

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2034

Wednesday, August 23, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Pace
Taylor

Members Absent

Boyle
Midget
Selph

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, August 22, 1995 at 8:18 a.m., in the office of the County Clerk at 8:12 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:32 p.m.

Minutes:

Approval of the minutes of August 9, 1995, Meeting No. 2032:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; "abstaining"; none Ballard, Boyle, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of August 9, 1995 Meeting No. 2032.

REPORTS:

Director's Report:

Mr. Gardner informed of items on the City Council agenda for August 24, 1995.

SUBDIVISIONS:

PLAT WAIVER, SECTION 213:

Z-6495 (Valley Glen South)(1994)
10832 East 31st Street South

(PD-17)(CD-5)

Jones presented the request with Ted Sack in attendance at the TAC meeting.

Matthews stated that an easement may be required along the entire west property line for sanitary sewer. Matthews stated that he would get with Jones prior to the request being transmitted to the TMAPC with the exact width of the easement.

Z-6495 is a request to rezone an approximate 1.04 acre tract from *OL* to *CS*. The property contains an existing restaurant and is located at 10832 East 31st Street South. The property is part of a rezoning application processed in the early 1980's which rezoned the property to the east *CS* and denied commercial on the subject tract.

Based on the size of the tract and the property being contained in a subdivision plat, Staff can support the requested plat waiver. In addition, no new buildings are proposed for the subject tract. All right-of-way and limits of access exist for the property.

Staff recommends **APPROVAL** of the plat waiver for Z-6495 subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

NOTE: *This request will not be transmitted to the TMAPC until the rezoning ordinance is published.*

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **Z-6495**, subject to all conditions listed above.

TMAPC Action; 7 members present:

On **MOTION** of **GRAY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; "abstaining"; Ballard, Boyle, Midget, Selph "absent") to **APPROVE** the **PLAT WAIVER** for Z-6495 as recommended by Staff.

LOT-SPLIT FOR WAIVER:

L-18127 Howard Remodeling, Inc. (W. Howard)(1893) RS-2

(PD-6)(CD-9)

Jones presented the request with no representative present at the TAC meeting.

Matthews stated that a sanitary sewer main extension would not be necessary since only one lot would be served. The proposed configuration is acceptable.

Somdecerrff requested a minimum of 40' total right-of-way on South Lewis Avenue. In addition, he requested a dedication of the final amount.

It is proposed to split a 115' x 130' lot into two lots as configured. An earlier application, L-17808, on the same property proposed to divide the lot into equal lots measuring 57.5' x 130'. Board of Adjustment cases 16537, 16656 and 17079 provided necessary relief from the Bulk and Area Requirements for the RS-2 District. L-17808 was approved by TMAPC on 01/19/94 subject to BOA approval and verification by Public Works of a sewer line extension to the eastern proposed tract (Tract "B"). TMAPC also waived Subdivision Regulations requiring conformance with the Street Plan allowing only 35' of right-of-way on South Lewis Avenue.

The applicant for L-17808 has since sold the entire undivided property and the sewer line was never extended. The new owner now wishes to configure the two lots so that a panhandle extends from the eastern lot (Tract "B") across the southern portion of the western lot (Tract "A") so as to abut the public sewer line thus eliminating the need to extend the line. Because of this panhandle extension across Tract "A", the applicant has also filed BOA-17139 for a variance of the rear yard and a variance of the current Board-approved average lot width of 57.5' to 53.8'.

Since the proposed Tract "A" and Tract "B" each have more than three side lot lines, they do not comply with Tulsa Subdivision Regulations requiring that residential lots have no more than three side lot lines. Applicant is requesting waiver of this requirement.

It is Staff's opinion that a reduction of lot width, size and rear yard of Tract "A" caused by the creation of the panhandle in order to avoid extending sewer is inconsistent with good planning practices. Staff would therefore recommend **DENIAL** of the waiver and would recommend extension of the sewer to Tract "B" as configured by L-17808

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **LOT-SPLIT** with **WAIVER** of the Subdivision Regulations, subject to all conditions listed above.

Staff Comments

Mr. Jones informed that at the August 22, 1995 Board of Adjustment (BOA) meeting, the BOA approved the variances of the bulk and area requirements dealing with lot width and frontage. He explained that if the Planning Commission approves the lot-split with the extra 5' of dedication, this will lower the lot area below what the Board of Adjustment approved.

Responding to inquiry from Mr. Doherty, Mr. Jones explained that Public Works, as well as Subdivision Regulations, require that each lot have direct access to the sewer line.

Applicant's Comments

Bill Howard informed that the rear property line of both tracts is 20' to the north of all other rear property lines making the main sewer line, if extended to the east, extend into the properties behind the tracts and not the tracts themselves. Mr. Howard informed that Bill Sherry, 2247 East 24th Street, owner of the property behind the subject tract, spoke at the Board of Adjustment meeting informing that the sewer extension to the east would disrupt and permanently scar his property. He informed that Mr. Sherry was supportive of the applicant's proposal, but would be opposed to the extension of the main sewer line to the east. Mr. Howard pointed out that only one lot would be served by the main line extension.

Responding to inquiry from the Planning Commission, Mr. Jones informed that the lots in the existing subdivision meet RS-2 standards, with only a very few lots below RS-2 standards.

Mr. Howard acknowledged that the subject tract is of odd size and configuration compared to the remainder of the subdivision. He noted that the subdivision has developed around the subject tract. Mr. Howard stated that the property has been an eyesore in the neighborhood, and it is his intent to divide the tract and construct two dwellings that will enhance the aesthetic value of the neighborhood.

TMAPC Review

There was discussion over right-of-way dedication and filing of a private easement to connect the sewer.

Mr. Howard informed that the existing public sewer line is approximately 20' south of the rear property line of the subject tracts and at the west line of the westernmost lot. He described the route the sewer would take if it were extended, both as a public and private connection.

Ms. Ballard made a motion for denial. Mr. Horner seconded the motion.

Mr. Doherty determined that the applicant is attempting to avoid massive disruption of trees, etc., and by denying the request, the Planning Commission is forcing him to take the public sewer east. He deemed that the Planning Commission does not fully understand all that is being presented and requested that this item be continued for one week to examine this area in more detail.

Ms. Ballard withdrew her motion.

TMAPC Action; 8 members present:

On MOTION of PACE, the TMAPC voted 8-0-0 (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to CONTINUE LOT-SPLIT FOR WAIVER L-18127 to September 6, 1995.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-267-9** Minor Amendment and Alternate Landscape Compliance
Applicant: Robert Nichols
Location: Lot 1, Block 1, Village South
Date of Hearing: August 23, 1995
Presentation to TMAPC: Robert J. Nichols

Minor Amendment:

The applicant is requesting approval of a Minor Amendment reducing the setback for a portion of the 101st Street frontage from 50' to 3'. The purpose of the request is to allow the extension of the banking facility drive-through canopy.

Staff has reviewed the request and finds the following:

Canopy

1. The approved PUD Site Plan (11/03/82) shows no canopy for this building.
2. The approved Minor Amendment and revised Site Plan (09/25/91) for changes to the south building entry shows the existing canopy; however, no request or approval for the canopy were found.

Signs

1. The original PUD allowed two identification signs per arterial.
2. Sign Plan approval (03/25/87) does not show the sign in the northwest corner of the bank site.
3. Sign Plan approval for a "time and temperature" sign (05/18/88) in the referenced northwest corner required removal of the sign in the east central part of the site. A sign remains in the easterly location.

Staff finds the request not in keeping with the purpose and intent of the PUD and recommends **DENIAL**.

Alternative Compliance:

Should the Commission deny the above Minor Amendment, the landscaping issue is moot and Staff recommends **DENIAL**.

Should the Commission approve the above Minor Amendment, Staff recommends **CONTINUANCE** of the request for alternative compliance for a minimum of two weeks.

Applicant's Comments

Mr. Nichols informed that the applicant is willing to withdraw the application except for the request to move the curb cut 5' farther to the north to allow the additional drive-in lane. He informed that the applicant will submit a detailed alternative landscape plan and condition approval on allowing the curb cut on submission of the plan. Mr. Nichols informed that the time and temperature sign will be removed as part of the additional lane and will come into compliance with the previous requirement. The canopy will not be extended farther than as it presently exists.

Chairman Carnes requested submission of the original site plan, a site plan depicting the existing structure and a site plan of the proposal.

TMAPC Action; 8 members present:

On **MOTION** of **TAYLOR**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Boyle, Midget, Selph "absent") to **CONTINUE PUD 267-9 MINOR AMENDMENT AND ALTERNATIVE LANDSCAPE COMPLIANCE** to September 13, 1995.

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ZONING PUBLIC HEARING:

Application No.: **Z-5110-SP-1** Corridor Site Plan

Applicant: Tony Cisneros

Location: West of the southwest corner of East Skelly Drive & South 129th East Avenue.

Date of Hearing: August 23, 1995

The applicant is requesting Corridor Site Plan approval of office and warehousing uses on the east 329.77' of the parcel (resubdivision of Lot 22 and part of Lots 18-21 of the Plainview Heights Addition). The site plan is abutted on the east and south by large lot residential use, on the west by *CO* District and on the northwest by the frontage road to I-44.

Staff review finds uses and design of the plan as proposed in substantial compliance with corridor zone requirements and compatible with the surrounding area.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. 8' screening fence abutting each adjacent residential lot.
2. Maximum building height of 35'.
3. Warehousing (truck traffic) operations from 7:00 a.m. to 11:00 p.m. only.
4. Security lighting to be directed down into the space to be secured and away from residential areas.

5. Uses restricted to those allowed under Use Units 11 and 23. (Manufacturing and retail sales are not permitted.)
6. Submittal and approval of detail landscape plans by TMAPC prior to issuance of building permits.
7. Submittal and approval of detail sign plans by TMAPC prior to issuance of any sign permits.
8. 10' minimum parking setback from westerly property line.
9. Dedication of an additional 5' of right-of-way on the east side of 123rd East Avenue.

Mr. Doherty advised of contact with the owner of the property who informed that he has no intent of using the property for retail sales.

Interested Parties

Val Synar

12358 East Skelly Drive 74128

Mr. Synar, whose property is north of the subject tract, expressed concerns over low water pressure in the area and was concerned that the proposed development will increase the problem.

TMAPC Action; 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **7-0-1** (Ballard, Carnes, Doherty, Gray, Horner, Pace, Taylor "aye"; no "nays"; Ledford "abstaining"; Boyle, Midget, Selph "absent") to recommend **APPROVAL** of Z-5110SP-1 CORRIDOR SITE PLAN as recommended by Staff.

Application No.: **Z-6140-SP-1** Corridor Site Plan

Applicant: Roy D. Johnsen

Location: Southwest corner of South Memorial Drive and the Creek Turnpike.

Date of Hearing: August 23, 1995

Presentation to TMAPC: Roy Johnsen

The applicant is proposing a shopping center and bank at the southwest corner of the Creek Turnpike and South Memorial Drive. The west side of Memorial in the area has no commercial or other medium intensity uses. Across Memorial from the subject tract is an automobile dealership. The applicant is not proposing to establish a corridor collector street but will provide a mutual access drive between the two proposed development areas and the property to the south. No access to the west is proposed. All access to and from the tract will be directly onto Memorial which is a violation of Section 804 of the Corridor Chapter.

Staff recommends **APPROVAL** of the Corridor Site Plan subject to the following conditions:

1. The building floor areas, landscaped areas and parking are as shown on the site plan and not as stated in the supplemental text submitted with the plan.
2. Use Units 12 and 12a uses not permitted by right, but may be permitted by Minor Amendment to the Corridor Site Plan if found to be in keeping with existing and planned development and sufficient parking is available.
3. No landscaping plan was submitted as required for Corridor Site Plans. Therefore, Staff recommends no building permit be issued on a lot in the Corridor Site Plan until a landscape plan for that lot is approved by the TMAPC.
4. Corridor Site Plan approval be given subject to the granting of a variance to Section 804 by the Board of Adjustment.
5. The rear of all buildings shall have a similar exterior finish to their fronts and exterior finishes of all buildings shall be of a wood siding, masonry or stucco style, excluding smooth concrete block.
6. Signs accessory to the principal uses shall comply with the following requirements:

Ground Signs:

Ground signs shall be limited to one sign along the Memorial street frontage in each of the two development areas, identifying the center and/or tenants therein, not exceeding 25 feet in height nor exceeding a display surface area of 128 square feet each.

Wall or Canopy Signs:

The aggregate display surface area of the wall or canopy signs shall be limited to 1½ square feet per each linear foot of the building wall to which the sign or signs is affixed. Wall or canopy signs shall not exceed the height of the building.

Outdoor Advertising Signs:

Outdoor advertising signs are not permitted.

Interested Parties

Philip Feist for Bob Keathly

2021 South Lewis 74106

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (, Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Selph "absent") to recommend **APPROVAL** of Z-6140-SP-1 Corridor Site Plan as recommended by Staff

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Application No.: **Z-6310-SP-4** Corridor Site Plan / Detail Site Plan

Applicant: David Brown

Location: West of the northwest corner of East 51st Street South & South Pittsburg Avenue.

Date of Hearing: August 23, 1995

The applicant is requesting Corridor Site Plan approval for a restaurant at the above location.

Staff review of the request finds it to be substantially in keeping with the requirements of the Corridor District and PUD-467.

Therefore, Staff recommends **APPROVAL** subject to the following conditions:

1. Processing of change of access request to correspond with proposed access.
2. All portions of the ground sign shall be a minimum of 10' from I-44 right-of-way.

NOTE: *This approval does not constitute landscape or sign plan approval which are subject to the detail review process.*

Interested Parties

Rita Icenogle

5740 South Marion 74135

Ms. Icenogle expressed concern over the number of exits that would be permitted and she wanted to confirm that no drive-through facilities be allowed.

Mr. Stump informed that only one exit would be allowed and he described the accesses to the subject tract. He informed that no drive-through facilities are allowed.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Selph "absent") to recommend **APPROVAL** of Z-6310-SP-4 CORRIDOR SITE PLAN as recommended by Staff.

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Application No.: **Z-6467-SP-1-a** Minor Amendment
Applicant: Holley Phillips
Location: Northeast corner of Mingo Valley Expressway & South Mingo Road.
Date of Hearing: August 23, 1995

The applicant is requesting a temporary waiver of the landscape requirements to March 31, 1996, to allow occupancy prior to installation of landscaping and waiver of notice requirements. The nursery recommends planting in late February through March to ensure better survival. A letter from State Bank and Trust has been received stating that \$5,000 in escrow has been secured dedicated to landscaping needs.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Selph "absent") to recommend **APPROVAL** of Z-6467-SP-1-a **MINOR AMENDMENT TO CORRIDOR SITE PLAN** to allow occupancy prior to installation of required trees, with all trees being installed by March 31, 1995.

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OTHER BUSINESS:

Request to close East 4th Street South between South Delaware and South Evanston Avenues

Staff Comments

The subject request to close 4th Street between Delaware Avenue and Evanston Avenue is consistent with the Tulsa University Master Plan and Comprehensive Plan for the area. This general area is planned for University housing. Fourth Place, which is located one block to the south, is the through-street in the Master Plan designated to provide internal circulation along the full length of the north portion of the campus.

Therefore, Staff finds the proposed closing in conformance to the adopted Comprehensive Plan for the area and supports the closing.

Interested Parties

Captola Thomas
Max Galvin

3016 East 2nd
232 South College

The above-listed individuals were interested in future plans for University of Tulsa expansion in the area.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Horner, Midget, Selph "absent") to recommend **APPROVAL** of the request to close East 4th Street south between South Delaware and South Evanston Avenues as recommended by Staff.

PUD-535: Detail Site Plan - southwest corner of East 39th Street South and South Peoria Avenue

The applicant is requesting Site Plan approval for "Hollywood Video".

Staff has reviewed the proposed plan and finds it in substantial compliance with the requirements of the PUD.

Therefore, Staff recommends **APPROVAL** subject to the following:

1. Screening wall setback of 50' from center line of South Owasso Avenue (currently 49.07').
2. Compliance with TAC requirements of 5' of additional right-of-way on the south side of East 39th Street South and a minimum 10' radius on Peoria entryway curb returns.

TMAPC Action; 6 members present:

On **MOTION** of **TAYLOR**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Horner, Midget, Selph "absent") to **APPROVE** PUD 535 **DETAIL SITE PLAN** as recommended by Staff.

Discuss sending a letter to the Mayor and City Council requesting they provide more staff for inspections and/or code enforcement.

There was discussion among the Planning Commission on citizens' concerns over the inability of the City to adequately enforce the zoning code and ordinances with only one full-time enforcement official.

TMAPC Action; 6 members present:

On **MOTION** of **PACE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Horner, Midget, Selph "absent") to **TRANSMIT** a letter to the Mayor and City Council to urge providing additional resources for zoning code enforcement. personnel

There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date Approved: 9-12-95


Chairman

ATTEST:


Secretary