

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1873
Wednesday, February 26, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Broussard	Gardner	Linker, Legal
Buerge	Neely	Hester	Counsel
Carnes		Stump	
Doherty, 1st Vice Chairman			
Horner			
Midget, Mayor's Designee			
Parmeale, Chairman			
Selph			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 25, 1992 at 11:29 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:33 p.m.

Minutes:

Approval of the minutes of February 12, 1992, Meeting No. 1871:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Neely Selph "absent") to **APPROVE** the minutes of the meeting of February 12, 1992 Meeting No. 1871.

REPORTS:

Chairman's Report:

Chairman Parmele announced it was brought to his attention the Parking Lot Standards and Design Study, approved last week, lacked sufficient publicity and notification of interested groups. The Parking Lot Standards and Design Study has been continued to March 18, to approve the Ordinance language and Chairman Parmele requested this meeting be opened back up for discussion and notification be given to interested parties, i.e. HOAs, TMAPC standard mailing list, Board of Realtors, Home Builders and NAOP so that everyone will have a chance to review it and be aware of what the proposed changes are and hear their comments at the next public hearing.

Chairman Parmele asked Ms. Wilson to coordinate a meeting between the Budget and Work Program Committee and the Chairmen of the Tulsa City and County Boards of Adjustment to review the Work Program for the Workshop, scheduled for April 4. He asked they review last year's workshop and consider suggested topics that participants suggested be studied for this year.

Ms. Wilson set the meeting for Wednesday, March 4, at 11:30 a.m. and asked the weekend mail out to include a copy of last year's schedule on the seminar, summary of suggested topics that participants included on their questionnaires from last year, and also suggested improvements for this year's conference. She will call the Chairmen of the City and County Boards of Adjustment to inform them of the meeting.

Chairman Parmele announced a joint work session with the City and County BOA will be next Wednesday, March 4, at the conclusion of the TMAPC meeting in room 201, City Council Conference Room.

Rules and Regulations Committee

Mr. Doherty announced the Towers and Antenna Ad Hoc Committee has a meeting scheduled for Thursday, February 27. It is the Committee's intent to present their final recommendation to the City Council on March 5.

Mr. Doherty commented the Sign Advisory Board is continuing to meet and is inspecting TMAPC recommendations step by step. They are working toward a mid-March timetable for presenting their findings to the City Council.

Budget and Work Program Committee

Ms. Wilson announced the Budget and Work Program Committee approved the FY93 work program and budget last week and is proceeding with the budget process. She asked that TMAPC send thank you letters to the individuals who suggested work program items and to inform them that some of those ideas did get included in the work program and let them know their efforts were appreciated.

Director's Report

Mr. Gardner announced that on March 5, the City Council will consider a request to expedite the Zoning Ordinance process. Presently it is taking about 60 days from the time TMAPC transmits it to the Council and for the Council, for the Ordinance to actually be published. At an earlier meeting, with those involved in the process, it was determined that approximately 30 days could be deleted from the process. A recommendation on how this can be done was offered to the City Council and they have yet to make a decision on the matter.

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ZONING PUBLIC HEARING

Application No.: **Z-6352** Present Zoning: AG
Applicant: Delvest, Inc Proposed Zoning: CG
Location: On the east side of S. Delaware Avenue (River Road) at
approximately 108th Street
Date of Hearing: February 26, 1992

Chairman Parmele announced the applicant has requested a continuance and noted the request was not timely. The applicant was not present and the letter stated the legal representative is out of town and unable to attend the hearing. Mr. Parmele added a telephone call was also received from a member of the tennis club who is unable to attend the hearing and is in opposition to the proposed zoning.

Interested Parties

Barry Brune
Bruce Kleese

6118 South Florence Pl. 74136
3435 E. 87th St. 74137

Mr. Brune, president of Philcrest Hills Tennis Club, mentioned this is the second zoning matter he has been a participant of in which an untimely request to delay or withdraw was given to TMAPC. As a result he has been inconvenienced by having to attend the meeting and will again be inconvenienced by having to return. Mr. Brune expressed if there are rules to follow for protestors then these same rules should apply to the applicant.

~~Chairman Parmele informed the protestant if he wished to send a letter, rather than appear again, noting his opposition to the application it will be given full consideration.~~

Mr. Kleese advised he was not acquainted with the owner of the property, however, he would like to see a continuance granted because there are vested interests that all have. Mr. Kleese added was also inconvenienced by attending today's meeting, but he wanted to find out more about the application and is willing to return at a later date. He feels it is important enough an issue that a continuance should be granted.

Mr. Linker pointed out another option available to the Planning Commission is to strike the item from the agenda for failure to appear and present. New notice would then need to be given, another application filed, and begin the process over.

There was additional discussion citing reasons for denial of continuance.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted 3-5-1 (Buerge, Horner, Wilson "aye"; Ballard, Carnes, Doherty, Parmele, Selph "nays"; Midget "abstaining"; Broussard, Neely "absent") to **DENY** the request for **CONTINUANCE**.

MOTION FAILED

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-1 (Ballard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; Midget "abstaining"; Broussard, Neely "absent") to **CONTINUE** Z-6352 for one (1) week to March 4, 1992.

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Z-6351: South of the southeast corner of S. 101st E. Avenue and East 15th Street

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity -- No Specific Land Use.

According to the Zoning Matrix the requested CS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1/2 acre in size and is located south of the southeast corner of 101st E. Avenue and 15th Street South. It is partially wooded, flat vacant, and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant land zoned RM-2; on the east and south by vacant land zoned CS; and on the west across 101st E. Avenue is an office building zoned CS.

Zoning and BOA Historical Summary: All except a 150' x 150' area in the northwest corner of the tract is already CS, with this small area zoned RM-2.

Conclusion: The tract is surrounded on three sides by CS zoning, CS zoning is in conformance with the Comprehensive Plan and the rezoning of this tract will make the RM-2 zoning a consistent width buffer on the north side of the CS zoning.

Therefore, Staff recommends **APPROVAL** of the CS zoning for the south 150' of the west 150' of Lot 1, Block 1, Magic Circle Center Addition in Z-6351

Applicant's Comments

Gordon Beard

3301 Springhill, Edmond, OK 73013

Mr. Beard clarified they are only asking to change the 150' X 150' tract. He added there is some confusion with the other RM-2 zoned tract. He clarified the applicant does not own this nor do they wish to change the RM-2 zoning. The subject tract will be used for additional parking space with development of the office building.

There were interested parties present, but none wished to address the Planning Commission.

Chairman Parmele advised of receipt of a letter from an adjoining property owner who owns the RM-2 portion of the tract expressing support of the zoning change request from RM-2 to CS.

Mr. Gardner advised the Board of Adjustment waived the screening fence requirement in lieu of a landscaping plan along the northern boundary of the office development. The applicant will return at a later date with a landscaping plan.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-1 (Ballard, Buerge, Carnes, Doherty, Horner, Parmele, Selph, Wilson "aye"; no "nays"; Midget "abstaining"; Broussard, Neely "absent") to **APPROVE** CS zoning as recommended by staff for Z-6351.

Legal Description

The S 150' of the W. 150' of Lot 1, Block 1, Magic Circle Center Addition for Z-6351.

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Z-6344-SP-1 Corridor Site Plan - South of the intersection of 107th East Avenue and 61st Street South

The applicant is requesting Corridor Site Plan Approval for a retail/wholesale sprinkler system business at 61st Street South and 107th East Avenue. The site would contain a 100' X 100' steel building with a second floor office of 2,625 sq. ft. This building would be used for retail and wholesale sales of merchandise, warehousing, repair and assembly of irrigation equipment and office space. There would be considerable outside storage of straight and coiled pipe, valve boxes and other supplies. The outside storage area would be screened by an 8' high cedar fence. A 5' X 20' X 30' high ground sign is proposed on the northwest portion of the site and a wall sign of undetermined size would be placed on the north face of the building.

Because of the extensive warehousing and outdoor storage proposed in this site plan, staff does not think this type of use is appropriate for this location. Industrial and warehousing uses are planned north of this site across 61st Street, but south of 61st Street is developed residentially with 107th East Avenue being the collector street providing access from 61st Street to this

residential area. Staff feels the type of use proposed would be incompatible with existing development and set a precedent for more incompatible uses in the future. Therefore, staff recommends **DENIAL** of Corridor Site Plan Z-6344-SP-1.

Applicant's Comments

Dave Cannon

Rodger VanLeeuwen

**10301 E. 51st Street
7039 E. 40th St. 74145**

Mr. Cannon acknowledged understanding staff's recommendation. However, the individual involved with this transaction, if successful in purchasing the property which is contingent on corridor site plan approval, is currently maintaining a business at 7039 E. 40th and the operation being conducted is an especially neat and clean looking operation. Mr. Cannon proceeded to give a detailed description of properties surrounding the tract noting the closest apartment complex is approximately 325' away. The applicant is also proposing to install an 8' stockade fence with landscaping. Mr. Cannon presented a 3-dimension view of how this site will appear at a 30° angle over the top of the fence from the north. Mr. Cannon assured the Planning Commission the open storage of pipe storage racks would be behind the fence screened from public view. He called attention to pictures attached to original drawings depicting storage at the applicant's current location. This business caters primarily to commercial golf courses and residential needs for sprinkler and irrigation systems.

The Planning Commission then reviewed the site plans.

In response to a question from Mr. Doherty, Mr. Cannon described in great detail the type of metal building that is being proposed.

Mr. Doherty expressed concern that the appearance from the expressway not be too industrial, since it does not seem to mix too well with the apartments that surround it. He asked that a way be found to store more of the industrial materials on the east side of the tract or perhaps provide additional screening.

Mr. Cannon suggested moving the building further to the west and take storage off the west side of the building and move it to the east side of the building.

Mr. Carnes pointed out that if this is approved it is placing a metal warehouse and storage yard in a residential area, which he feels is incompatible.

Chairman Parmele suggested the main issue is if the proposed use is compatible with the surrounding neighborhood. If it is determined to be compatible then TMAPC needs to devise appropriate controls to protect the balance of the neighborhood.

Mr. Doherty pointed out since this is a corridor site plan the Planning Commission can be very specific on the use, building size, design lay-out of the facility, landscaping and signage in order to

make an adequate transition from the industrial area to the north to the multifamily to the south and east.

Chairman Parmele also agreed that adequate controls can be placed on the property to act as a buffer from industrial across the street to apartments to the south.

Ms. Wilson voiced her opinion that this proposed use would be spot zoning. She also feels the use is incompatible with the surrounding area.

Discussion ensued on the zoning surrounding this tract of land.

Mr. Gardner pointed out the access to this piece of property and property to the east has no left turn movement into it. On this tract access must be obtained off the service road that the apartments are on. This is the only access to those apartments, and the majority of the area south of the apartments is single family.

Mr. Linker cautioned if an industrial use is approved it cannot be limited to one individual or one operation, but reasonable conditions can be imposed by the corridor site plan. It would be possible for another industrial use to move in and use this tract as long as it did not violate conditions imposed.

Mr. Horner advised having no issue with the usage. The building can be cosmetically designed to make the appearance from Mingo compatible with that area.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted 8-1-0 (Ballard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; Wilson "abstaining"; Broussard, Neely "absent") to generally **APPROVE** the use proposed in Corridor Site Plan Z-6344-SP-1.

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TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 9-0-0 (Ballard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Neely "absent") to **CONTINUE** the Zoning Public Hearing for two weeks to March 11, 1992 for Corridor Site Plan Z-6344-SP-1 in order to develop specific conditions for this site.

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CONTINUED OTHER BUSINESS:

PUD-473 - Detail Site Plan for Tracts A and B -- South of the southwest corner of E. 27th Street and South Boston Avenue
Restrictive Covenants
Plat Waiver
Ratification of Lot Split #17417

Staff has reviewed the proposed site plan for Tract B and finds it **not** to be in compliance for the following reasons:

1. The exterior sidings are not consistent on all sides as required.

If the applicant is able to satisfy the above listed requirement, then staff could support approval of the detail site plans for tracts "A" and "B".

Applicant's Comments

Mr. Moody advised taking responsibility of the draftsmanship of the covenant. It was not his intention that all sides be identical, but have a compatible treatment with the rear, etc. Paragraph #9 of the restrictive covenants, which has been reviewed and approved by the protestants in the neighborhood contain some modifications providing that brick or stone and wood gables on the ends be permitted, as long as the fronts and rears are similarly constructed brick or stone exterior and further providing that all wood clapboard sides of structure shall be permitted as shown on the exterior elevation of the Detail Site Plans shown to TMAPC and incorporated herein by reference. The covenants and site plan review does reflect this minor change stating those clapboard sides are permitted as exhibited in the site plans and has been accepted by the neighborhood.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to **APPROVE** the Detail Site Plans for tracts "A" and "B" of PUD 473, **APPROVAL** of the restrictive covenants contingent upon Legal approving them as to form, **APPROVAL** of the plat waiver, and **RATIFICATION** of lot split #17417 as recommend by staff.

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PUD 275-1 Minor Amendment to change the permitted use from multifamily residential to single-family residential-northwest corner of South Yale Avenue and the Creek Turnpike

Chairman Parmele announced this item was continued from two weeks ago. The applicant is not present. Chairman Parmele advised if there were no objections, this item would be struck from the agenda. There were none.

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PUD 179 C-10: Minor Amendment to building setback in Development Area "D" -- West of the southwest corner of 71st Street South and 85th East Avenue

The applicant is requesting a reduction in the building setback from 20' to 13' on the west property line. Since the property to the west is a shopping center and the original 20' setback was not initiated by the TMAPC or City Council, staff can support the proposed amendment. Therefore, Staff recommends **APPROVAL** of minor amendment PUD 179 C-10 as requested.

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PUD 179-C Detail Site Plan for Development Area "D" -- West of the southwest corner of 71st Street South and 85th East Avenue

If the minor amendment is approved, staff recommends **APPROVAL** of the Detail Site Plan for Development Area "D" for a *Burger King Restaurant*.

TMAPC Action; 6 members present:

On **MOTION** of **WILSON**, the TMAPC voted **6-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Parmele, Selph "absent") to **APPROVE** Minor Amendment PUD 179-C-10 and Detail Site Plan for Development Area "D".

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PUD 474 -- Detail Site Plan for additions to existing structure and driveway - 1325 E. 35th Place South
Restrictive Covenants

The applicant is proposing to replace the existing residential bathroom with new restroom facilities which will meet the handicapped accessibility standards required for office buildings. This will require the enlargement of the building on the east side. The exterior of the new portion will be built to match the existing exterior. In addition, they are proposing an enlargement of the existing driveway on the west side of the lot to provide the necessary off-street parking.

Staff feels the addition to the building is very minor in nature and will not make the building appear less residential in character. The enlargement of the driveway in front of the building setback line will, however, alter the residential appearance if constructed as proposed. Staff suggests that only a small amount of widening in front of the building will provide adequate access to the required off-street parking spaces. With that modification, staff recommends **APPROVAL** of the Detail Site Plan and that no Detail Landscape Plan nor screening fence be required at this time as provided for in condition 10 of the PUD.

[PUD 474 Condition 10. The existing dwelling may be used as an office without complying with PUD conditions 3, 4, and 8, nor the screening requirement, so long as there are no additions to the existing building, nor any new buildings, structures, or parking areas are constructed, other than minor improvements to the parking area in the northwest portion of the PUD.]

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Buerge, Neely, Selph "absent") to **APPROVE** the Detail Site Plan for PUD 474 as recommended by staff and the restrictive covenants conditioned upon Legal approving them as to form.

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There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 3/11/92

James R. Kelly
Chairman

ATTEST:

Marilyn A. Wilson
Secretary

