mr. Akerman reiterated that the bank would prefer 20 feet of drive on the north side and keep it two-way.

Mr. Westervelt recognized Mr. Rose.

Mr. Rose stated that at the back of the building, the grade moves upwards approximately four to five feet. Any landscaping would involve a change in grade elevation of three to four feet.

Mr. Westervelt stated that he would like the interested parties to understand that this has been discussed during the meeting with the City Councilor. The only complaint he heard was the off-street tree that this development would likely affect in the future. The tree would not be enough for the Planning Commission to turn down this application and it would not be enough have it turned down in District Court. There is an effort being made to preserve the mentioned tree through a number of actions, but it is not the overriding and compelling thing that would keep the Planning Commission from making a decision today.

Mr. Harmon made a motion to approve an eight-foot masonry wall on the 110 feet of the north boundary, 121 feet on the east boundary and 50 feet on the south boundary; north access to be a one-way entrance only, the width reduced from 24 feet to 18 feet and the additional six feet used to create a landscape area

along the north boundary that is eleven feet in width and the south boundary left as it is presented.

Mr. Westervelt suggested amending the motion to delete the five feet of landscaping on the south side adjacent to the office and move the building over four feet south, which would expand the landscaping area on the north side from 11 feet to 15 feet. Mr. Harmon agreed to amend his motion.

Mr. Westervelt stated that he is not convinced that the eight-foot masonry walls are a necessity and suggested looking at the topographical map before making the final height decision on the masonry fence, which would be decided at detail site plan review. He commented that he doesn't have a problem with the eight-foot fence in the back and on the south side, but on the north side, he questions if the eight feet is necessary and may become unattractive. Mr. Stump stated that the Planning Commission should include this into the condition, for example ..."screening fence shall be eight-foot in height unless modified by the TMAPC at the detail site plan when the grading plan is available." Mr. Harmon agreed to include this into his motion.

Mr. Westervelt asked Mr. Harmon if his motion included any limitation of the lighting standards in the rear site. In response, Mr. Stump stated that the staff recommendation is currently to limit the light standard to eight feet, with no lights in the first 20 feet.

Mr. Westervelt stated that he could support Mr. Harmon's motion if it required security cameras in the back of the bank. Mr. Harmon agreed.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to recommend **APPROVAL** of the major amendment for PUD-333-A subject to the staff recommendation and the following conditions imposed by the Planning Commission: (1) an eight-foot masonry wall on 110 feet of the north boundary, 121 feet on the east boundary and 50 feet on the south boundary; north access to be a one-way entrance only and the width reduced from 24 feet to 18 feet, (2) to delete the five feet of landscaping on the south side adjacent to the office and move the building over four feet toward the south boundary, which would expand the landscaping area on the north side from five feet to 15 feet, (3) screening fence shall be eight-foot in height unless modified by the TMAPC at the detail site plan when the grading plan is available, and (4) security cameras to be located in the rear of the bank. **(Words deleted are shown as ~~strikeout~~; words added or substituted are underlined.)**

Legal Description for PUD-333-A:

Part of the North Half of the Northwest Quarter of the Southwest Quarter (N/2, NW/4, SW/4) of Section 32, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, described as follows, to-wit: Beginning at a point 660' South of the Northwest corner of the NW/4, SW/4; thence East 300'; thence North 121'; thence West 300'; thence South 121' to the Point of Beginning, and located south of the southeast corner East 56th Street South and South Lewis Avenue (5623 South Lewis Avenue), Tulsa, Oklahoma, **From RS-2/OL/PUD-333 (Residential Single-family Medium Density District/Office Low Intensity District/Planned Unit Development) To RS-2/OL/PUD-333-A (Residential Single-family Medium Density District/Office Low Intensity District/Planned Unit Development [PUD-333-A]).**

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Application No.: PUD-603-A-1

MINOR AMENDMENT

Applicant: Roy D. Johnsen

(PD-26) (CD-8)

Location: Southwest corner of East 98th Street and South Memorial Drive

Staff Recommendation:

Pursuant to the provisions of the approved PUD-603-A, an automobile dealership may be approved within Development Area B by minor amendment. The applicant is proposing an automobile dealership as a permitted use within Development Area B and also proposing an adjustment of internal development area boundaries.

PUD-603 was approved by the City Council in 1999. Four development areas were approved (see enclosed development area map for PUD-603). Development Area A (2.66 acres), at the northeast corner of the tract, was approved for commercial uses. Development Area B (1.26 acres), just to the south of Area A, was approved for automotive-related uses. Development Area C (3.43 acres) at the northwest corner of the tract, was approved for office uses. Development Area D (2.51 acres) was located to the south of Area B and was approved for an automobile dealership.

A major amendment (PUD-603-A) was approved by the City Council in 2000. Two development areas were created from the original four. Development Area A, containing a net land area after platting of 4.72 acres, is located on the north portion of the tract and the following uses were permitted in Development Area A:

Uses permitted by right within a CS district, excluding Use Unit 12A, and automobile and light truck sales (new and used), service and repair (excluding paint and body work) and uses customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

Development Area B, containing a net land area after platting of 5.02 acres, is located on the south portion of the development area. The following uses were permitted in Development Area B:

Use permitted by right within a CS district, excluding Use Unit 12 A, and the following uses may be allowed by minor amendment; drive-in restaurant, auto wash and lubrication service and automobile dealership which may include automobile and light truck sales (new and used), service and repair (excluding paint and body work) and uses customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted.

The applicant is proposing an automobile dealership within Development Area B and also proposing an adjustment of internal development area boundaries between Development Area A and Development Area B.

The previously-adopted standards for PUD-603-A are enclosed and would remain applicable if not modified by this amendment. The proposed adjustment of internal development area boundaries does not substantially alter the allocation of land to particular uses and the relationship of uses within the project and the requested change in use is consistent with previous approvals. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

Net Land Area:

New Development Area A	5.022 Acres
New Development Area B	4.726 Acres

1) Permitted uses within Development Area B:

Use permitted by right within a CS district, excluding Use Unit 12 A, and permitting automobile dealership which may include automobile and light truck sales (new and used), service and repair (excluding paint and body work) and uses customarily accessory thereto. No outside repair or service of vehicles nor storage of vehicles under repair is permitted. The following uses may be allowed by minor amendment; drive-in restaurant, auto wash and lubrication service.

- 2) Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light from adjacent residential areas. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in the adjacent residential areas or street right-of-way. No light standard nor building-mounted light shall exceed 25 feet in height, and within 150 feet of the west boundary of the PUD, no such lights shall exceed ten feet in height. All such lights shall be set back at least 75 feet from a residential lot.
- 3) Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
- 4) No vehicular access doors are permitted on west-facing walls, which are within 250 feet of the west boundary of the PUD.
- 5) A landscaped area, containing a two-foot high berm, not less than 35 feet in width, heavily planted with trees, shall be located along the westerly boundary of Development Area B where it abuts a residential district. There shall be a six-foot high masonry wall constructed and maintained along all the west boundary of the PUD on lots containing Use Unit 17 uses.
- 6) In Development Area B:

Minimum Access Drive Setbacks:

From abutting residential district	53 FT
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Minimum Off-Street Parking Setbacks:

From abutting residential district	35 FT
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- 7) All other standards of PUD-603-A shall apply unless modified above.

TMAPC Comments:

Mr. Carnes asked if Mr. Johnsen could give a short report on how well the meetings with the neighbors went.

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that he met with the neighbors once again as suggested by the Planning Commission. He indicated that a successful conclusion was met at these meetings.

Mr. Johnsen stated that his client, Bob Nelson, met with the neighbors on four occasions, two before the last Planning Commission meeting and one each on Sunday and Tuesday evenings. There is an agreement and it is in letter from that the neighbors would like it to part of the record. Mr. Johnsen submitted a letter amending standards (Exhibit B-1).

Interested Parties:

Steve Bengé, 9945 South 79th East Avenue, Tulsa, Oklahoma 74133, stated that he would like to thank Mr. Carnes for his well-thought-out suggestion of meeting with the applicant one additional time.

Mr. Bengé suggested that some of the information, maps and the Comprehensive Plan Matrix led to some of the problems in the misunderstandings between the public and the Planning Commission. If it is published and given to the public, then it should be correct. If the information is incorrect, then it should not be given to the public because it leads to disagreements.

TMAPC Comments:

Mr. Westervelt stated that he is pleased with the neighborhood and applicant that they were able to get together. Seventy jobs are important to the City of Tulsa, and sales tax revenues are important as well. However, it is important to pay attention to existing land use relationships and do a good job.

Interested Parties:

John Mansfield, 7829 East 99th, Tulsa, Oklahoma 74133, stated that he is not happy to be before the Planning Commission. He indicated that he is glad that the issues have been worked out, but he really didn't have any other choice. He commented that he recently learned about the comprehensive zoning set of regulations, and if they had been followed by the Planning Commission in the first place, he wouldn't have to be here today.

Mr. Mansfield stated that Mr. Nelson has been very accommodating and he appreciates it. He further stated that he is still not happy about having an automobile dealership in his backyard. In his opinion, the Planning Commission is responsible for the problems that have occurred.

Applicant's Rebuttal:

None.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-603-A-1 subject to staff recommendation and incorporating the text of the February 26th letter from Nelson Nissan Mazda as part of the record.

ZONING PUBLIC HEARING

Application No.: PUD-306-G-5

MINOR AMENDMENT

Applicant: Eric Sack/Sack & Associates

(PD-18) (CD-2)

Location: South of the southeast corner of East 95th Street and South Riverside Drive

Staff Recommendation:

The applicant is proposing to allocate floor area within Area A of Development Area B of PUD-306-G.

PUD-306-G was approved by the City Council in 1999 creating two Development Areas (areas A and B). A minor amendment (PUD-306-G-2) as approved by the Planning Commission in 2000 created three tracts within Development Area B (Tract A, Tract B and Tract C). Tract A of Development Area B is located on the south portion of the Development Area. Tract A of Development Area B was allocated the following maximum building floor area:

Commercial

39,500 SF

Office

24,000 SF

The applicant is proposing that Tract A of Development Area B be divided into two tracts, i.e. Tracts A1 and A2, and that floor area be allocated between the two tracts.

Staff finds that the proposed adjustment of internal development area boundaries does not substantially alter the allocation of land to particular uses or the relationship of uses within the project. Therefore, staff recommends **APPROVAL** of the request to create Tracts A1 and A2 within Area A of Development Area B, subject to the following conditions:

Maximum Building Floor Area of Tract A1:

Commercial

22,700 SF

Office

12,000 SF

Maximum Building Floor Area for Tract A2

Commercial

16,800 SF

Office

12,000 SF

All other standards of PUD-306-G as amended shall apply unless modified above.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-306-G-5 as recommended by staff.

* * * * *

Application No.: PUD-559-5

MINOR AMENDMENT

Applicant: Brian Ward

(PD-18) (CD-8)

Location: 10101 East 91st Street

Staff Recommendation:

The applicant is requesting an increase in the aggregate display surface for wall signs in a portion of Development Area A from two square feet for each lineal foot of building wall to which the sign is affixed to 3.14 square feet on one wall and 2.32 square feet on another wall.

The standards for Development Area A of PUD-559 were approved by the City Council in May of 1997. The subject tract contains a six-story hospital. The following wall and canopy sign standards apply:

Wall and canopy signs shall not exceed an aggregate display surface area of two square feet for each lineal foot of building wall to which the sign is affixed.

The applicant is requesting 3.14 square feet of display surface for each lineal foot of building wall to which the sign is affixed on one wall and 2.32 square feet on another wall. The signs would be attached near the top of the six-story hospital building, which faces U.S. Highway 169.

Section 1103.B.2, pg. 11-3 of the PUD Chapter of the Zoning Code states in part:

Wall signs shall not exceed an aggregate display surface area of two square feet per each lineal foot of the building wall to which the sign or signs are affixed.

The applicant's request does comply with the provisions of the PUD Chapter, which would permit a maximum of two square feet per each lineal foot of building wall to which the sign or signs are affixed, which is the current standard. Such a request would require a variance from the Board of Adjustment. The applicant is scheduled for a Board of Adjustment meeting on March 11, 2003. Therefore, staff recommends this item be continued to the March 19, 2003 TMAPC meeting. The applicant agrees to such a continuance.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COUTANT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **CONTINUE** the minor amendment for PUD-559-5 to March 19, 2003 at 1:30 p.m.

* * * * *

OTHER BUSINESS:

Application No.: PUD-600

DETAIL SITE PLAN

Applicant: Randy Barker

(PD-18) (CD-8)

Location: East 91st Street South and Toledo Avenue – Development Area A – Lots 2, 3 and 4, Block 1, Astin Creek Office Park

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with PUD-600 development standards.

The site plan is in conformance with development standards and the Zoning Code for setbacks, building height, floor area ratio, street yard, and net landscape area requirements. Parking proposed exceeds minimum requirements for general office uses, per Section 1221 of the Tulsa Zoning Code. However, parking is not sufficient for uses other than general office uses and would not be adequate for funeral homes or union halls, medical or dental

offices, clinics or laboratories, studios or schools. The bulk trash container is screened per PUD development standards. No parking lot lighting is proposed.

Staff recommends **APPROVAL** of PUD-600 detail site plan as submitted. This approval does not apply to future uses within Use Unit 11 if uses are other than general office uses as described in Section 1221 of the Tulsa Zoning Code.

(Note: Detail site plan approval does not constitute sign or landscape plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **APPROVE** the detail site plan for PUD-600 as submitted and recommended by staff.

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Application No.: PUD-569-A

DETAIL SITE PLAN

Applicant: Ron Havens

(PD-18) (CD-8)

Location: Southeast corner of 81st Street South and Mingo Valley Expressway

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new outdoor advertising sign. The proposed use, Use Unit 21, Business Signs and Outdoor Advertising, is in conformance with PUD-569-A/ Z-6054SP-5.

Initial consideration of the proposed outdoor advertising sign was through the major amendment, PUD-569-A. The proposed sign was to have a maximum height of 50 feet, a maximum display surface area of 672 square feet and was to be located 228.6 feet north of the south boundary of the subject tract and more than ten feet from the Mingo Valley Expressway right-of-way. The Planning Commission denied the request on October 20, 1999; the City Council approved the sign as requested by the applicant on November 18, 1999. The site plan and sign as now submitted conform to the above-noted dimensions.

Staff recommends **APPROVAL** of PUD-569-A/ Z-6054 SP-5 detail site plan as submitted.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **APPROVE** the detail site plan for PUD-569-A as submitted and recommended by staff.

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Application No.: PUD-574

DETAIL SITE PLAN

Applicant: Steve A. Powell

(PD-18) (CD-8)

Location: North of northeast corner of 81st Street South and Memorial Drive,
8009 South Memorial Drive – Development Area C.

Staff Recommendation:

The applicant is requesting approval of a detail site plan for a new restaurant. The proposed use, Use Unit 12, Eating Establishments other than Drive-Ins, is in conformance with PUD-574 development standards.

The site plan is in conformance with development standards and the Zoning Code for setbacks, building height, floor area ratio, street yard, and net landscape area requirements. Proposed parking exceeds minimum requirements. The bulk trash container is screened per PUD development standards. Existing screening located on the adjacent lot to the east was deemed sufficient (PUD-574-2) to meet development standards for screening of the site so long as the fence is not removed.

Per preliminary plat review, an 11-foot utility easement is to extend along the west boundary of the lot and a mutual access easement is to be provided to the abutting lot to the south. These easements are not currently depicted on the site plan.

Detail lighting plans contain some inconsistencies. Complete information will be required for review.

Staff recommends **APPROVAL** of PUD-574 detail site plan on condition that (1) a detail lighting plan in conformance with PUD development standards and the Zoning Code is submitted and approved; and (2) that the utility easement and mutual access easement are depicted on the detail site plan.

(Note: Detail site plan approval does not constitute sign or landscape plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Harmon, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Hill, Ledford "absent") to **APPROVE** the detail site plan for PUD-574 subject (1) a detail lighting plan in conformance with PUD development standards and the Zoning Code is submitted and approved; and (2) that the utility easement and mutual access easement are depicted on the detail site plan as recommended by staff.

* * * * *

COMMISSIONERS' COMMENTS:

Mr. Midget asked if the worksession had been cancelled.

Mr. Stump reminded the Planning Commission that Dane Matthews is not present for the worksession and he doesn't have the discussion on the old studies. He suggested that the worksession be rescheduled.

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There being no further business, the Chair declared the meeting adjourned at 3:05 p.m.

Date Approved:

3.19.03


Chairman

ATTEST:


Secretary