

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2085

Wednesday, October 2, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle
Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Ledford
Midget, Mayor's Designee
Pace, Secretary
Westervelt

Members Absent

Almy
Gardner
Jones
Stump

Staff Present

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, October 1, 1996 at 9:10 a.m., in the office of the County Clerk at 9:06 a.m., as well as in the Reception Area of the INCOG offices at 9:30 a.m.

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

Minutes:

Approval of the minutes of September 18, 1996, Meeting No. 2083:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of September 18, 1996 Meeting No. 2083.

REPORTS:

Director's Report:

Mr. Gardner reminded the Commission of the County's GIS computer system demonstration to be held following the meeting. Mr. Gardner informed the Commission that there is not a City Council meeting scheduled for this week.

SUBDIVISIONS:

Preliminary Plat:

County Jail Addition (292)

(PD-1)(CD-4)

West side of North Denver Avenue, north of West Archer Street

TAC Comments:

Jones presented the plat with two representatives present.

Both Miller and Pierce stated that additional easements may need to be obtained by separate instrument. Pierce also noted that a perimeter easement along the west side may be required.

French recommended that additional right-of-way be dedicated along West Archer to equal 12' behind the curb. This is to allow a proper transition from four lanes along Archer.

The subject property was approved by the Board of Adjustment at the January 23, 1996 meeting to permit jail use. The applicant is proposing to replat the property into a single lot configuration.

Staff would offer the following comments and/or recommendations:

1. Due to the replat, the applicant is subject to Oklahoma Statutes, Title 11, 42-106.
2. Show bicycle easement on face of plat.
3. Identify existing easements with book/page information.
4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
5. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)

6. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
10. Street names shall be approved by the Department of Public Works and shown on plat.
11. All curve data, including corner radii, shall be shown on final plat as applicable.
12. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
13. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
14. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
15. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Pubic Works (Traffic). Include applicable language in covenants.
16. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
17. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

- 22. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 23. All other Subdivision Regulations shall be met prior to release of final plat.

On the Motion of Miller, the Technical Advisory Committee voted unanimously to recommend Approval of the Preliminary Plat of County Jail Addition, subject to all conditions listed above.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-1** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; Dick "abstained"; Ballard, Pace "absent ") to **APPROVE** the Preliminary Plat of County Jail Addition subject to the conditions as recommended by TAC.

Lot-splits for Ratification of Prior Approval:

<u>L-18337 Byron Burke (2193)</u> 32nd & Jamestown	(PD-6)(CD-4)
<u>L-18341 John & Margaret Gage (3194)</u> 5417 South Mingo	(PD-17)(CD-5)
<u>L-18361 Tulsa Development Authority (2502)</u> East side Owasso Street, North of Woodrow Place	(PD-2)(CD-1)
<u>L-18362 City of Tulsa (583)</u> 7002 South Florence Avenue	(PD-18)(CD-9)
<u>L-18363 Loletta & Roy Ashley (3194)</u> 5607 South 107th	(PD-18)(CD-5)

Staff Comments:

Mr. Jones informed the Commission that these lot-splits for ratification of prior approval are in order and meet Subdivision Regulations. Staff recommends approval.

Interested Parties Comments:

Bernice Alexander, 2124 North Owasso Avenue, stated she is representing the neighborhood association in regards to L-18361. She stated the association opposes the building of a house on this lot due to the sewage problems in this area. Ms. Alexander stated the association has filed a petition with the City in that regard.

Chairman Carnes informed Ms. Alexander that the issues she has mentioned need to be handled at the City level, as the Planning Commission has no authority on these issues.

Mr. Doherty stated that the Planning Commission has no jurisdiction in this matter.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Pace "absent ") to **RATIFY** the Prior Approval Lot-Splits, finding them in accordance with Subdivision Regulations.

CONTINUED ZONING PUBLIC HEARING:

Items PUD-472-2 and PUD-472 were heard simultaneously.

Application No.: PUD-472-2 (PD-18)(CD-9)

(Minor Amendment to increase building height.)

Applicant: Paul Messick

Location: 1330 East 58th Street

Presented to TMAPC: Paul Messick

Staff Recommendation:

The applicant is requesting amendment to the PUD to allow an increase to the height of a portion of a building within the mini-storage facility. The existing standard restricts heights of buildings to 14' when they are more than 30' from the east or south boundaries of the PUD.

The purpose of the request is to allow the construction of a second story on a portion of the mini storage which will be used as manager's quarters. The request is to allow the height to increase to 25' in the indicated area.

Staff has reviewed the request and finds it to be in keeping with the spirit and intent of the original approval. However, a site visit confirms the adjacent homeowner's assertion that the construction of the existing east wall is not in conformance with the standards of the PUD. Staff also notes that the second story is currently under construction as a part of the first-floor storage building.

The wall on the east side of the PUD is required to be finished with materials such as rock, brick or tilt-up concrete panels with a finished side and is to be painted with an earth tone. The maximum height of the wall is to be 10'. A recent site visit indicates that the wall is 12' to 14' feet in height and is constructed of unpainted concrete block.

The eastern portion of this PUD abuts the rearyards of a townhome complex. The shallow depths of these yards, coupled with the height and material of the wall, create a tunnel or cave effect. The existing 6' wood screening fence has remained in place.

Staff has received comment from the adjacent Baystone Condominium Association indicating that the wall as existing is not acceptable. The association maintains that an agreement had been reached whereby the applicant would remove the existing wood screening fence and tie the sideyard fences into the masonry wall. Staff has no additional information on this agreement.

While staff supports approval of the height increase as requested, staff also recommends **CONTINUANCE** until the existing wall has been brought into conformance with the existing standards and the existing site plan approval.

Application No.: PUD-472

(PD-18)(CD-9)

(Revised Site Plan for mini-storage.)

Applicant: Paul Messick

Location: 1330 East 58th Street

Presented to TMAPC: Paul Messick

Staff Recommendation:

The applicant is requesting revised detail site plan to allow an increase to the height of a portion of a building within the mini storage facility. The existing standard restricts heights of buildings to 14' when they are more than 30' from the east or south boundaries of the PUD.

The purpose of the request is to allow the construction of a second story on a portion of the mini storage which will be used as manager's quarters. The request is to allow the height to increase to 25' in the indicated area.

Staff has reviewed the revised site plan and finds it exceeds the maximum building floor area permitted by the original approval, provides no information on building height, nor amount of landscape area provided.

Therefore Staff recommends **DENIAL** of the revised Detail Site Plan.

Staff Comments:

Mr. Stump stated the applicant has not provided any additional information; however, staff received a letter from Baystone Condominium Association setting out conditions on the exterior wall along the property. The wall appears to be in violation and the conditions would make the wall acceptable to the Association. Mr. Stump informed the Commission that staff has not received a reply from the applicant in regards to these conditions.

Mr. Stump stated if the parties are in agreement on the conditions, it would require another minor amendment to be advertised to change the building height of the wall. As far as the original minor amendment which is requesting a second story for a manager quarters, staff does not oppose the increase because it is located away from the residential areas. However, an acceptable facade is required since the building will be visible from the street. The applicant is currently using metal siding. Mr. Stump feels this is not appropriate for the portion of the buildings that are visible from the street.

In regards to the apparent building wall height violation along the boundary of the PUD, Mr. Stump stated there is not a minor amendment before the Commission to change the building height. Mr. Stump stated the applicant might want to address this issue.

Applicant's Comments:

Paul Messick, 6004 South Birmingham Place, stated when the PUD was approved in 1991, there was a request for the east property line to be the east building line. He feels the TMAPC recommended this request to eliminate the space between his building and the east property to prevent unlawful acts in this area. Mr. Messick stated the request was approved to allow the building to be set on the property line.

Mr. Messick stated the wall height on the east property line is ten feet; however, due to the flood zone, the City has required the property be filled. This required a 2'9" foundation wall plus the 10' on top of it. Mr. Messick presented a layout of the wall and the adjacent condos.

Mr. Messick reminded the Commission that the PUD requires him to contain the stormwater runoff within his property and feed it to the north. Due to the elevation requirement because of flooding, Mr. Messick stated it increased the wall height on the other side of the property line. Mr. Messick expressed the need for the 10' wall due to the space needed for the storage of the roll-up type door he plans to use with each storage unit.

Mr. Messick stated in regards to the memo from Mr. Easton, he has planned to plaster the wall and has discussed it with the manager of the condos.

There were no interested parties wishing to speak.

Applicant's Rebuttal:

Mr. Messick stated he talked with the neighborhood and that the neighborhood is in agreement as long as he plasters and paints the wall and fill dirt around some of the foundation wall. Mr. Messick feels the continuance will not accomplish anything.

TMAPC Comments:

Mr. Boyle questioned Mr. Messick if he was in agreement with the conditions as outlined in the memo from Mr. Easton. Mr. Messick replied in the affirmative. Mr. Boyle questioned Mr. Messick as to whether, if these conditions were made a part of the approval, he would have a problem with them. Mr. Messick replied in the negative.

Mr. Doherty stated the original PUD Site Plan required a tilt-up concrete wall and a concrete block wall was constructed. Mr. Doherty questioned Mr. Messick as to how he originally planned to access and plaster the wall. Mr. Messick stated the idea was that plastering was a contingency of the block wall.

Mr. Doherty questioned that Mr. Messick was aware of the requirement to build a tilt-up concrete wall and he built a block wall anyway. Mr. Messick replied he could not get on the property line with the tilt-wall because the tilt-wall had to be in as a part of the foundation. Mr. Messick stated he could only come out of the ground with blocks.

Mr. Doherty stated he looked at the project and was startled by how close the wall was to the condos and the height of the wall. He feels the applicant has not demonstrated good faith. The applicant has started construction of a project that is not in accordance with the PUD and was aware of the PUD conditions.

Mr. Boyle questioned why the height of the wall impacts the application for additional height of building setback from the wall and not the wall itself. Mr. Doherty replied there are two applications. Mr. Boyle replied that both applications have to do with the height of the building.

Mr. Doherty questioned if the project was overbuilt for the floor area. Mr. Stump replied that the problem with the site plan, even if the minor amendments are approved, is that it appears to be overbuilt for the conditions.

Mr. Stump stated that the only amendment before the Commission is to increase the permitted building height for buildings more than 30' from the east or south property lines. The discovery of an apparent violation of the PUD standards on the perimeter wall is just the result of a site check while looking into the other requests and complaints from the neighborhood. This violation would have to be addressed by a subsequent minor amendment if the Planning Commission desires to grant a higher wall.

Mr. Boyle stated that the issue of the wall itself is not before the Commission today other than to the extent that it might impact the decision on the extra height of the building. Mr. Stump agreed. Mr. Boyle questioned whether the Commission could consider the conformance or lack of conformance of the wall when considering the request for a minor amendment and a site plan for a building that is not a part of the wall. Mr. Linker stated that the Commission will have to confine its consideration to what is actually before it today.

Mr. Boyle questioned whether the failure to conform to the PUD standards impacts the decision on the minor amendment. Mr. Linker feels the Commission should make their determination on the request for the amendment on the basis of the facts dealing with the amendment itself.

Chairman Carnes questioned whether these amendments could be continued until the issue on the wall is addressed. Mr. Linker replied that the Commission could continue these amendments.

Mr. Boyle expressed his agreement with staff's recommendation on the minor amendment because the amendment appears to be in accordance. However, the site plan does not appear in accordance. He feels the problem with the site plan is independent of the wall issue.

The TMAPC members than had a lengthy discussion on the merits of continuing this request or acting upon it.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-1-0** (Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; Boyle "nays"; none "abstaining"; Ballard, Pace "absent ") to **CONTINUE** Zoning Public Hearing on PUD-472-2 and the Detail Site Plan for PUD-472 to October 23, 1996.

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ZONING PUBLIC HEARING:

Application No.: Z-6174-SP-2

(PD-18)(CD-8)

(Corridor Site Plan for a parking lot.)

Applicant: John F. Crowley

Location: Northwest corner U.S. 169 & East 81st Street South

Presented to TMAPC: John F. Crowley

Staff Recommendation:

The Corridor Site Plan proposes to use a 2.1-acre tract immediately west of the Mingo Valley Expressway and across 81st Street from Tulsa Community College as a parking lot. The only access to the tract would be a single point on 81st Street. There is no collector street access proposed; therefore, it will require a variance of Section 804 of the Tulsa Zoning Code. The use as proposed appears to be compatible with surrounding zoning (CO). No development of the abutting properties has occurred, but the tract immediately west of this tract was approved for a restaurant. Staff recommends **APPROVAL** of the Corridor Site Plan subject to the following conditions:

1. The applicant specifies an acceptable type and size of tree for the tree locations shown on the plan,
2. A variance of Section 804 is granted by the Board of Adjustment,
3. The property is platted and during this process the location of the access to 81st Street is approved as shown on the plan,

4. No signs of any kind are permitted that can be seen from a public street, and
5. No storage or sale of vehicles is permitted.

Applicant's Comments:

Darrel Hopkins, 6106 South Memorial, stated he is representing the owners of the site. Mr. Hopkins expressed concern over staff recommendation because the site plan he submitted had access to 81st Street. He feels this access should remain in case the property is sold and not remain as a parking lot.

Mr. Hopkins feels there are some problems with accessing through an adjacent property. Mr. Hopkins stated there is an existing restaurant, and to access from the front of the property, one would have to access through the front of the restaurant property.

Mr. Hopkins provided an overall view of the project and stated he has an overall site plan of the area. He stated he is representing various owners in this area.

Mr. Hopkins stated he had concerns in regards to signage, that would also be addressed in the future with a change in usage.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty stated that staff is recommending these conditions for use as a parking lot. Should there be another use in the future, the owner would have to come back before the Commission to amend the Corridor Site Plan, at which time the conditions would be amended to fit the development that is actually there.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-1** (Boyle, Carnes, Dick, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; Doherty "abstaining"; Ballard, Pace "absent ") to recommend **APPROVAL** of the Corridor Site Plan for Z-6174-SP-2 subject to the amended conditions as recommended by staff.

Mr. Jones met with the applicant to discuss the motion by the Commission. Mr. Jones requested the Commission to reconsider to allow time to resolve some of the issues discussed by the applicant.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Dick, Pace "absent ") to **RECONSIDER** the Corridor Site Plan for Z-6174-SP-2.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Dick, Pace "absent ") to **CONTINUE** the Corridor Site Plan for Z-6174-SP-2 to October 9, 1996.

ZONING PUBLIC HEARING:

Application No.: PUD-543-1 (PD-26)(CD-8)
(Minor Amendment to allow servants quarter to be dwelling units.)

Applicant: John W. Moody

Location: West side of Sheridan Road at 105th Street South

Presented to TMAPC: John W. Moody

Staff Recommendation:

The applicant is requesting amendment to the PUD to allow bathrooms and/or kitchens as part of accessory detached garages or servants quarters. The applicant is requesting that a maximum of one additional dwelling per lot be allowed. The structures shall be occupied by family members or by servants.

Staff has reviewed the request and finds it to be in keeping with the character of the PUD. Review has also determined that the maximum number of units generated would be 42 with the maximum number allowed by the underlying RS-2 district being 58.

Staff recommends **APPROVAL**.

Applicant's Comments:

John Moody stated that the request is exactly as presented before and he is not asking for anything different. He feels this is a housekeeping item to ensure there will not be any problems with the servants quarters. Mr. Moody feels this request allows what the Planning Commission and the applicant always represented and approved.

Interested Parties Comments:

Jerry R. Gerovac, 6024 East 104th Street, stated he is an interested party and a homeowner of the adjoining property. He feels this request is a major change to him. Mr. Gerovac reminded the Commission that the neighborhood met with the developer to negotiate the entrance off Sheridan.

Mr. Gerovac feels the neighborhood was led to believe, in meetings with the developer, that the zoning equated with the zoning of the surrounding property. He feels his half-acre lot is allowed to have one family unit on the lot. He believes this request completely changes the original intent of the project.

Mr. Gerovac stated he attended the Homeowners Association board meetings and he feels that the board felt that the inclusion of this property as a highly up-scaled, private street, and highly secured development was clearly not in keeping with the surrounding property. The board felt because the lot sizes equated with the neighborhood lot sizes, then the neighborhood could support the project.

Mr. Gerovac stated he cannot support the request. He feels this request has taken the project to a new level and should be looked into. Mr. Gerovac requested the Commission to keep the zoning equating with the zoning property.

Mike Copeland, 6125 East 106th Place, stated he is a resident of the community that surrounds this project. Mr. Copeland stated that when the Homeowners Association met with Mr. Weinrich. Mr. Weinrich anticipated that there would be apartments above the garages for servants quarters. But now, Mr. Weinrich is proposing separate quarters with no limitations on the number of bedrooms and the size of the dwelling.

Mr. Copeland feels that the differences could be worked out between the neighborhood and the developer. Mr. Copeland suggested this item be continued to allow time to work the differences.

Applicant's Rebuttal:

Mr. Moody stated it was always clearly stated that servants quarters and accessory quarters would be permitted in the text. Mr. Moody feels that not addressing the issue of a kitchen or bath caused the servants quarters to be identified as a dwelling. This issue was addressed during the platting. Mr. Moody stated that staff requested the applicant to file a minor amendment to clarify what was done. Mr. Moody stated that is why he is here today.

Mr. Moody informed the Commission that his client has closing pending. He reminded the Commission that Mr. Weinrich stated there are several buyers who are purchasing two lots. Mr. Moody reminded the Commission what the amendment stated.

Mr. Moody stated if the Commission desires a continuance, he would request only a one-week continuance.

TMAPC Comments:

Mr. Boyle stated that he was the one who originally suggested the two parties work out their differences at the on-set of the project and the parties did so. He feels a continuance at this time is an appropriate event.

Mr. Boyle questioned if there were any limitation on the size of the servants quarters. Mr. Moody replied that there is not a limitation in respect to the size included in the language. Mr. Boyle feels that the language could be refined and settle the issue.

Mr. Doherty questioned if something could be worked out today. Mr. Moody stated he would need to confer with his client.

Mr. Boyle feels the parties should work out a solution and continue it for one week.

Mr. Midget stated he agrees with Mr. Boyle and that the parties should work out an agreement on the size of servants quarters.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Dick, Pace "absent ") to **CONTINUE** the Minor Amendment for PUD-543-1 to October 9, 1996.

OTHER BUSINESS:

PUD-221-E Kevin Coutant

(PD-17)(CD-6)

East of East 41st Street South & South 129th East Avenue
(*Site and Landscape Plans for communication tower.*)

Staff Comments:

The applicant is requesting Landscape Plan approval for the US Cellular Tower site located to the east of the Observation Point Apartments. The applicant requests that:

An unspecified quantity and size of shrubs be planted outside the fence surrounding the tower and small trees be planted along 41st Street and extending south to screen the northeast portion of the installation.

No method of irrigation is specified in the Landscape Plan. Staff has reviewed the request and finds that the proposed plantings are outside the amendment area and the applicant would appear to lack the ability to exercise responsibility for maintenance of the landscaped areas. Review also indicates that the plantings will be on a rock base with limited subsoil necessary for plant growth and survival.

Staff's opinion is that the proposed tree plantings are in compliance with the intent of the code although the screen impact may or may not be effective given the unique nature of the elevation of the site and the proposed use. The long-term viability of the proposed shrub plantings, given the nature of the subsoil and the lack of an indicated irrigation system, raise doubts about the survival of the plant material after planting.

Staff recommends that this plan be **CONTINUED** subject to the following:

Documentation of the quantity and size of shrub plantings around the perimeter fence.

Documentation of the method of irrigation.

Documentation specifying the responsibility for maintenance of shrubs and trees planted outside the fenced area of the tower installation.

Mr. Stump informed the Commission of a timely request by the applicant for a continuance of one week.

Interested Parties Comments:

Don White, 13402 East 40th Place, stated he is in agreement with the continuance.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Dick, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Pace "absent ") to **CONTINUE** the PUD-221-E to October 9, 1996 as requested by the applicant.

PUD-378 Michael Dwyer

(PD-26)(CD-8)

Southwest corner 101st Street & South Memorial Drive
(*Site Plan for an office building.*)

Staff Recommendation:

The applicant is requesting site plan approval for an 8,776 square foot two-story dental and office building.

Staff has reviewed the request and finds the proposed request conforms to parking, landscaped area, setback, access and circulation requirements.

Therefore, staff recommends **APPROVAL**.

NOTE: *Site Plan approval does not constitute Landscape or Sign Plan approval.*

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Dick, Pace "absent ") to **APPROVE** the Site Plan for PUD-378 as recommended by staff.

AC-006 Don Copeland

Southwest corner East Pine Street & North Garnett Road
(Alternative Landscape compliance request.)

CG
(PD-16)(CD-6)

Staff Recommendation:

The Copeland Manufacturing Corporation is proposing to add approximate 7,300 SF to their existing 5,785 SF building at the southwest corner of Garnett and Pine. Since they are more than doubling the size of the existing building, the entire lot is required to comply with the landscape requirements of the zoning code. The applicant is proposing to only landscape the newly-developed portion of the lot and keep the existing portion as is. The required landscaped area and required trees for the entire lot and the landscaped area and number of trees proposed are shown below:

	<u>Required</u>	<u>Proposed</u>
Landscaped Area in Street Yard	3,255 SF	1,332 SF
Number of Trees in Street Yard	15	6

The proposed landscape area and number of trees would comply with the landscape requirements if the newly developed area was on a separate lot than the existing development, but it is all on one lot. Therefore, staff cannot find that the proposed landscaped plan is equivalent to or better than the requirements of landscape chapter and recommends **DENIAL** of the Alternative Compliance request.

Applicant's Comments:

Keith Franklin, 1512 South Denver, stated that Mr. Copeland desires to add 7,300 square feet to an existing 5,400 square foot building to manufacture acrylic windows for airplanes. Mr. Franklin stated that the current site, as seen on the plan on the east side, was developed in 1983 and fully to the property line. There are six (6) existing trees that are located in the street right-of-way that were added after the property was developed.

Mr. Franklin stated the landscape ordinance required that if the proposed building is greater in size than the existing building, then the entire site needs to come into compliance.

Mr. Franklin stated both sites consist of .88 acre and a total streetyard on Pine of .42 acre. The requirement for landscaping is 15 percent in the streetyard. However, due to the existing site being developed fully to the property line, he is limited in landscaping unless concrete is removed to create landscape area on the existing property.

Mr. Franklin informed the Commission that the site had a bar located on the property but the bar has been removed to make room for this proposed addition.

The landscape ordinance would require thirteen (13) trees. However, Mr. Franklin stated he would be able to provide seven (7), which would be one (1) more tree than would be required if the site was developed independently of the other site.

Mr. Franklin stated that he was informed today that there appears to have been a lot-split at some point and approximately 1,000 to 1,500 feet of the proposed building is actually on the lot that the existing building is on.

Mr. Franklin stated he is under the impression that if one builds across a property line, it basically ties the two lots together. Mr. Franklin requested some relief from the landscape requirements. He stated that the owner is making a good-faith effort to provide more landscaping than is required for the development of the proposed site area.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty stated there was some confusion on the number of lots when the application was submitted. Mr. Doherty feels the applicant has several options. One option would be to split the lot along the development line and attach the split portion to the westernmost lot and develop as a separate lot.

Mr. Stump stated if the applicant processed a lot-split that would create two separate lots, the lot-line being the dividing line between the existing and the proposed buildings. The applicant would then only be required to landscape in the lot of the proposed building.

Mr. Doherty questioned if the City would gain anything by processing a lot-split. Mr. Stump replied if the applicant provided the minimum landscape required on the new lot created by the lot-split, the City would not gain anything. By not splitting the lot, the City would gain an additional tree.

Mr. Doherty questioned if building over a lot-line ties the lots together. Mr. Linker replied not in his opinion.

Mr. Doherty feels that the City will benefit as proposed by the applicant. Mr. Doherty feels the Commission should accept the proposal as an Alternative Compliance and encourage Mr. Franklin to resolve the lot-line issue.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Boyle, Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Dick, Pace "absent ") to **APPROVE** Alternative Compliance No. 006 for the southwest corner of Garnett Road and Pine Street.

PUBLIC HEARING TO AMEND TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AND THE TULSA COUNTY ZONING CODE:

Consider amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code reducing multifamily housing densities and increasing setback and screening requirements for various uses.

Staff Comments:

Mr. Stump stated this is an effort to redesign the requirements for multifamily development as far as densities permitted in various multifamily residential districts. It is also an attempt to require additional setbacks in multi-story, multifamily developments and to increase the setbacks from streets and rear yards in the RM-2 districts and increase the setbacks from sideyards from 5' to 10' in RT districts.

Mr. Stump stated this redesign includes an increase in setbacks for office development from a minimum of 10' in agricultural districts to a minimum of 25' and the same additional setbacks if the building heights are over 15 feet, which is an existing requirement. In the commercial district where there was a 10' setback of residential districts, it is proposed to be increased to 25' and building setbacks in CH districts to 25'.

The draft amendments propose that a requirement be established for a screening fence between multifamily and single-family residential-zoned areas and a setback for un-enclosed parking or loading areas from single-family residential areas. There is also a minor change in the screening fences height requirements.

Interested Parties Comments:

Scott Sanditen, 3314 East 51st Street, Suite 200A, commented that he learned about this issue late yesterday. He stated he is "plugged-in" to the community and was surprised that this kind of change is being considered without his knowing about it.

Mr. Sanditen urged the Commission to table the item to allow for additional discussion and consideration. He expressed serious concerns.

Mr. Sanditen requested that he be notified and allowed to be a part of the discussions involving the changes to multifamily residential zoning. Mr. Sanditen his stated involvement would ensure the final changes are pro-active and that will benefit everyone.

Mr. Sanditen stated he is confident that the Commission welcomes input and he does not know why the lines of communication are not better. However, he is willing to work to assist in finding a solution to the communication problems.

Ted Sack, 111 South Elgin, stated he concurs with what Mr. Ledford stated in that he did not understand why the changes to multifamily should affect office or commercial development.

Mr. Sack stated he has received several calls from clients questioning the agenda item. He called to obtain a copy of the changes. Mr. Sack expressed concern about the effect the multifamily changes would have on infill lots. He feels these setbacks would make infill lots useless.

Mr. Sack requested the multifamily issue go back before the committee for additional input and discussion and suggested the Commission take action on the apartments because he feels the apartments are not a problem.

Mr. Sack stated he understands the reason for not considering the issues separately. However, he feels it is unfortunate the way the advertisement read.

Lloyd E. Hobbs, 5846 South Hudson Place, stated he was present two weeks ago to check into the proposed changes. He feels there needs to be a change and feels the proposal by staff is a good start.

Since the last meeting, Mr. Hobbs stated he has visited with several persons in Planning District 18 in regards to the proposed amendments. Most of the individuals he spoke with indicated there needs to be something done about the concentration of housing units in RM districts. Most agreed with the proposed setbacks in regards to one-, two- and three-story buildings, the proposed square footage and the greenspace. Mr. Hobbs stated one individual expressed desire to have a play area for the children. Mr. Hobbs suggested using the greenspace for a play area.

Most indicated that the dumpster should be located within the complex due to the noise. He feels trash compactors should be used more, if located in an appropriate location. One individual indicated that the dumpsters are used as step to access or leave the complex. In other words, Mr. Hobbs feels security is a concern.

One individual stated that two- or three-story facilities should not be allowed in RM-2 or RM-3 districts because they increase the density. Many individual expressed concern for concentration of development caused by multifamily residential uses.

Mr. Hobbs feels notification is a problem, as he indicated two weeks ago. He stated that he addressed the issue of public participation. However, he feels this is a step in the right direction to reduce housing units to avoid the concentration as present now.

Richard Monaghan, 10810 East 45th, Suite 900, stated he is a self-employed, commercial real estate broker with Tulsa Properties. Mr. Monaghan stated there could be better communication and notification.

Mr. Monaghan talked about the effects on the commercial and office district. He feels this is effectively taking property with no compensation. He feels the current density control is very effective in terms of parking ratio requirements, landscaping, open-space requirements and the PUD system. Mr. Monaghan concurs with Mr. Sack in regards to infill lots.

Mr. Monaghan feels the Commission is trying to change something that is not broken. He acknowledged that the apartments might be experiencing some problems but questioned sending the message to the small business developers that the Commission is more interested in the process or setback then perhaps job, employment, sale tax revenue and property tax growth. He feels small business is where this town is growing.

Mr. Monaghan urged the Commission to consider rejecting the parts that effect the change in the commercial and office district.

Lindsay Perkins, 2217 East Skelly Drive, stated he has signed up to speak and wished to do so. Mr. Perkins feels the notification process is inadequate. He questioned how the community could be involved if it is not aware of an issue.

Mr. Perkins stated the notice was not clear, the word "various" could mean anything. He feels the notification process is an ongoing problem.

TMAPC Comments:

Mr. Midget questioned which particular area Mr. Scott Sanditen has concerns with. Mr. Sanditen replied his personal interest is in the area of commercial development and office. Mr. Sanditen feels that requiring a 25' setback behind a commercial or office development without additional consideration could serve no useful purpose.

Mr. Midget questioned if Mr. Scott Sanditen is a member of a professional organization. Mr. Sanditen replied he is the treasurer and past-president of the National Association of Industrial and Office Parks - Tulsa Chapter. Mr. Sanditen stated he is also a licensed real estate broker in Tulsa and an attorney.

Mr. Doherty stated the Commissioners have discussed the difficulty in getting notice out to the community. He feels the current process of notification is not working and asked Mr. Sanditen to work with his colleagues to structure a better notice of procedure. Mr. Sanditen agreed to do so. Mr. Doherty feels the notification process has been a problem in the past and needs to be corrected.

Ms. Gray informed Mr. Sanditen that the Planning Commission has been working on the multifamily issue for four months. The multifamily issue has been advertised in the newspaper and this issue was continued from two weeks ago. Ms. Gray stated the real estate community has been involved in the process and has also been addressed at the Urban Affairs Committee for two months through the Metropolitan Board of Realtors and been to the Builders Association.

Jerry Ledford feels what happens sometimes is that someone reads the notification, and if it does not specifically state "commercial" or "office", then most people feel it does not pertain to them. Mr. Ledford reminded Mr. Sanditen that the individual has to look at how the setbacks affect other uses, including commercial or office.

In this case, Mr. Ledford feels that what is advertised in the paper and what an individual reads in the paper is multifamily. The individual does not take into consideration the effect that multifamily will have on other uses such as OL, OM, OH and other commercial districts.

Mr. Doherty stated that the reason it is not wise to consider the apartments separately is because multifamily has traditionally been used as a buffer between commercial and residential. What the Commission has found, based on information from the Council is that this is not the best practice. The Commission is proposing a radical change in removing multifamily from the development guidelines as a buffer. In doing so, this places commercial next to single-family instead of multifamily.

Chairman Carnes stated it is evident that the Planning Commission will hold a joint meeting and asked the interested parties to submit their concerns in writing to identify a solution to the multifamily issues.

Mr. Midget stated if the multifamily issue goes back to the committee, then the public will be invited to attend. Chairman Carnes replied in the affirmative.

Mr. Boyle stated he is opposed to going back to the committee. He stated he was ready to approve the amendments last time but agreed to continue to give Mr. Westervelt time to study the issue. Mr. Boyle stated he had sympathy for the development community last time because of the problem with the notification process. There has been an editorial in the paper since then and he feels the development community should be ready to discuss the issue today.

Mr. Doherty questioned who Mr. Monaghan feels was not notified. Mr. Monaghan suggested using a data base of the professional organizations or a calling tree. Mr. Doherty stated if Mr. Monaghan would submit a calling tree, it would be an excellent way to notify people. Mr. Monaghan stated this may have been a case of not who the notice was sent to but how the notice was stated.

Chairman Carnes asked that a joint Rules and Regulations and Comprehensive Plan Committee meeting be set for October 9, 1996 and this public hearing be continued until November 6, 1996, that would be acceptable to all those concerned to allow further input and discussion.

Mr. Doherty suggested that a committee meeting be held on October 9 for input, and another on October 23 to review any modifications before going back to the Planning Commission on November 6, 1996. He feels this is a difficult issue and will be hard to achieve a solution.

Mr. Midget feels the bulk and area requirements are not a concern, but there are concerns with the impact these amendments may have on infill development. Mr. Midget feels the Commission needs to refer this issue to the committees. However, Mr. Midget reminded the Commission of the importance of this issue and he feels that the Commission needs to move on it.

Mr. Doherty explained the reason for taking this issue back to the Committees to allow further input and review and then bringing it back for the Commission in November.

Ms. Gray stated that the committee meeting will be a "round-table" type discussion and reminded the interested parties to contact others who may be interested.

Chairman Carnes reminded Mr. Perkins that there is no reason to discuss a past mistake. We should move forward to correct the problem. He requested Mr. Perkins to submit ideas in writing on how to better improve the notification process.

Mr. Boyle stated he does not disagree with the concept of everyone having input, but he made it clear that he is opposed to sending it back to the committee and delaying this proposal. The proposal has been in progress for a long time and open to this public body for the past two weeks. He expressed he would agree to continue, but opposes the proposal going back for the committee because the committee has already done their work.

Mr. Boyle stated he is not opposed to input; however, he is opposed to the concept that this Commission is somehow against input and that is not the fact.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **7-1-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Westervelt "aye"; Boyle "nay"; none "abstaining"; Ballard, Dick, Pace "absent ") to **CONTINUE** the Public Hearing to Amend Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code) and the Tulsa County Zoning Code to November 6, 1996.

There being no further business, the Chairman declared the meeting adjourned at 3:18 p.m.

Date Approved: 10/16/96

[Signature] Chairman*

ATTEST: *Francis Pace*
Secretary