

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1923
Wednesday, April 14, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	None	Gardner	Linker, Legal
Broussard		Hester	Counsel
Secretary		Stump	
Buerge, 2nd Vice Chairman			
Carnes			
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, April 13, 1993 at 9:53 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:37 p.m.

REPORTS:

Chairman's Report

Chairman Doherty announced receipt of a letter from Mayor Savage requesting that the TMAPC Special Studies fund be used for the publication of a new sign manual. He referred this item to the Budget and Work Program Committee for processing.

Chairman Doherty reported on a meeting he attended in the Mayor's office April 13 and was asked to suggest cuts that might be made in TMAPC programs, in the event that a shortfall should occur in the budget. He then asked Ms. Wilson to call a meeting of the Budget and Work Program Committee to consider this item.

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee will meet April 15 to prioritize budget items which have been submitted.

In response to Mr. Carnes' inquiry, Commissioner Dick noted that the County budget cycle differs from the City's, and he is unable to say whether or not the County will impose the same budget reductions as the City.

Director's Report

Mr. Gardner reminded the Planning Commission that the Landscape and Parking Ordinance is on the City Council agenda April 15.

Approval of updated "Rules of Procedure and Code of Ethics of the TMAPC"

Chairman Doherty reported that this item was referred to the Rules and Regulations Committee.

Mr. Parmele announced that the Rules and Regulations Committee reviewed revisions and recommended adoption of the updated Rules of Procedure and Code of Ethics of the TMAPC.

Ms. Wilson noted that it was brought to her attention that it may be inappropriate that ex-officio members are nonvoting members on committees. She asked how this affected the voting process in the Rules of Procedure.

Mr. Parmele recalled that when Mr. Midget began attending the Planning Commission meetings he wanted to attend all of the committee meetings as a nonvoting member. The Planning Commission decided to have five voting members on each committee so as not to have a full quorum of the Planning Commission at a committee meeting. This allowed Mr. Midget to receive all bulletins, updates and agendas of committee meeting items, but not be a voting member.

Chairman Doherty disclosed that the rule that was referenced came from then-Finance Commissioner Watts' request to have the Mayor's designee serve, and it is clear that on full Planning Commission matters, the Mayor's designee is ex-officio and a voting member. He explained that the committee action is nonbinding on the Planning Commission and by tradition and custom the Mayor's designee is a member to provide input and liaison communication, but nonvoting as to maintenance of a quorum.

TMAPC Action; 11 members present:

On MOTION of PARMELE, the TMAPC voted 11-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; "absent") to ADOPT the updated Rules of Procedure and Code of Ethics of the TMAPC.

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ZONING PUBLIC HEARING:

ZONING PUBLIC HEARING

Application No.: **Z-6399** Present Zoning: RS-3
Applicant: Kevin C. Coutant Proposed Zoning: IL
Location: Southwest corner of 50th Place South and 103rd East Avenue
Date of Hearing: April 14, 1993
Presentation to TMAPC: Kevin C. Coutant

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 1, Industrial Area.

According to the Zoning Matrix the requested IL District may be found in accordance with the Plan Map. All zoning districts are considered **may be found** in accordance with Special Districts guidelines.

Staff Recommendation:

Site Analysis: The subject tract is approximately one-third of an acre in size and is located at the southwest corner of 50th Place South and 103rd East Ave. It is nonwooded, flat, vacant and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north, south, east and west by industrial and commercial uses zoned IL.

Zoning and BOA Historical Summary: All the surrounding area has been zoned IL.

Conclusion: IL zoning is in accordance with existing and planned uses in the area.

Therefore, Staff recommends **APPROVAL** of Z-6399 for IL zoning.

There were no interested parties present.

Applicant's Comments

Kevin Coutant 320 S. Boston, Ste. 500
Mr. Coutant requested early transmittal due to timely concerns relevant to his client.

TMAPC Action; 11 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **11-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; "absent") to recommend **APPROVAL** of Z-6399 for IL zoning.

LEGAL DESCRIPTION

Lots 1, 2, 3 and 4, Block 53 and the north 7.5' of the vacated alley lying adjacent to said lots on the South, all in the original Town of Alsuma, now an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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ZONING PUBLIC HEARING

Application No.: **CZ-202** Present Zoning: RS
Applicant: Lawrence H. Collins Proposed Zoning: IL
Location: Northeast corner of 45th West Avenue and 56th St. South
Date of Hearing: April 14, 1993
Presentation to TMAPC: Lawrence H. Collins

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity Industrial.

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

Staff Recommendation:

Site Analysis: The subject tract is approximately two-thirds of an acre in size and is located at the northeast corner of 56th Street South and 45th West Avenue. It is partially wooded, contains two vacant single-family dwellings and is zoned RS.

Surrounding Area Analysis: The tract is abutted on the north by two single-family dwellings zoned RS with inoperative trucks and automobiles in the yard; on the east by a mobile home zoned RS; on the south by a single-family dwelling zoned RS; and on the west by a motel zoned CH.

Zoning and BOA Historical Summary: The area is in transition from residential to commercial and industrial use, which is anticipated in the Comprehensive Plan. The subject tract would be the first non-residential zoning on its block and the block to the south.

Conclusion: This is an industrial encroachment into a residential area planned to be industrial. Staff believes there may be some adverse effect on the dwelling to the south which faces the subject tract. Considering what appears to be non-conforming auto repair activities to the north of the tract and the condition of many of the structures, redevelopment to light industrial, which shall not include auto or truck salvage, appears appropriate.

Therefore, staff recommends **APPROVAL** of CZ-202 for IL zoning.

In response to questions from Mr. Neely, Mr. Gardner described the area the current IL zoning encompasses. He explained that the transition to IL has been occurring over approximately the past 15 years.

Applicant's Comments

Lawrence Collins

Route 2, Box 1465, Mannford, OK

Mr. Collins advised that he intends to use the property for a truck repair shop and not for a salvage. He presented photographs of a building which he plans to construct on the subject property. Mr. Collins answered questions from the Planning Commissioners regarding screening, which will be installed.

Interested Parties

Mary Weaver

4443 W. 56th St.

Ms. Weaver owns property which abuts the subject property. She voiced her concern and the concern of area residents over the odors which will be emitted by a truck repair operation, the additional noise, and aesthetics of the proposed business. Ms. Weaver expressed area residents' opposition to encroachment of industrial operations into the neighborhood. Ms. Weaver also expressed concern that trees on her property may be damaged during construction.

Chairman Doherty suggested the Ms. Weaver contact her County Commissioner to express residents' concerns over problems in the neighborhood. He perceives that the type of industrial building being proposed will be less offensive than some businesses already existing in the area.

Applicant's Rebuttal

Mr. Collins presented photographs of the lots he intends to build on, depicting boarded-up, vacant houses. He pointed out that there are only four homes on the entire block in which people are living.

In response to questions from Mr. Midget, Mr. Collins described how the building would be situated on the property.

TMAPC Review Session

Chairman Doherty acknowledged that the area is in transition and there are problems in the neighborhoods, which County government might be able to help alleviate. However, he sees no viable residential use for the subject property.

Commissioner Dick expressed that it is unfortunate that the residents are caught in the transition area that is heading for redevelopment to light industrial. Commissioner Dick assured interested parties that he would report their concerns to the County Inspector, Ron Fields, who will monitor the construction and see that all setbacks, etc., are complied with.

Mr. Gardner pointed out that usually cases such as this must go to the County Board of Adjustment (BOA) for variance of setbacks, which allows the BOA to impose appropriate conditions.

Mr. Carnes suggested forwarding word to the County BOA or County Commissioners to monitor this property to ensure that it remains a truck facility garage and not become a junk yard.

Ms. Wilson expressed the need to proceed cautiously and carefully in the review process, should this move forward, since the subject tract will be the first nonresidential zoning on its block. She stressed that consideration for the rest of the neighborhood must be of primary concern.

TMAPC Action; 11 members present:

On MOTION of CARNES, the TMAPC voted 10-1-0 (Ballard, Buerge, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; Broussard "nay"; no "abstentions"; "absent") to recommend APPROVAL of IL zoning for CZ-202 as recommended by Staff.

LEGAL DESCRIPTION

Lots 14, 15, 16, and 17, Block 5, Opportunity Heights an addition to Tulsa County, Oklahoma and being located at the northeast corner of 45th West Avenue and 56th Street South.

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FINAL APPROVAL AND RELEASE

71 Mingo Center (PUD 489)(684) (PD-18)(CD-9) (CS, CO)
Northeast corner of East 71st Street & South Mingo Road

Staff Comments

Mr. Stump advised that all releases have been received and Staff recommends approval subject to approval of the Legal Department.

TMAPC Action; 10 members present:

On MOTION of PARMELE, the TMAPC voted 9-0-1 (Ballard, Broussard, Carnes, Dick, Doherty, Midget, Neely, Parmele, Wilson "aye"; no "nays"; Horner "abstaining"; Buerge "absent") to APPROVE the Final Plat of 71 Mingo Center and RELEASE same as having met all conditions of approval as recommended by Staff, subject to approval by the Legal Department.

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PUD 179 S

Detail Site Sign and Landscape Plan for Tract B - east of the southeast corner of 92nd East Avenue and 71st Street South.

Sign Plan

Staff has reviewed the proposal for a ground sign on 71st Street and a wall sign on the north face of the building. Both are in compliance with the PUD conditions, therefore, Staff recommends **APPROVAL**.

Landscape Plan

Staff finds the landscape plan does not meet the PUD requirement. Specifically, parking areas are to be screened from 71st Street by use of landscaping, berms or decorative screening fences. None is provided. In addition, if this development were required to comply with the proposed landscaping amendments to the Zoning Code the following changes would be needed:

- 1) 12 additional trees in the north 60' of the tract; and
- 2) additional landscaped areas with trees on the east and south sides of the building sufficient to make all parking spaces within 50' of a landscaped area. (At least four would be needed.)

Because of these deficiencies Staff would recommend **DENIAL** of the Detail Landscape Plan.

Detail Site Plan

Staff has reviewed the proposed site plan and cannot recommend approval for two reasons. First, the need to revise the landscape plan by adding additional landscaped areas will alter the site plan. Secondly, the internal circulation and accesses to 71st Street and 92nd East Avenue are of an awkward design, which produces intersections which are confusing to motorists, and which provide little if any stacking distances. For these reasons Staff recommends **DENIAL** of the Detail Site Plan.

Staff Comments

Mr. Stump reported that the purchaser of this lot refuses to plant trees in front of the building for fear of blocking its visibility. He cited deficiencies of the applicant's landscape plan as compared to the proposed landscape ordinance. Mr. Stump advised that with the modifications presented by the applicant and the addition of tree islands, then Staff could reluctantly agree to approval of the Detail Site Plan.

Mr. Carnes suggested a continuance of this item until all aspects of the applicant's request can be resolved. Ms. Wilson expressed agreement.

Mr. Parmele advised that the Planning Commission has been requiring that all applications meet the new landscape ordinance even though it is not yet in effect.

Applicant's Comments

Ted Sack

110 S. Hartford 74120

Mr. Sack, representing the applicant, distributed a letter and memo from a representative of the applicant expressing the need for high visibility, etc., and stating that they will be forced to find another market if an agreement cannot be reached. He reported on meetings with Traffic Engineering over traffic circulation and review of the plan. Mr. Sack advised that while the plan may be an awkward design, with existing circumstances, Traffic Engineering agreed that this is a workable layout and signed off on the change of access. Mr. Sack gave a detailed description of the Site Plan.

Mr. Sack then addressed the landscape plan controversy. He requested that the Planning Commission approve the Detail Site Plan and continue the Landscape Plan.

It was the consensus of the Planning Commissioners to continue the landscape plan.

Ms. Wilson expressed concern over the Site Plan layout regarding vehicle stacking and conceding that the layout being presented may be the only design available. She pointed out that there are trees available for planting that will not cause a visibility problem or hide the building, etc.

Chairman Doherty advised that he feels the applicant wants to know if the site plan is workable. He acknowledged that it is an awkward design, but given the median cut, it does limit the design options.

Mr. Parmele expressed agreement with the Chairman that the design presented is probably the only way for the design to work.

Mr. Stump explained that staff would like the landscaped strip on the south boundary be at least 7' wide and the additional tree islands shown on the east side of the building in the revised plan be included.

Mr. Sack advised that the above-stated stipulations are acceptable.

TMAPC Action; 10 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **7-2-1** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, "aye"; Neely, Wilson "nay"; Dick "abstaining"; Buerge "absent") to **APPROVE** the Detail Sign Plan and Detail Site Plan for Floors-A-Plenty on Tract B, as amended, and to **CONTINUE** the Landscape Plan to April 21, 1993.

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PUD 407-2 Minor amendment to increase signage - northwest corner of South Yale Avenue and 68th Street South.

The applicant is requesting to increase the number and size of ground signs in the Resource Sciences Office Park. The existing ground sign on Yale Avenue, which is 40.5 SF in size, would be replaced with a new 54 SF sign, and the sign that was on Yale would be moved to a Toledo Avenue location. The PUD presently allows only a ground sign on Yale Avenue with a maximum display surface area of 42 SF. No ground sign is presently allowed on Toledo Avenue.

Since the amendments to the sign provisions of the Zoning Code that went into effect December 21, 1992, office PUDs like PUD 407 are now clearly limited to the same amount of signage as would be allowed in an OL district without a PUD. The amount of signage previously approved for PUD 407 is 734 SF, plus 8 internal signs totaling 192 SF. Under current regulations PUD 407 is only allowed 545 SF of signage. The proposed amendment would increase the signage by an additional 52.5 SF and would require a variance from the Board of Adjustment. Staff cannot support this additional increase since the PUD currently has 70% more signage than the current PUD chapter would allow. Therefore, Staff recommends **DENIAL** of PUD 407-2.

Applicant's Comments

Roy Johnsen, attorney for the applicant, reviewed the history of the medical complex and approved signage. Mr. Johnsen stated that he perceives that 926 SF was approved by the Planning Commission in October which comprised the two logos on the tower, a ground sign at the Yale entry to the project, no ground sign at the Toledo entry and eight (8) internal signs for various buildings within the complex. Mr. Johnsen conceded that he is willing to stay within the 926 SF which was approved, but would like to reallocate the signage. He presented photographs of the signage at the Yale entrance and pointed out the difficulty in seeing such a small sign. His client wants to change the sign so it will be more visible. Mr. Johnsen advised that moving the existing sign to the Toledo entrance is not as critical to the applicant as increasing the Yale entrance sign.

Chairman Doherty declared that the two large signs on top of the building should not be counted at full value because of their height from the ground. He acknowledged that at ground level these signs being 750 SF would be excessive.

There was discussion among the Planning Commission over moving the existing sign to Toledo, which the Planning Commission deemed at the onset of this project to serve a residential area and wanting to minimize traffic to the area.

Mr. Johnsen pointed out that a previous approval had permitted a 64 SF sign on Toledo and Yale, which he relinquished.

Mr. Carnes declared that he is opposed to the increased signage because he does not feel the medical profession has any more right than any other business to exceed permitted signage.

Mr. Johnsen pointed out that compared to other signage in the area this project's signage is small and tasteful.

Chairman Doherty advised that he would have no problem with a marker sign on Toledo which he feels would keep traffic from overshooting and going into the residential area. He noted that this is making a transition to a residential area.

Mr. Broussard pointed out that a sign already exists at the Toledo entrance that reads "Entrance" and asked if it would be possible to add identification on that existing sign. Mr. Broussard commented that this PUD already has 70% more signage than would be allowed in new PUDs, and he is concerned over future applicants which may also feel entitled to more signage.

Mr. Midget noted that the 70% is due in large part to the scale of the building and acknowledged the difficulty in finding buildings in the area.

It was suggested that since the entrance on Toledo is mounded on one side with a low median it splits the traffic. It was the consensus of the Planning Commission to relocate the sign to the median, which would keep the sign low and serve as a marker for the entrance.

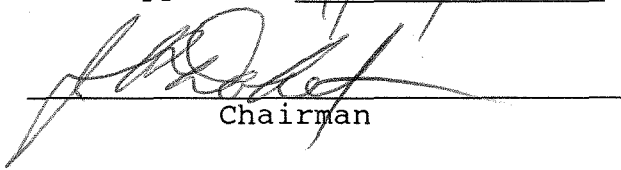
TMAPC Action; 10 members present:


On MOTION of NEELY, the TMAPC voted 9-1-0 (Ballard, Broussard, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; Carnes "nay"; no "abstentions"; Buerge "absent") to **APPROVE** PUD 407-2 Minor Amendment permitting the 54 SF sign on Yale and relocating the existing sign from Yale to Toledo to be placed in the median and any excess signage generated over the allowed 926 SF to be subtracted from the interior signage.

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There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved: 4/28/93


Chairman

ATTEST:

Secretary

