

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2456

Wednesday, August 23, 2006, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Ard | Collins | Alberty | Boulden, Legal |
| Bayles | | Chronister | |
| Bernard | | Fernandez | |
| Cantees | | Huntsinger | |
| Cantrell | | Matthews | |
| Carnes | | | |
| Harmon | | | |
| Jackson | | | |
| Midget | | | |
| Wofford | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 18, 2006 at 1:50 p.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 Bernard called the meeting to order at 1:31 p.m.

Mr. Bernard read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Bernard announced that the applicant for Item 5, PUD-725, has withdrawn his application.

REPORTS:

Chairman's Report:

Mr. Bernard stated that he would like to thank Ms. Bayles for her work. The Planning Commission had a worksession earlier and a tremendous amount of effort and time was put into it. The Planning Commission is trying to find ways to improve its own educational outlook on things, as well as finding ways to help the public become more involved and educated about the system. It is the feeling of the Planning Commission that the more education and information that is available, the better everyone will be.

Director's Report:

Mr. Alberty reported on the proposed schedule for the TMAPC 2007 meetings. Everything is routine with regards to the three meetings per month; however, the only question appears in July. He asked the Planning Commission if they would like to meet on an irregular Wednesday, which would be the second Wednesday of July (July 11, 2007) due to July 4th being the first Wednesday of the month or forego that meeting and revert to the 18th and 25th like is done during November and December due to the holidays. Mr. Alberty asked for some direction from the Planning Commission regarding this so that the meeting room could be reserved for 2007.

Mr. Bernard asked staff if they believe two meetings in July could handle the applications or if three meetings would be needed. In response, Mr. Alberty stated that typically the summer months are the busiest months.

Mr. Carnes stated that the Planning Commission should approve the schedule as it is with the week of July 11th being included.

Mr. Alberty reported that there are three items before the City Council this Thursday evening.

Mr. Alberty reported that many of the Planning Commissioners are aware that INCOG has received a proposal from the consultant to begin the lean-office analysis of our application process. The process would be with the Planning Commission and the Board of Adjustment and he is expecting the INCOG Board Executive Committee to approve it this Thursday. Pending that approval INCOG will proceed with the contract.

SUBDIVISIONS:

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19969 – Kelvin Limbocker` (2432) (County)

11802 East 136th Street North

STAFF RECOMMENDATION:

The proposal is to split a lot into two tracts. The property was rezoned from AG to AG-R to bring Tract 1 closer to the required bulk and area requirements. The County Board of Adjustment approved a variance of the lot area on August 15, 2006. All other AG-R bulk and area requirements will be met.

Because of the resulting configuration, Tract 2 will have more than three side lot lines. The applicant is requesting a waiver of the Subdivision Regulations that no tract have more than three side lot lines. The Technical Advisory Committee expressed no concerns with this application at their June 15, 2006, meeting.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19969 per staff recommendation.

FINAL PLAT:

Rockford Village – (9330)

(PD 6) (CD 9)

East of the southeast corner of East 41st Street South
and Peoria Avenue

STAFF RECOMMENDATION:

This plat consists of 15 lots in one block on 4.47 acres.

All release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the final plat for Rockford Village per staff recommendation.

CONTINUED ZONING CODE PUBLIC HEARING

Consider proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text). (Sections 400.A.3, 1800, 1211.B, Appendix B, 800, 801, 804, 805, 1221.C.14, 1303.D, 1303.F)

STAFF RECOMMENDATION:

PROPOSED ZONING CODE AMENDMENTS:

Section 400.A.3 and Section 1800 Definitions: Place of Worship: A facility or facilities used by persons to regularly assemble, attend, observe, participate in or hold religious services, meetings, rituals, and other related activities in reverence or veneration to a supernatural power, including but not limited to a church, chapel, mosque, synagogue, temple and similar facilities.

Section 1211.B and Appendix B: Massage Therapy: The manipulation of soft or connective tissues of the human body to alleviate pain, enhance circulation, improve joint mobilization, relieve stress and muscle tension. This definition shall not include any manipulation of the human body regulated in Title 42 Tulsa Revised Ordinances, Section 705, governing sexually-oriented businesses.

TMAPC COMMENTS:

Mr. Bernard explained that the Planning Commission heard this on August 2, 2006 and modified the language. He further explained that Ms. Bayles requested that this issue be continued to allow this information to be posted on the website for public review.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Carnes stated that the staff and the City Attorney, Patrick Boulden, did a good job with the language for these two Sections.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the proposed amendments to Tulsa 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text) to Section 400.A.3 and Section 1800 Definitions and Section 1211.B and Appendix B per staff recommendation.

CORRIDOR DISTRICT AMENDMENT

9. Sections 800, 801, 804 and 805

Suggested changes: Change the Corridor District plan review process to make it more effective and efficient.

Reason: To make the review and approval process more compatible with the development process.

Suggested by: INCOG staff and zoning attorneys.

Comments: Both support and opposition.

TMAPC COMMENTS:

Mr. Boulden stated that Ms. Cantrell pointed out that there is an error in Section 801, Table 1, which references Use Unit 24 and it should be Use Unit 25 and state "Light Manufacturing and Industrial".

Mr. Alberty stated that he believes this could be considered a typographical error and be corrected.

SECTION 800. PURPOSES

The Corridor District is established to allow and encourage high intensity ~~multifunctional~~ multiuse development, in compliance with an approved development plan and detail site plan, within appropriate freeway corridors, in order to:...

SECTION 801. PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS

The principal uses permitted in the Corridor District are designated by use units as set forth in Table 1. The use units are groupings of individual uses and are fully described, including their respective off-street parking and loading requirements in Chapter 12. Selection of specific uses and their locations are subject to the requirements as set forth in Subsections 805.B, 805.C and 805.D of this chapter.

Table 1

Use Units Permitted in Corridor Districts

| No. | Name |
|----------------|---|
| <u>24. 25.</u> | <u>Light Manufacturing and Industry</u> |

SECTION 804. ACCESS REQUIREMENTS CORRIDOR DEVELOPMENT PLAN

~~In order that the traffic carrying capacity of the transportation system may be maintained, any corridor development's access shall be principally from internal collector service streets.~~

A. General

In order to specify and determine the appropriate land uses and relationships to adjacent uses, both proposed and existing, an application for a development plan for all Corridor District zoned properties shall be filed and approved. Following the approval of a development plan a detailed site plan shall be submitted and approved by the TMAPC prior to the issuance of any building permit for any portion of the approved development plan.

B. Corridor Development Plan Application

An application for a Corridor Development Plan shall be filed with the Planning Commission. The applicant shall pay an application fee in accordance with the established fee schedule. The application shall be in such form and content as required by the Planning Commission. Three (3) copies of the development shall accompany the application and shall consist of maps and text which contain:

1. Proposed development areas and requested land uses;
2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;
3. Proposed maximum building heights and minimum building setbacks;
4. Proposed public and private vehicular and pedestrian circulation systems;
5. Proposed landscaping areas and screening;
6. Proposed intensity of residential uses expressed in number of dwelling units and proposed intensity of nonresidential uses expressed in floor area, allocated to the proposed development areas;
7. Sufficient surrounding area to demonstrate the relationship of the proposed development to adjoining uses, both existing and proposed;
8. Existing topographic character of the land including identification of any floodplain areas and treed areas. In areas where land has development constraints due to slope and/or soil conditions, the planning staff may require the submittal of slope and/or soil analysis;
9. An explanation of the character of development; and
10. the expected schedule of development.

C. **Access**

In order that the traffic carrying capacity of the external transportation system may be maintained, where practical and a collector street is accessible, principal vehicular access for the development should be to internal collector system whether private or public.

SECTION 805. CORRIDOR DEVELOPMENT AND SITE PLAN REVIEW

C. **Public Hearing and Planning Commission Action**

The Planning Commission, upon the filing of an application for a corridor development plan or site plan review, shall set the matter for public hearing and give 20 days notice thereof by publication in a newspaper of general circulation, 20 days notice of a public hearing by mailing written notice to all owners of property within a 300 foot radius of the exterior of the boundary of the property and 20 days notice of public hearing by posting a sign or signs on the property. (See Section 1703.C for contents of notice.) Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

D. **City Council Action on Corridor Development Plan Review**

Upon receipt of the application, for corridor development plan and/or corridor site plan, and the Planning Commission recommendation, the City Council shall hold a hearing, review the corridor development plan ~~and/or corridor site plan~~, approve, disapprove, modify, or return the ~~site plan application~~ to the Planning Commission for further consideration. Approval of the corridor development plan shall authorize the further processing of an application for corridor site plan approval. and subsequent approval ~~Approval of the of the corridor site plan by the City Council shall be authorization for the processing of a subdivision plat incorporating the provisions of the approved corridor site plan.~~

G. **Amendments**

Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which ~~may~~ will direct the processing of an amended corridor site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of this Chapter. Changes which would represent a significant departure from the development plan shall require compliance with the notice and procedural requirements of an initial development plan review and approval.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the proposed amendment to Title 42, Tulsa Revised Ordinances for Sections 800, 801, 804 and 805 per staff recommendation as corrected in Table 1. (Language with a strike-through has been deleted and language with an underline has been added.)

12. Section 1221.C.14

Suggested changes: Allowing for projecting signs into public right-of-way with conditions.

Reason: To correct a common practice largely in the CBD of granting variances for signs mounted on the sides of multistory buildings. This signage is encouraged within the CBD and now requires finding of a hardship.

Suggested by: INCOG staff.

Comments: Supported by Downtown Tulsa Unlimited.

TMAPC COMMENTS:

Mr. Ard stated that he has fear of signs sticking out vertically over the street out of the high-rise buildings. He understands that it is addressing primarily wall signs, but would this allow anyone downtown to have a perpendicular sign sticking out over the street right-of-way from a building.

Mr. Alberty stated that most recently the Tulsa World Newspaper sign comes to mind. That is a typical application before the Board of Adjustment and it requires a variance (proving a hardship). The projection is specified in the amendment that it cannot project into the street. It could project into the alley but there is clearance with four feet maximum size and it has to maintain a minimum eight feet clearance. There would be no case where it would actually project into the street right-of-way.

Mr. Ard asked if the signs could go over the sidewalk right-of-way. In response, Mr. Alberty stated that it could be over the sidewalk right-of-way because in the CBD areas the public right-of-way goes up to the face of most of the buildings. The sidewalks are actually in the public rights-of-way.

Mr. Bernard asked staff if this sign could go over an actual street. In response, Mr. Alberty stated that that would not be the intent. The only case where it would be allowed is if the curb was actually against the building and he can't think of any situation where that would occur. In the downtown area there is always a sidewalk associated with the actual street improvements.

Mr. Bernard asked Mr. Ard if he had a concern about signs over the streets. In response, Mr. Ard stated that he believes he was just told that the signs wouldn't go over the streets. Mr. Bernard stated that Mr. Alberty stated that there is that possibility that if the street did go up to the building for some reason that would allow a sign to potentially go over a street.

Mr. Ard asked if this amendment was really necessary and how many times does this proposal come before the BOA and why is it a bad thing necessarily that BOA reviews these. He realizes that it requires a hardship and that is a hurdle, but short of that, it strikes him that it might be a good thing for the BOA to review them.

Mr. Alberty stated that it appeared to staff that this is a routine application and staff has been advised that any time there is a routine application that is approved by the BOA, it indicates that the ordinance revised accordingly. It creates a hardship on the businesses downtown because they have to file an application and go through the routine and it is hard for them to meet the test for the ordinance proving a hardship. The hardship becomes the zoning ordinance itself, which should not be the case.

Mr. Harmon stated that there are conditions that would control the size and how far it could protrude out. In response, Mr. Alberty answered affirmatively.

Mr. Midget asked Mr. Alberty how routine the approvals are of protruding signs at the BOA meetings and if this would this be done administratively. In response, Mr. Alberty stated that this wouldn't be handled by the Planning Commission staff, but it would be handled by the permit office. He explained that when an applicant requested a sign permit, then Use Unit 21 would come into play and what is not currently permitted, would be permitted with these conditions on a request for a sign permit.

Mr. Bernard asked if there is a specific list of the conditions. In response, Mr. Alberty stated that he could read the conditions if he would like. Mr. Alberty read the conditions.

Mr. Alberty reiterated that he cannot think of any practical situation where the driving pavement would be on the edge of a right-of-way because there is always a sidewalk.

Mr. Carnes stated that if this is allowed to be voted in, then the Planning Commission would be allowing a vertical sign on every building, ten feet above the sidewalk and four feet out from the building. This would be giving everyone a free pass to do this.

Mr. Harmon stated that this is in the CBD district and that would be appropriate. When one is looking for a building downtown it would be helpful to have a sign.

Mr. Bernard asked Mr. Harmon if he would like to see one hanging over the street. He stated that wall signs are not visible three blocks down the road, but a protruding sign would be. However, three blocks down the street one might be looking at 30 signs protruding out.

Mr. Carnes stated that protruding signs would begin to look like dominoes. If one building installs a sign, then all will want a sign.

Ms. Cantrell asked if there would be circumstances where this could be in other districts. To her it would be different if this was proposed for an area like Brookside or other areas in Tulsa as opposed to CBD. In response, Ms. Matthews stated that it is written to only apply to the CBD district.

Mr. Harmon asked if the BOA has ever turned one of these applications down. In response, Mr. Alberty stated that he is not aware of any that have been turned down recently. Typically, they are fairly routine because that is what is expected to be seen in the CBD district.

Mr. Harmon stated that because this is fairly routine is why it is being considered for change. In response, Mr. Alberty answered affirmatively.

There were no interested parties wishing to speak.

Mr. Carnes moved to continue this proposal for further review.

Mr. Midget stated that he would move to approve the proposal. He explained that there is no problem with this. They are being approved anyway and it has become routine.

Mr. Wofford seconded.

Mr. Bernard stated that he is in favor of this having to continue to go through the BOA because there are some controls that way.

Mr. Harmon stated that perhaps it is better to let the BOA look at each one. He is having some misgivings about this after hearing comments of the Planning Commission.

Ms. Bayles stated that she believes this is an occasion where having some qualitative and quantitative data on these particular situations as they pertain to the BOA cases would be extremely helpful. She further stated that with that she would certainly like to recommend it.

Mr. Bernard asked Ms. Bayles what she would like to recommend. In response, Ms. Bayles stated that she would like to recommend supporting data from the standpoint of how many BOA cases are being seen and their approval rate, etc.

Mr. Ard stated that Mr. Carnes asked for a continuance and Ms. Bayles may be asking for the same for more information. However, he agrees with the Chairman on this. He tries to look at these individually to see if things would be better once the change is made and this one he is not convinced. The BOA provides some backstop and it is probably costly and lengthy process to go through, but he is not sure that this makes a better Code tomorrow than it does today. He does not support the approval.

Mr. Boulden suggested a compromise if the Planning Commission decides to continue this. Perhaps lower the bar from requiring a variance to perhaps requiring a special exception, which would not require a hardship to be shown. This may require more thought and staff may have some misgivings about that.

Mr. Carnes stated that he realizes that we are trying to rebuild downtown, but he doesn't believe this will bring traffic to downtown by allowing signs up. It will look like Bourbon Street.

Mr. Ard asked Mr. Boulden if it is within the Planning Commission's purview to change the requirement from a variance to a special exception. In response, Mr. Boulden stated that it would be a text amendment and the Planning Commission has the right to do so.

In response to Mr. Bernard, Mr. Boulden stated that the work load would be about the same for staff and the BOA.

Mr. Wofford stated that he doesn't have the aversion to these signs. A lot of downtowns that have these look alive. He enjoys the Tulsa World Sign, the Garrett Law Sign, and the Atlas Life sign. These are not offensive, but if they proliferate to a point maybe they would be. He believes they show signs of life. Currently downtown looks dead and he doesn't see anything that is particularly bad about having these signs. Cost alone would prevent the proliferation of signs. He indicated that he could go along with making this a special exception rather than a variance. He doesn't see the overriding problems with these signs at this point.

Mr. Bernard stated that he doesn't believe that signage is going to change the downtown area. He is for revitalization of downtown too, but he doesn't believe

the signage will do this. He fears it will become like 71st Street with wall-to-wall signs. When one exits off of US 169 heading west there is nothing but sign after sign, which is the vision he has of this proposal. It may not happen because of costs, but he doesn't see signage from keeping businesses from moving downtown or opening a business downtown.

Mr. Midget stated that he concurs with Mr. Wofford because he too believes that signs bring life to the downtown area. He is also concerned about sign proliferation; however, the one important thing to remember is that downtown has always been zoned differently from any other part of the City. This is just another caveat or aspect of the way we are zoning downtown. This proposal is specific to downtown and it shows that downtown has activity. Mr. Midget commented that he hopes it does become Bourbon Street in the sense that it is alive. Downtown is the heartbeat of the community.

Ms. Cantrell stated that she agrees that the signs would add life to downtown, but she would support the special exception because it would provide a check and balance.

Mr. Harmon asked Mr. Alberty if he thought the special exception would be a workable solution. In response, Mr. Alberty stated that it would and to go into the special exception route the test is entirely different. The Code provides for a finding when the BOA grants a special exception: Mr. Alberty read the language from the Code for finding a granting of a special exception.

SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING

C. General Use Conditions for Business Signs

1. Sign Setbacks

5. Signs and all parts of signs shall be setback from the centerline of an abutting street one-half (1/2) the right-of-way width designated on the Major Street and Highway Plan; except as provided in Section 1221.C.14.

14. The Board of Adjustment may grant by special exception with the following: No sign shall be permitted in the right-of-way of a public street or planned right-of-way as designated on the Major Street and Highway Plan of a public street, provided, that wall signs may project no more than 4' into an abutting right-of-way excluding the paved portion of the right-of-way used for vehicular traffic., nor more than four feet into an abutting alley. There shall be not less than ten feet of clearance between the ground and the bottom of the projecting sign over a sidewalk and not less than 15 feet of clearance between the surface of an alley and the bottom of the projecting sign. ~~unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.~~

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text) for Section 1221.C.14 requiring to be by special exception as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

13. Section 1303.D

Suggested changes: Allowing driveways in the RE and RS districts to be constructed to a width of the garage.

Reason: To allow for the current practice in some areas of building more than two-car garages.

Suggested by: INCOG staff.

TMAPC COMMENTS:

Mr. Jackson stated that the Planning Commission received a letter from Mr. Novick stating that he is not in agreement with this proposal. Mr. Jackson explained that newer homes have three-car garages and homeowners are expecting a 30-foot driveway out to the street and not a 16-foot approach and then expanding out to 30 feet. He asked staff what they are describing or proposing as the width for the garage width.

Mr. Alberty stated that when this provision was put in the Zoning Code it was put in with the anticipation that residents in the Fairgrounds and the TU area paving large portions of their front yards to accommodate event parking. Therefore,

there was a maximum coverage placed in the Zoning Code; this was based upon two-car garage widths with a 16-foot driveway. There has been a marketed switch for construction of new homes with three-car garages and most homebuilders are building three-car garages. What was happening, by practice, was a permit was being issued with a 16-foot driveway and then being modified in the field. Occasionally that was being caught and they were sending them to the BOA and the BOA would listen to the situation and they would be routinely approved. Mr. Alberty indicated that an entire subdivision came in with this request for a variance. The intent of this Code amendment is to allow the garage width to align with the doors on the primary garage, which in most cases are three cars.

Mr. Ard asked if the BOA was routinely allowing that variance to allow the expansion from 16 feet to 30 feet. In response, Mr. Alberty stated that in most cases it wasn't 30 feet, but 24 feet or what else was specified. The hardship was that there has been a change in market conditions and it is recognized that this condition in the Code was specific to preventing people from paving to accommodate event parking.

Mr. Ard asked if there would be a width maximum in case there are double garages next to each other. Mr. Alberty stated that there would be practical situations so that the applicant would have to meet setbacks, livability space, etc. This would address the maximum coverage in the frontyard. There is a percentage in the Code now and that provision would be excluded if someone builds a three-car garage.

Ms. Cantrell asked if someone had a four-car garage, the way the proposal is written now, that an applicant could have a four-lane driveway because the ultimate restrictions have been removed as long as it applies to a driveway. In response, Mr. Alberty stated that the four-car garage would have to meet all other provisions, but he could see an extra-large lot that could accommodate the four-car garage width. He further stated that this would apply to the garage facing the street and it wouldn't take into consideration that would be in the rear yard.

Mr. Bernard stated that a four-car garage would be related to a large house and a large lot and he would hope that the designer would take some esthetics into consideration.

Ms. Cantrell stated that she believes this should be looked at in terms of what they can do and no one can guarantee that every developer out there is going to make nice houses. She doesn't believe they should be given the opportunity to pave as much as they want as long as it is attached to a garage. Technically the developer could pave the whole yard.

Mr. Carnes stated that for years the Planning Commission has been trying to get the cars off of the street.

Ms. Cantrell asked if it would make more sense to look at limiting it to three-car garages and the developer will know that this is the most one will be able to have for their driveway. She would hate to see five years from now that all of the yards have been paved over and nothing can be done.

Mr. Jackson pointed out that in the Zoning Code there is livability and greenspace requirements, bulk and area, etc. As Mr. Alberty has pointed out, there are other constraints that will come into play. There wouldn't be a four-car frontage garage. There may be a two-car front with a two-car on the side or a tandem situation, but it would have to be an extremely large lot.

Ms. Matthews stated that as a practical matter, it is difficult to get a one-car garage onto an RS-4 lot.

Mr. Bernard stated that a letter from Mr. Novick was received in opposition to this proposal.

INTERESTED PARTIES:

Susan McKee, 1616 South Victor 74104, asked how this is going to translate to the percentage of greenspace that Mr. Jackson mentioned. A 50-foot wide lot with a three-car garage in infill, she asked how this would work out. Would a three-car garage be allowed on a 50-foot lot?

Mr. Alberty stated that the greenspace proportion would still have to be met. This proposal only relaxes the maximum coverage in the required frontyard. An applicant would still have to provide livability space in accordance with the Code. This proposal is not reducing that requirement.

Mr. Ard asked Mr. Jackson if he thought it would look better esthetically to have a 16-foot wide drive that widens to the three cars rather than having a 30-foot drive shooting all the way down to the street. He indicated that he has a driveway that does this.

Mr. Jackson stated that the other standpoint is that when a customer purchases a three-car garage, it is for one or two reasons. Either there is a teenage driver who they want to be able to back up all the way or they live in a subdivision where you can't have other cars, boats or motorcycles in the frontyard. It would be difficult to back a boat up a 16-foot driveway into the third door. One has to think of function versus esthetics and these are all over suburbia now. The typical garage door is 16 feet wide and the small door is eight feet wide, which will work with 26 feet in width. Most homesites with three-car garages have a plus 75-foot lot with ten-foot setback on the side where the garage is located to allow for the side garage door with an apron and air conditioner. There is greenspace,

driveway and then more greenspace and another five-foot buffer to the neighbor next door, who will also have a five- or ten-foot buffer. A 50-foot lot will be unlikely to have a three-car garage because of the setbacks and bulk and area requirements.

Mr. Midget asked if this zoning amendment were denied, it would prevent new development (infill) from building the three-car garages or driveway. In response, Mr. Alberty stated that it hasn't so far, but there are ways around it. The way around it has been to violate the permit. Mr. Alberty confirmed that if this is denied, it would eliminate the opportunity of doing a three-car garage without going to the BOA and requesting a variance.

Mr. Midget asked if there is some way to impose a maximum width for the driveway approach.

Mr. Jackson stated that a developer wouldn't design a frontyard four-car garage entry on 75-foot lot. He currently is developing a four-car garage home, but it is rear entry. One doesn't stick four-car garages on the front of the house due to esthetics. If there is a three-car garage on the front, the main garage door is 16-foot and the secondary garage is eight-foot with two feet in between. A maximum width of 28-foot would be sufficient and accommodate most scenarios.

Ms. Cantrell stated that she would feel more comfortable with a maximum width in case someone does try to place a front-entry four-car garage on a home. If this happens, then at that point there is nothing the Planning Commission could do, but to have a maximum width it would be enforceable or to make the applicant move it to a special exception.

Mr. Jackson stated that he believes a 30-foot width would be a fair maximum number.

Mr. Carnes agreed with a maximum width and to allow, with special exception, to extend the maximum width and to keep the cars off of the street.

Ms. Cantees asked if there could be a restriction that this would pertain specifically to front-entry garages, since that seems to be where the issue is: not to exceed 30 feet for front-entry garages. In response, Mr. Jackson concurred that this would be fair.

Mr. Alberty stated that the proposal already refers to the fact that garages are unobstructed and facing the street. If he suggested adding language that, "in no event shall any driveway exceed 30 feet" and if the Planning Commission prefers, a provision could be added that the BOA may increase the maximum width by special exception.

Mr. Bernard stated that he thought the language Mr. Alberty proposed would need to be in there because if someone is building a 7,000 or 8,000 SF house with a back-entry four-car garage, then they would have to have a driveway wide enough in the back to support four or five cars.

Mr. Alberty stated that this proposal would not address that. The scenario that Mr. Bernard just stated is permitted under the Code currently. This is only addressing street-frontage facing garages. Any garages in the rear are permitted right now.

SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

D. Unenclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of Subsection F., below. In all RE and RS zoning districts, such parking areas surfaced with an all-weather material shall not cover more than the following portion of the required front yard:

| District | Maximum Coverage |
|----------|------------------|
| RE | 17% |
| RS-1 | 25% |
| RS-2 | 32% |
| RS-3 | 34% |
| RS-4 | 36% |

Provided that at no time shall a driveway in a required front yard in the RE and RS districts may be constructed to a maximum width of 30 feet that is less than a the same as that of for the primary garage front that is unobstructed and facing the street.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text) for Section 1303.D, subject to the maximum width be 30 feet in width and the BOA may increase the maximum width by special exception as modified by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

15. Section 1303.F

Suggested changes: Adding Use Units 1 (Area-Wide Uses by Right) and 5 (Community Services) to Use Unit 2 (Area-Wide Uses by Special Exception) for special event parking.

Reason: To expand areas where special event parking is permitted with conditions.

Suggested by: INCOG staff.

Mr. Ard asked for an example of when this change would apply. It seems vague to him and he is not sure exactly how this would change event parking effectively.

Ms. Matthews stated that currently this is done for Use Unit 2, but this proposal would allow Use Units 1 and 5 in that same category. Any uses that are allowed under Use Units 1 or 5 would simply be put in that category.

Mr. Bernard asked if the applicant would still be required to obtain a permit. In response, Ms. Matthews answered affirmatively. She explained that the applicant would have to provide specific days and they are usually limited to an "X" number a year.

In response to Mr. Bernard, Ms. Matthews stated that an applicant doesn't want to pave a lot that they only use occasionally for special events. This would eliminate the applicant having to prove a hardship for a variance.

SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

- F. Special event-parking areas are permitted accessory only to Use Units 1, 2, and 5 uses and shall comply with the following conditions:
1. Special event parking shall not be used for more than twenty (20) days in any calendar year;
 2. Special event parking cannot occur for more than ten (10) days in any 30-day period;
 3. Special event parking shall be set back at least fifty feet (50') from any off-site residentially zoned lot or residential development area in a PUD; and
 4. All special event-parking areas shall be on the same lot or lots approved for principal Use Unit 2 use to which they are accessory

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text) for Section 1303.F per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

ZONING CODE PUBLIC HEARING

Proposed Amendment to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text). (Section 903, Table 2) (Staff proposes amending Section 903, Table 2 by adding the word "building" to precede setback from centerline of abutting street.)

STAFF RECOMMENDATION:

(Language with a strike-through has been deleted and language with an underline has been added.)

SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS

**Table 2
Bulk and Area Requirements in the Industrial Districts**

| | DISTRICTS: | IL | IM | IH |
|---|-------------------|-----------|-----------|-----------|
| FRONTAGE (Min. FT) | | | | |
| Arterial or Freeway Service Road | | 150 | 200 | 200 |
| Not an Arterial or Freeway Service Road | | 50 | 50 | 50 |
| FLOOR AREA RATIO (Maximum) | | NA | NA | NA |

BUILDING SETBACK FROM CENTERLINE OF ABUTTING STREET (Min. Ft.)

[Measured from centerline of abutting street; add to the distance designated in the column to the right, 1/2 of the right-of-way width designated on the Major Street and Highway Plan or 25 feet if the street is not designated on the Major Street Plan:]

Arterial or Freeway Service Road 50 50 50

Not an Arterial or Freeway Service Road 25 25 25

SETBACK FROM ABUTTING AG, R, or O DISTRICT BOUNDARY LINES* (Min. Ft.) 75 75 75

BUILDING HEIGHT (Max. Ft.) NA NA NA

*Does not apply when lot abuts a Freeway zoned AG, R, or O; however, in those instances a 10-foot setback shall be required.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the Proposed Amendment to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text). (Section 903, Table 2), amending Section 903, Table 2 by adding the word "building" to precede setback from centerline of abutting street.") per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-4900-SP-5

CORRIDOR SITE PLAN

Applicant: R.L. Reynolds

(PD-18c) (CD-7)

Location: 9901 Eat 73rd Street

STAFF RECOMMENDATION:

Z-4900-SP-3 November 1985: All concurred in approval of a Corridor Site Plan and detail landscape plan to permit a courier/mail service with a 37,400 square foot building per conditions.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property has been developed as a distribution facility for Federal Express and is zoned CO, Corridor. The site has two access points on East 73rd Street and one access on South Mingo Road.

STREETS:

| Exist. Access | MSHP Design. | MSHP ROW | Exist. # Lanes |
|------------------------------|---------------------|-----------------|-----------------------|
| South Mingo Road | Secondary Arterial | 100 feet | two |
| East 73 rd Street | Collector | 60 feet | two |

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject property is abutted on the north by a retail strip center and a big-box home improvement store zoned CO and PUD-498-A with underlying zoning of CS and OM; on the east by multifamily residential uses, zoned CO; on the south by multifamily residential uses, zoned CO; and on the west by South Mingo Road, across which are retail uses within PUD-342 and PUD-342-A with underlying OL zoning.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates the subject property as Corridor – No Specific Land Use. The proposed use, a communication tower, **may be found** in accordance with the Comprehensive Plan.

STAFF RECOMMENDATION:

The applicant, Verizon Wireless, has leased a portion of the subject property from Federal Express for the construction and operation of a 120-foot monopole telecommunications tower and related accessory equipment. The subject property has been developed as a distribution facility for Federal Express. The purpose of this corridor site plan is to include within the permitted uses of the existing corridor site plan, Z-4900-SP-3, a communication tower as permitted within Use Unit 4, Public Protection and Utility Facilities. No other modifications to the existing corridor site plan are proposed.

Section 1204.3.g.1 of the zoning code requires that towers be set back a distance equal to at least one hundred ten percent (110%) of the height of the tower from any adjoining lot line, excluding expressway rights of way, zoned

residential. Although the proximate multi-family use is zoned CO, not residential, staff and the TMAPC have interpreted that the setback noted per Section 1204.3.g.1 is intended to be from residential zoning *and* uses (Note TMAPC action on PUD 571-2 on August 2, 2006). For clarification, since the multi-family is on the east/south sides of East 73rd Street/ South 99th East Avenue, the set back is 135 feet from the centerline of East 73rd Street/ South 99th East Avenue. The proposed tower complies with this setback requirement.

Staff finds PUD-628-A/Z-6467-SP-5 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; providing proper accessibility, circulation, and functional relationships of uses; and (5) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-4900-SP-5 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:**

PERMITTED USES:

In addition to those uses permitted per Z-4900-SP-3, Antenna and Supporting Structure as provided within Use Unit 4, Public Protection and Utility Facilities.

MAXIMUM HEIGHT: 120 FT

SETBACKS:

| | |
|---|--------|
| From centerline of East 73 rd Street: | 135 FT |
| From centerline of South 99 th E. Ave. | 135 FT |

USE CONDITIONS:

As provided per Section 1204.C, Public Protection and Utility Facilities/ Use Conditions, and other applicable sections of the Zoning Code.

ACCESS:

Access from East 73rd Street South shall be by existing and new mutual access easements.

3. No building permit shall be issued until the requirements of Section 805.E 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 Corridor Site Plan conditions of approval and

making the City beneficiary to said covenants that relate to Corridor Site Plan conditions.

4. No Zoning Clearance Permit shall be issued for a lot within the Corridor Site Plan until a Detail Site Plan for the lot, which includes all structures, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan Development Standards.
5. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
6. Except as above modified, the development standards of Z-4900-SP-3 as amended, shall remain applicable.

TAC Comments from 8/3/06:

General: No comments.

Water: A ten-inch water main exists along East 73rd Street South.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

Traffic: No comments.

GIS: No comments.

County Engineer: No comments.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, stated that he is in agreement with the staff recommendation. He pointed out that the cell tower will be located close to the northeast corner.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to recommend **APPROVAL** of the corridor site plan for Z-4900-SP-5 per staff recommendation.

Legal Description for Z-4900-SP-5:

Lot 1, Block 1, Stonecreek Addition III, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

ZONING PUBLIC HEARING

Application No.: Z-7008-SP-1

Corridor Site Plan and Landscape Plan

Applicant: Chris Evertz

(PD-8) (CD-2)

Location: 1102 West 71st Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a portion of the Tulsa Hills development. The proposed uses within Development Area B, Use Unit 10, Off-Street Parking, Use Unit 11, Offices and Studios including Drive-thru Banking Facilities, Use Unit 12, Entertainment Establishments and Eating Establishments Other than Drive-Ins, Use Unit 13, Convenience Foods and Services, Use Unit 14, Shopping Goods and Services and Uses Customarily Accessory to Permitted Principal Uses; and the proposed uses with Development Area C, Stormwater Drainage and Detention Facilities, Recreation Facilities, Open Space, Utility Easements, Retaining Walls and Structures and Uses Customarily Accessory to Permitted Uses, are in conformance with Development Standards of Z-7008-SP-1.

Maximum Permitted Floor Area and Minimum Landscaped Area Requirements

Floor Area and minimum landscaped area, although allocated per this site plan by individual lots, meet development standards for Development Area B as a whole. Conformance with these allocations must now be maintained as lots are developed to assure continued compliance with Development B standards. Deviations from these allocations may be permitted by revised site and detail site application so long as total floor area for Development Area B does not exceed 616,573 square feet, maximum land coverage does not exceed 30% and minimum landscaped area remains at or above 268,388 square feet, or 10%.

Building Height

Proposed building height of each of the buildings does not exceed maximum permitted height of 35 feet. However, the architectural elements of the buildings on Lot 5 and Lot 8 are 52 feet and 36 feet, respectively. The zoning code permits architectural features to exceed building height by 150% of the maximum permitted height (35 feet per the corridor site plan; no height maximum in underlying CO), or in the case of Lot 5, the architectural feature would be permitted to exceed building height by 17.5 feet for an overall height of ~~42.5~~ 52.5 feet.

Parking

Proposed parking for the combined buildings complies with the zoning code. In addition, parking allotted per lot also complies with these requirements when applying a 10 percent reduction in parking for developments over 400,000 square feet as provided in Section 1305 of the zoning code.

Setbacks

All proposed buildings comply with required setbacks.

Lighting

A lighting plan verifying compliance with development standards per application of the Kennebunkport Formula has not yet been submitted.

Access

Primary access to the buildings/ individual lots is provided from the collector street and by mutual access easements through the development per development standards.

Traffic Calming

Design of the service drive and loading areas running generally parallel and to the east of the collector and directly adjacent to the buildings provides some shift in alignment to potentially reduce speeds. However, this design is likely not sufficient to adequately reduce potential hazards to pedestrians. Therefore, staff recommends stop signs be placed at the intersections of the service drive with the east/ west access drives from the collector.

Transit

A cut-out for a bus bay has been provided along the northbound lane as required per development standards.

Pedestrian Circulation

Crosswalks on the collector are proposed at the stoplight and at the four-way intersection where Phase I abuts Phase II. Pedestrian walkways through parking lots and connecting sidewalks and transit stops along the collector to building entrances have been proposed in accord with development standards. Where vehicular and pedestrian routes intersect, walkways will be distinguished by either striping or changes in pavement material.

Trail Access

Trail access is proposed via a 20-foot trail easement located within the 100-foot PSO easement in accord with standards.

Landscape Buffer

Proposed landscaping and buffering of the east boundary within the 100-foot utility easement is in substantial conformance with the Tulsa Hills Concept Illustration Overall, Exhibit 'A-1' as approved per the original corridor site plan.

Building Elevations

Proposed building elevations are consistent in color and have similar materials on all sides as required by standards.

Screening Walls and Retaining Walls

Standards require that screening walls achieve effective screening of loading areas, truck docks and car lights and that screening must be of masonry, concrete, Woodcrete or similar material. A six-foot sight-proof fence is proposed along the southeast boundary of Development Area B. This provides screening of the building on Lot 9. Screening of loading docks and of key areas on Lots 5 through 8 where car lights may be visible off-site have been screened by walls, fences and or landscaping in accord with development standards.

A series of retaining walls are proposed along the west boundary of Development Area C in general accord with the approved concept plan.

Staff recommends **APPROVAL** of Z-7008-SP-1 detail site and landscape plan for Lots 4-9 of Block 2 within Development Area 'B' and for Reserve 'E' within Development Area C upon the following conditions:

1. An approved detail lighting plan verifying compliance with development standards per application of the Kennebunkport Formula and accounting for variations in topography;
2. Provision of stop signs at the intersections of the service drive with the east/west access drives from the collector;
3. Conformance with minimum landscaped area and maximum floor area is hereby established per lot as described in the Deeds of Dedication and Restrictive Covenants. Deviation from these allocation may be permitted upon detail site plan or revised site plan review so long as overall compliance with standards for Development Area B are maintained.

Applicant's Comments:

Charles Norman, 401 South Boston, Suite 2900, Tulsa, OK 74103-4065, stated that he is in agreement with the staff recommendation. Mr. Norman summarized the proposal.

Mr. Norman complimented the staff and particularly Delise Tomlinson for the many hours of work that she has spent in reviewing this application.

TMAPC COMMENTS:

Mr. Harmon complimented Mr. Norman on the package that was delivered to the Planning Commission regarding this development.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none "abstaining"; Collins "absent") to **APPROVE** the corridor site plan and landscape plan for Z-7008-SP-1 per staff recommendation. (Language with a strike-through has been deleted and language with an underline has been added.)

OTHER BUSINESS:

Application No.: PUD-728

DETAIL SITE PLAN

Applicant: Wallace O. Wozencraft

(PD-4) (CD-4)

Location: 1220 South Trenton

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new treatment center for adolescents and related off-street parking lot. The proposed use, Use Unit 2, Area-Wide Special Exception Uses, and Use Unit 10, Off-Street Parking Areas, are in conformance with Development Standards of PUD-728.

The proposed building and off-street parking lot comply with PUD setback and minimum landscaped area requirements and are landscaped in accord with the zoning code. The proposed building meets maximum building height and floor area restrictions. Proposed building mounted lighting and parking lot lighting comply with PUD development standards and the zoning code.

Sidewalks are provided along South Trenton Avenue and East 12th Street as required per the development standards. However, a crosswalk connecting the parking on the east side of South Trenton Avenue to the administrative building and treatment center on the west side as required by development standards must be provided on the site plan.

Therefore, staff recommends **APPROVAL** of PUD-728 detail site plan for the Tulsa Psychiatric Center for Adolescent Treatment and Off-Street Parking Lot subject to provision of a crosswalk connecting the parking on the east side of South Trenton Avenue to the administrative building and treatment center on the west side of the street.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Ard, Bayles, Bernard, Cantees, Cantrell, Carnes, Harmon, Jackson, Midget, Wofford "aye"; no "nays"; none"abstaining"; Collins "absent") to **APPROVE** the detail site plan for PUD-728, subject to provision of a crosswalk connecting the parking on the east side of South Trenton Avenue to the administrative building and treatment center on the west side of the street per staff recommendation.

Commissioners' Comments:

Mr. Bernard thanked Mr. Jackson for his time served on the Planning Commission. Mr. Bernard stated that Mr. Jackson will be missed.

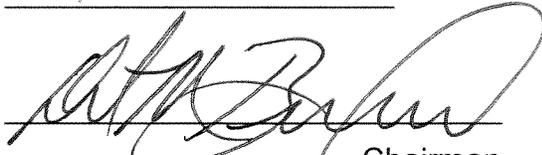
Mr. Jackson thanked Mr. Bernard and informed the Planning Commission that he will remain on the Planning Commission until the Mayor finds a suitable candidate to replace him.

Mr. Bernard stated that Mr. Jackson's knowledge and expertise is of great value and he appreciates Mr. Jackson for serving on the Planning Commission.

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

10-18-06


Chairman

ATTEST:


Secretary

