

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2088

Wednesday, October 23, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

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

Members Absent

Ballard
Carnes

Staff Present

Almy
Gardner
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, October 21, 1996 at 12:56 p.m., in the office of the County Clerk at 12:51 p.m., as well as in the Reception Area of the INCOG offices at 12:45 p.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:34 p.m.

Minutes:

Approval of the minutes of October 9, 1996, Meeting No. 2086:

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of October 9, 1996 Meeting No. 2086.

REPORTS:

Committee Reports:

Comprehensive Plan Committee

Mr. Ledford informed the Commission that there will be a combined meeting of the Comprehensive Plan Committee and the Rules and Regulations Committee to discuss multifamily, office and commercial development standards today following the TMAPC meeting.

Community Participation Committee

Ms. Gray informed the Commission that there will be a special meeting scheduled for Thursday, October 24, 1996 at 12:00 noon at INCOG.

Director's Report:

Mr. Gardner stated the applicant for item 7 on today's agenda had previously requested a continuance; however, the applicant and interested parties are present and request the item to be heard today.

Mr. Gardner informed the Commission that there are Resolutions on housekeeping amendments and two subdivision plats on the City Council agenda scheduled for October 24, 1996. Jay Stump and Baker Horner will be in attendance.

Mr. Gardner stated that staff has received a letter from the sign industry requesting a continuance of item 19 on today's agenda in regard to outdoor advertising signs.

SUBDIVISIONS:

Lot Split for Ratification of Prior Approval:

<u>L-18369 Russell Masters</u> (1624) 15907 North 137th East Avenue	(PD-14) County
<u>L-18369 City of Tulsa</u> (2502) 564 East Seminole Street	(PD-2) (CD-1)

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.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Midget "absent ") to **RATIFY** the Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

* * * * *

Final Plat Approval:

Jenks Grade Center (PUD 306-C) (2083) (PD-26) (CD-2)
East of the northeast corner of East 101st Street & South Delaware Avenue

Staff Comments:

Mr. Jones presented the final plat. He reminded the Commission of the controversy at the preliminary plat hearing in regards to South Harvard Place. Mr. Jones stated all release letters have been received and everything is in order. However, Mr. Jones pointed out that South Harvard Place has been renamed to South Gary Place.

Mr. Jones stated staff recommends approval of the final plat subject to Legal's approval of final wording of the deed of dedication.

TMAPC Comments:

Mr. Doherty questioned when changing the name of a street if it affects the designation of the street. Mr. Jones replied that the street, regardless of the name, is designated on the Major Street & Highway Plan as a collector.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE** TMAPC voted **9-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes "absent ") to **APPROVE** the Final Plat for Jenks Grade Center as recommended by staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6557

RS-2 to CS

Applicant: Phil Frazier

Location: 8181 East 31st Street

Presented to TMAPC: Phil Frazier

Mr. Boyle asked whether anyone will be aggrieved by hearing the case today instead of approving the continuance as requested. Mr. Frazier stated he had requested a continuance, but has now withdrawn the request as a courtesy to the protestants and interested parties.

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS is **not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 5.47 acres in size and located north and east of the northeast corner of East 31st Street South and South Memorial Drive. It is gently sloping, and non-wooded; the northwest corner of the property is presently being used illegally for parking and storage for the automobile dealership to the north and is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by an automobile sales business and the Carpenter's Union building, zoned CS; to the northeast by a church, zoned OM; to the east by single-family dwellings, zoned RS-2; to the south by a storm water drainage canal and beyond that a church, zoned RS-2; and to the west by an automobile sales business, zoned CS.

Zoning and BOA Historical Summary: Commercial zoning has extended from the intersection of East 31st Street South and South Memorial Drive along the south side of Skelly Bypass for many years. The northwest corner of that intersection was the most recent zoning action in this area which approved CS zoning on three corners. The subject tract and the tract abutting the subject tract on the north have been granted special exceptions for church use.

Conclusion: The applicant is proposing to attach the subject tract to the property on the north as an extension of the automobile sales and storage. The only access to the subject tract would be through the adjoining commercial property. The Comprehensive Plan does not support commercial zoning beyond the existing CS zoning on the south side of the freeway service road. The CS zoning would have an adverse affect on the adjoining residential property to the east unless the commercial uses are adequately buffered; therefore, staff recommends **APPROVAL** of CS zoning on the subject property, less and except the east 80 feet.

Mr. Gardner stated the first time this request was heard, staff had recommended denial for the entire piece of property. However, upon discussion with the interested parties and the applicant, staff recommends CS zoning less and except an 80-foot buffer on the east boundary, zoned residential. If approved, staff would require a legal description of the east 80-foot buffer.

Applicant's Comments:

Phil Frazier stated he represents Riverside Nissan. He stated the property in question is owned entirely by the Presbyterian Church. He stated his client has proposed to purchase the north half of the property, which is separated from the south half by a drainage ditch. He feels the drainage ditch renders the north half of the property inaccessible to anyone except Riverside Chevrolet or Swinson Chevrolet.

Mr. Frazier stated the property is just over four acres in size. He stated he does not oppose staff's recommendation as to a buffer. However, he feels a 40-foot buffer would be more appropriate. He stated with the property being only four acres, an 80-foot buffer would result in a loss of use of 25 percent of the property. He stated the buffer would be used as a greenbelt with shrubbery and maintained appropriately.

Mr. Frazier stated a portion of the property is currently being used as a parking lot through a lease agreement with the church. He stated his client intends to install directional lighting back toward the use area of the property, which he feels will not affect the adjacent residential area.

Mr. Frazier feels a parking lot is a good use for the property and the only use due to the drainage ditch and the property being land-locked. He requested a 40-foot buffer.

Interested Parties Comments:

Kevin Coutant, 3205 South Boston, Suite 500, stated he is representing Colleen White who is one of the neighbors in the residential neighborhood behind the proposed zoning.

Mr. Coutant indicated the darker area on the map is where the automobile uses are currently being conducted. This is a medium-intensity, no specific use area under the Comprehensive Plan for District 17. He pointed out the use, automobile sales lot, is not a use that is, by right, in accordance with the Comprehensive Plan.

Mr. Coutant feels the property in question is a development-sensitive, low-intensity, no specific land use area under the Comprehensive Plan. He provided a zoning history of the land in this area. He stated that CS does not provide automobile-related uses. He pointed out other uses that would be permitted under CS zoning.

Mr. Coutant described the process in applying for this type of use. He presented a Use Unit-Summary Zoning District to indicate that automotive-related uses are not permitted in CS zoning areas. He feels this request for change in zoning a significant change in the zoning.

Mr. Coutant stated his client does not agree with the compromised 80-foot buffer and asked the Commission to deny the request.

Colleen White, 2916 South 86th East Avenue, stated she has several concerns with the proposed zoning. She expressed her major concern is with pollution in the area. There are gas fumes and oil already in the area. If allowed, this pollution will be pushed farther toward the neighborhood. She stated she has not had an air quality study done at this time.

Noise is another concern of Ms. White's. She feels this will be a major problem in the future when the expansion is completed. She expressed what little wildlife remains in the area will be destroyed. She stated there is also a safety concern for children and people in the area due to increased traffic.

Ms. White presented a petition from 86 neighbors opposing the request. However, if approved, she expressed concerns with the screening fence, landscaping and stormwater runoff and requested the Commission to impose conditions in these regards.

Ms. White asked the Commission to deny the request for the sake of the neighborhood.

Jim Casey, 10023 East 40th Street, stated he is a member of the church and on the Board of Trustees. He stated the land itself is of no value to anyone as it is being used now. He feels by selling the property and having it placed on the City tax role it would be a benefit for the City.

Mr. Casey stated that the property is currently zoned residentially; however, the church does not have access due to the 80-foot drainage channel that splits the church lot. He stated that Riverside Nissan approached the church about purchasing the property instead of leasing. He feels this would be a good use for the property and finds no problems with the expansion of the parking lot to the drainage channel.

Melvin Thurber, 2840 South 86th East Avenue, stated he is the property owner closest to the property in question. He objected to the parking lot being located too close to his residence. He expressed concerns with the stormwater runoff and standing water in the area.

Applicant's Rebuttal:

Phil Frazier stated he agrees with Mr. Coutant in that the Comprehensive Plan did not anticipate such a use or event on this property. However, the Comprehensive Plan did not take into consideration this property being land-locked or the drainage channel dissecting the church's property. He feels the Comprehensive Plan is best served when changes are taken into consideration.

In regard to safety, water problems and pollution, he feels that with the approval of zoning the 40-foot buffer and fencing will divert the stormwater to the channel. He feels the buffer zone will be an area of beautification rather than weeds and gravel as it is now. He stated the greenbelt area will be maintained.

Mr. Frazier feels the concerns expressed by interested parties will best be served or by granting the zoning.

TMAPC Comments:

Mr. Boyle questioned the reason for changing from an 80-foot buffer to a 40-foot as agreement to in a letter dated September 30, 1996. Mr. Frazier stated that upon further research, the 80-foot buffer would represent 25 percent of the entire tract. Mr. Frazier stated that he could work with the 80-foot buffer. However, the purchase of this property is subject to the zoning, and deletion of the use of 80-feet of the property could result in not meeting Riverside Nissan's requirements. A 40-foot easement would be more accommodating to Riverside's needs and facilitate the purchase of the property.

Mr. Boyle asked Mr. Frazier to comment on how a 40-foot or 80-foot buffer would affect the property use and be in accordance with the Comprehensive Plan. Mr. Frazier replied that the amount of buffer does not make it in accordance with the Comprehensive Plan and he feels there will have to be an special exception requested in either case.

Ms. Pace asked if any consideration was given to this property being developed as a PUD and involving cooperation with the neighborhood and landscaping plans provided. Mr. Gardner replied that there was not any talk in regards to a PUD.

Ms. Pace asked if the property was developed as a PUD, with assurance of a true buffer, would it make the request more attractive to the residents. Mr. Gardner replied that a PUD would allow TMAPC to review and consider the plans. Without a PUD, the Board of Adjustment could impose conditions.

Mr. Midget asked whether the 80-foot buffer would void the contract to purchase the property. Mr. Frazier replied that would depend on the negotiations. Mr. Frazier feels the 80-foot buffer would affect the price of the property.

Mr. Doherty stated that Riverside Nissan is currently occupying a portion of this land and he asked if Riverside is using the land legally. Mr. Frazier replied in the negative. Mr. Frazier informed the Commission that if the zoning is denied, Riverside Nissan intends to be off the property by October 31, 1996.

Ms. Pace asked if there was any compensation by the City when the church's property was split by the drainage channel. Mr. Casey indicated the Church was compensated.

Mr. Boyle asked if zoning the entire property is not in accordance with the Comprehensive Plan, then how is approval of all but the east 80 feet in accordance with the plan. Mr. Gardner stated changing conditions have to be taken into consideration. When the Comprehensive Plan was developed, the property in question was a part of the church property with access, and now it is not. Mr. Gardner feels changing physical conditions allow zoning and changes in the plans.

Mr. Boyle asked why the entire property should not be rezoned if deviating from the Comprehensive Plan. Mr. Gardner replied that consideration has to be given to the residences on the east. The property is undeveloped and vacant. There is not any height limitation on light standards. Mr. Gardner feels there needs to be a balance of interests for all those concerned.

Mr. Doherty expressed concerns with the stormwater drainage. He asked if there is a requirement to improve the drainage situation. Mr. Linker replied the applicant is not required to improve the drainage situation; however, the applicant is required not to make the drainage situation worse. Mr. Doherty feels that straight zoning could be detrimental to the neighborhood.

Ms. Pace questioned whether there is a requirement for stormwater management if the lot is hard surface. Mr. Linker replied in the affirmative.

Ms. Gray feels the neighborhood has already been through enough in previous years with flooding problems. With recent improvements to stormwater management, the neighborhood is improving their property values. The church has already benefited from the drainage channel. She feels the approval of CS could affect the property value of the neighborhood and in turn affect the tax base for the City. She feels the 80-foot buffer and the need for greenspace is appropriate.

Mr. Midget feels the 80-foot buffer is appropriate and expressed concerns with flooding. He pointed out this is a classic infill problem for future use under CS zoning, and he suggested conditions or limiting future uses to ensure the protection of the neighborhood.

Mr. Boyle stated the 80-foot buffer is a decent compromise and protects, as much as possible, the interest of all parties involved while allowing the development of the property. However, he does not agree with the 40-foot buffer as requested by the applicant.

Mr. Midget questioned if conditions could be placed on the development when applying for a special exception. Mr. Gardner replied that BOA has jurisdiction as stated in the code. The BOA cannot allow commercial use in the 80-foot buffer zoned residentially. Only through a PUD might the zoning line be breached and in turn allow other standards. The BOA has the authority to move the fence and impose greater restrictions in regard to use, lights heights and signage.

Ms. Pace questioned if the applicant will have to install an eight-foot fence and meet the lighting requirements. this zoning request is approved. Mr. Gardner replied a six-foot fence will have to be installed on the zoning line, which would be between the 80-foot buffer and the CS zoning, not located next to the single-family. The BOA could permit the fence to be relocated adjacent to the single-family property.

Ms. Pace expressed she would like to see a true separation of the land uses.

Mr. Midget asked whether the BOA could impose a restriction on the intended use as proposed by the applicant. Mr. Doherty replied the BOA could restrict the use to that proposed by the applicant; however, once the use is removed, any uses that are permitted by right under CS zoning will be allowed on the property.

Mr. Gardner reminded the Commission that this property has no frontage and the only access is through the automobile agency.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-1-0** (Boyle, Dick, Doherty, Horner, Ledford, Midget, Pace, Westervelt "aye"; Gray "nay"; none "abstaining"; Ballard, Carnes "absent ") to recommend **APPROVAL** of the CS zoning for Z-6557 less and except the eastern 80 feet.

Legal Description for Z-6557:

A tract of land being part of Lot 8, Block 1, Groveland Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract being more particularly described as follows, to- wit: Beginning at the Northeast corner of Lot 8, thence S 48°34'30" W along the Northerly line of Lot 8 a distance of 528.67' to the Northwesterly corner of Lot 8; thence S 00°35'30" E along the West line of Lot 8 a distance of 351.82' to a point; thence Northeasterly to a point on the East line of Lot 8, said point being N 00°35'30" W a distance of 505' from the Southeast corner of Lot 8; thence N 00°35'30" W along the East line of Lot 8 a distance of 572.19' to the Northeast corner of Lot 8 and the Point of Beginning, less and except the East 80 feet thereof and located East of the Northeast corner of East 31st Street South and South Memorial Drive, Tulsa, Oklahoma.

Application No.: Z-6561

RS-3 to CG

Applicant: Roy Johnsen

(PD-25)(CD-1)

Location: West of northwest corner 36th Street North & North Cincinnati

Presented to TMAPC: Roy Johnsen

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Residential.

According to the Zoning Matrix the requested CG is not in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 2.65 acres in size and located west of the northwest corner of East 36th Street North and North Cincinnati Avenue. It has steep slopes, wooded, vacant and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north and west by vacant property, zoned RS-3; to the south by vacant land, zoned AG; and to the east by a medical clinic, zoned CG.

Zoning and BOA Historical Summary: There have been no recent zoning actions in this area.

Conclusion: The subject property is designated by the Comprehensive Plan as Low Intensity-Residential and lies within a Corridor district. The requested CG zoning is not in accordance with the District 25 Plan. Due, however, to the Osage Expressway interchange at 36th Street North and the CG-zoned area immediately east of the tract at the intersection of Cincinnati and 36th Street, staff can support commercial zoning on this tract. Due to its location at an exit and entrance to an expressway, CS zoning would be most appropriate because it would limit the number of lots needing curb cuts in the area with the potential for a high number of turning movements. Therefore, staff recommends **DENIAL** of the requested CG zoning and **APPROVAL** of CS for Z-6561.

Applicant's Comments:

Mr. Johnsen stated he is in agreement with staff recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Midget asked whether this is a portion of the land that was donated by TDA. Mr. Johnsen replied in the affirmative.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes "absent ") to recommend **DENIAL** of CG zoning and **APPROVAL** of CS zoning for Z-6561 as recommended by staff.

Legal Description for Z-6561:

A tract of land that is part of the SE/4 of Section 14, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the Southeast corner of said Section 14; thence S 88°34'28" W along the Southerly line of Section 14 for 500.00'; thence N 01°10'27" W and parallel with the Easterly line of Section 14 for 50.00' to the Point of Beginning of said tract of land; thence S 88°34'28" W and parallel with the Southerly line of Section 14 for 325.00'; thence N 01°10'27" W and parallel with the Easterly line of Section 14 for 225.00'; thence N 88°34'28" E and parallel with the Southerly line of Section 14 for 60.00'; thence N 01°10'27" W and parallel with the Easterly line of Section 14 for 160.00'; thence N 88°34'28;"E and parallel with the Southerly line of Section 14 for 265.00'; thence S 01°10'27 E" and parallel with the Easterly line of Section 14 for 385.00' to the Point of Beginning of said tract of land and, A tract of land that is part of the SE/4 of Section 14, T-20-N, R-12-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being more particularly described as follows, to-wit: Starting at the Southeast corner of said Section 14; thence S 88°34'28" W along the Southerly line of Section 14 for 500.00'; thence N

01°10'27" W and parallel with the Easterly line of Section 14 for 50.00' to the Point of Beginning of said tract of land; thence continuing N 01°10'27" W and parallel with the Easterly line of Section 14 for 500.00'; thence N 88°34'28" E for 85.00'; thence S 01°10'27" E and parallel with the Easterly line of Section 14 for 490.97' to a point on the Northerly right-of-way line of East 36th Street North; thence S 77°17'21" W along said right-of-way line for 46.15'; thence S 88°34'28" W and parallel with the Southerly line of Section 14 for 39.78' to the Point of Beginning of said tract of land, and located west of the northwest corner of East 36th Street North and North Cincinnati Avenue, Tulsa, Oklahoma.

Application No.: Z-6174-SP-2

Applicant: John F. Crowley (PD-18)(CD-8)

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

Presented to TMAPC: William B. Jones

(Corridor Site Plan for a parking lot.)

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. Short-term (10 days or less) off-street parking for individuals (Use Unit 10) and an accessory shuttle bus operation for the sole use of the individuals parking on the lot is the only permitted use. No Use Unit 17 uses are permitted (i.e. vehicles sales, auto or truck rental, car or truck washes). Also no storage of vehicles is permitted (i.e. trucks, autos, boats, travel trailers or recreational vehicles).

Applicant's Comments:

William B. Jones, 3800 First National Tower, stated he is the attorney for the applicant, WSR Land Company. He commented, in regard to condition 4, that the applicant will come back before the Commission with a sign plan and that this condition does not bar the applicant from doing so.

Mr. Jones pointed out that condition 5 specifically addresses "No Use Unit 17" and stated that the applicant has only applied for Use Unit 10. Mr. Jones stated this clarifies the uses permitted; however, he feels the first sentence is sufficient.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty stated that a sign plan would require a major amendment. Mr. Stump stated if it is an accessory use to the parking, it would only be a minor amendment. However, the applicant has not proposed a sign at this time; therefore, the Commission cannot approve the sign. Outdoor advertising signs is a completely separate use and would require a new Corridor Site Plan.

Mr. Doherty questioned who is to use the parking lot. Mr. Stump replied it is principal use parking, so any one is allowed to park at this location. Mr. Jones stated that parking is for shuttle parking to the airport.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes "absent ") to recommend **APPROVAL** of the Corridor Site Plan for Z-6174-SP-2 subject to the conditions as recommended by staff.

Legal Description for Z-6174-SP-2:

A tract of land in the E/2, SW/4, Section 7, T-18-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof being more particularly described as follows to-wit: beginning at the southeast corner of the E/2, SW/4 of said Section 7, thence N 0°10'02" E, along the East line of said E/2, SW/4, a distance of 534.0'; thence N 89°35'17" W", parallel to the South line of said E/2, SW/4, a distance of 322.58'; thence S 0°06'35" E, a distance of 534.02' to a point on the South line of said E/2, SW/4, thence S 89°35'17" E, along the South line of said E/2, SW/4, a distance of 320.00' to the point of beginning, less the South 24.75' for roadway purposes, less and except a strip, tract or parcel of land lying in and being a part of the E/2, SW/4, Section 7, T-18-N, R-14-E, Tulsa County, Oklahoma, and more particularly described as follows: beginning at the southeast corner of said E/2, SW/4; thence Northwesterly along the East line of said E/2,

SW/4 a distance of 534.00'; thence Southwesterly on a line parallel to the South line of said E/2, SW/4 a distance of 104.05'; thence S 19°37'54" W a distance of 30.34'; thence S 02°16'48" E a distance of 400.00', thence S 83°06'34" W a distance of 213.65', thence Southerly a distance of 83.50' to a point on the South line of said E/2, SW/4; thence Easterly along said South line a distance of 320.00' to the point of beginning, and located on the northwest corner of U. S. Highway 169 and East 81st Street South, Tulsa, Oklahoma.

Items PUD-472-2 and PUD-472-3 were heard simultaneously.

Application No.: PUD-472-2

Applicant: Paul Messick

(PD-18)(CD-9)

Location: 1330 East 58th Street

Presented to TMAPC: Paul Messick

(Minor Amendment to increase building height for interior buildings.)

Staff Recommendation:

The applicant is requesting amendment to the PUD to allow an increase in 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 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 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 in an earth tone. The approved wall from the site plan is to be tilt-up concrete, painted in 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, is constructed of unpainted concrete block and the front wall which was to be painted brown, gray and beige has two orange horizontal stripes on it.

The eastern portion of this PUD abuts the rearyards of a townhome complex. The shallow depth of these yards, coupled with the height and material of the wall, creates 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 walls have been brought into conformance with the existing standards and the existing site plan approval.

ZONING PUBLIC HEARING:

Application No.: PUD-472-3

Applicant: Paul Messick

(PD-18)(CD-9)

Location: 1330 East 58th Street

Presented to TMAPC: Paul Messick

(Minor Amendment to increase height of perimeter walls.)

Staff Recommendation:

The applicant is requesting amendment to the PUD to allow an increase in the height of a portion of a building within the mini-storage facility. The existing standard restricts heights of buildings to 10' when they are within 30' of the east or south boundaries of the PUD. The applicant requests that the restriction be amended, allowing building heights of up to 14' within the 30' setback from the east and south boundaries.

Staff has reviewed the application and finds that one of the reasons for the request is to create a mechanism under which the wall that has been constructed along the east boundary might be approved. Although the current standard allows a 10' maximum height along this boundary line, the applicant has constructed a wall which exceeds 13' in height. This wall is at the rear property line of the Baystone Condominiums which are immediately to the east of the project.

Staff has visited the site and finds that the wall as constructed is not in keeping with the spirit and intent of the PUD, significantly impacting the rear exposure of the residential units and creating a tunnel or cave effect. It should be noted that the original staff recommendation placed the 10' high wall at 10' off the property line; the wall was approved at the property line at the applicant's request.

The applicant cites roll-up doors and grading to accommodate drainage as two of the reasons for the increased height. Staff is of the opinion that other design options have not yet been explored and that the impacts of the wall are not in keeping with the intended character of the PUD.

Staff recommends **DENIAL** of the request to increase the building height to 14' in the 30' area along the east and south boundary.

Staff Comments:

Mr. Gardner informed the Commission they were provided the letters from Thomas Easton, a representative for the Baystone Townhome Condominium Association located to the east of the subject property.

Applicant's Comments:

Paul Messick, 6004 South Birmingham Place, presented the overall site plan. He indicated the location of the townhomes and the mini-storage facility. He stated he has talked with the owners and representatives of the townhomes. He feels the townhome owners are in agreement with the development.

Mr. Messick feels the height of the wall is not a problem, but the problem is whether the wall is attractive or objectionable by the residents. He stated the wall will provide shade for the residents. He feels he has met all the requirements of the residents in regard to the finish of the wall and drainage. He stated he has provided drainage by contouring the land at the bottom of the wall with dirt and will pour concrete in this area when weather permits.

Mr. Messick feels the requests should be approved due to meeting the requirements of the residents.

Interested Parties Comments:

Lloyd E. Hobbs, 5846 South Hudson Place, reviewed the request. He expressed concerns with the height and type of building material allowed for the wall. He feels the entire project is wrong. The RM zoning was in place and the applicant was issued a building permit. The applicant contacted Stormwater and met the requirements of Stormwater. He questioned what went wrong with this project.

Mr. Hobbs feels the project was developed with the "cart before the horse." He asked how these types of errors will be prevented in the future. He asked whether the townhome owners really understand what has happened.

Mr. Hobbs asked how, in the future, interested parties would be able understand the zoning process.

Applicant's Rebuttal:

Mr. Messick stated that there were three conditions imposed on the project. First, the project was permitted to be built on the property line. All stormwater was required to be retained on his own property. Lastly, Stormwater Management required him to meet a elevation of 633.1' which is one foot higher than the 100-year flood. He feels the elevation requirement is what caused the higher height of the wall.

TMAPC Comments:

Mr. Boyle, Ms. Pace and Mr. Doherty informed the Commission that they have had ex parte conversation in regard to these items; however, it will not affect their deliberations.

Ms. Pace asked whether the Commission has approved and passed a mini-storage provision that would allow a more user-friendly or neighborhood-friendly type of design with different bulk and area and setbacks. Mr. Stump replied in the affirmative. Ms. Pace asked whether this project would fit into this category. Mr. Stump replied this project is much larger than allowed under the new guidelines.

Commissioner Dick asked whether the wall has already been plastered and painted, and if so, when was it completed. Mr. Messick replied the plaster and paint was completed approximately two weeks ago.

Mr. Doherty asked whether Mr. Messick has seen the latest letters from Mr. Easton dated October 21 and 23. Mr. Messick replied in the negative. Mr. Doherty pointed out the letters are somewhat different in tone and substantially different in detail from the October 4 letter that Mr. Messick presented. Mr. Messick replied this is not unusual in this circumstance.

Mr. Boyle asked whether the adjoining townhome walls have been tied to the concrete wall of the mini-storage. Mr. Messick replied the tie-in has not been done at this time.

Ms. Pace asked whether Mr. Messick has considered planting trees in the area of the proposed concrete to provide a visible barrier between the mini-storage and the townhomes. Mr. Messick replied there is no room except for the townhomes' backyards.

Mr. Doherty stated he voted for the PUD with the rationale that the building wall of a mini-storage is no different from to a screening fence. He feels he made a mistake by not visiting the site before voting and understands the proximity that the wall will have to the residents. In regard to preventing this type of development in the future, Mr. Doherty feels the Planning Commission has learned a valuable lesson.

Mr. Doherty read and summarized the most recent letter from the Baystone Townhome Condominium Association. He asked whether Mr. Messick would have any problems with this conditions. Mr. Messick replied he was aware of these conditions and is working to meet them.

Mr. Midget asked whether the Condominium Association has a problem with the height of the wall. Mr. Doherty replied he gathers from the tone of the letter from the Association the owners are more or less reconciled to the height as it is.

Ms. Pace asked for clarification on staff's recommendations. Mr. Stump replied that the only change in the recommendations would be to approve the Minor Amendment to increase the building height for interior buildings on PUD-472-2, item no. 10.

Mr. Westervelt reminded the Commission that the Stormwater Advisory Board denied the application due to drainage problems. He hoped that a member of Stormwater would be presented today to address the drainage issues.

Mr. Westervelt expressed concern in regard to infill or concrete along the base of the footing. He understood there was a drainage ditch in this area that conveys the water. He feels that sod or concrete will hamper the drainage in the area.

Mr. Westervelt feels a motion to bring the wall back into compliance with the original PUD would be appropriate because he feels this project will be a habitual problem and suspects there will be more discussion on this project in the future.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Dick, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes "absent ") to **APPROVE** Minor Amendment PUD-472-2 to increase building height to 25' for interior buildings.

TMAPC Action; 9 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **6-2-1** (Boyle, Doherty, Gray, Ledford, Midget, Pace, "aye"; Dick, Westervelt "nays"; Horner "abstaining"; Ballard, Carnes "absent ") to **APPROVE** Minor Amendment PUD-472-3 to increase the height of perimeter walls to 14' subject to plastering and painting of the wall, tying each condo patio divider wall to the large wall, connecting the wood fence in front and rear to the wall and preparing the rear footing area to drain and look neat, cleaning of the footings and prepare a watershed channel to the rear of the site and sodding of the area to make the new environment created all subject to the approval of Stormwater Management and prior to occupancy.

Application No.: Z-6566
Applicant: Warren G. Morris
Location: 427-429 South Sheridan Road
Presented to TMAPC:

OL/RS-3 to OL
(PD-5)(CD-3)

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity Linear Development Area.

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

Staff Comments: Site Analysis: The subject property is located north of the northeast corner of East 4th Place South and South Sheridan Road, the subject property includes three lots, each approximately 50' x 125'. It is flat, non-wooded, two lots contain single-family dwellings and one lot is vacant. The lots are zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north and east by single-family dwellings, zoned RS-3; to the west and across South Sheridan Road by a restaurant and single-family dwellings, zoned CS and OL; and to the south by an automobile repair shop and convenience store, zoned CS.

Zoning and BOA Historical Summary: The tract located between the subject lots was zoned OL in 1980.

Conclusion: The subject property is within the Medium Intensity Linear Development area of Planning District 5 which encourages compatibility with existing zoning and uses. The requested OL zoning would accomplish an orderly development pattern on the east side of Sheridan Road. Therefore, staff recommends **APPROVAL** of OL zoning for Z-6566.

Applicant's Comments:

Warren Morris stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to recommend **APPROVAL** of OL zoning for Z-6566 as recommended by staff.

Legal Description for Z-6566:

Lots 19, 20, and 22, Block G, Crest View Estates, Tulsa County, Oklahoma, and located north of the northeast corner of East 4th Place South and South Sheridan Road, Tulsa, Oklahoma.

Application No.: Z-6567

RS-2 to RM-2

Applicant: Wayne Alberty

(PD-18)(CD-9)

Location: South of southeast corner East 64th Street & South Peoria

Presented to TMAPC: Wayne Alberty

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity - Residential.

According to the Zoning Matrix the requested RM-2 zoning is in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is located south of the southeast corner of East 64th Street South and South Peoria Avenue and is approximately 1.7 acres in size. It is flat, wooded, contains a vacant single-family dwelling and accessory storage building, and zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north by vacant property, zoned RM-2; to the east by vacant land, zoned RM-1; to the south by a vacant lot, zoned RS-2; and to the west by a vacant single-family dwelling, zoned CS and to the west across South Peoria.

Zoning and BOA Historical Summary: Approval was granted in 1981 for the CS zoning to a depth of 250' east from South Peoria Avenue with the balance remaining RM-2 on the property abutting the subject tract to the north.

Conclusion: Although the Comprehensive Plan supports medium intensity residential zoning which would include the requested RM-2 zoning, it is staff's opinion that RM-1 would be an extension of the RM-1 zoning to the east and provide a lower density buffer for the RS-2 zoning to the south. Therefore, staff recommends **DENIAL** of RM-2 and recommends **APPROVAL** of RM-1 for Z-6567.

Applicant's Comments:

Wayne Alberty, 201 West 5th, Suite 570, stated he is representing Frank Long who is the property owner. He stated this property is not land-locked due to Mr. Long owning a "handle" of the CS property to the west of the subject property. However, Mr. Long desires to have the "handle" remain as CS-zoned property; therefore, Mr. Alberty requested the rear portion of the property to be zoned RM-2.

Mr. Alberty informed the Commission that Mr. Long has under contract Lot 6, which is the north lot that is zoned CS and RM-2. He stated that Mr. Long's intent and plans, as developed, are to develop a mini-storage on the entire four-acre tract. If the zoning request is granted, Mr. Alberty will file for a special exception with the BOA for mini-storage use on the property.

Mr. Alberty stated he is agreeable with staff's recommendation of RM-1 because it allows the his client to go before the BOA for the special exception. He stated the plans are for a mini-storage and not apartments.

Interested Parties Comments:

Edna Lacy, 1391 East 66th Place, stated she lives approximately 400 feet from the subject property. Ms. Lacy stated she is opposed to the development. She feels the proposed development will lower her and other residential property values in the area.

Ms. Lacy expressed concern with the traffic problem on South Peoria. She stated this is a narrow two-lane street. She feels the addition of a mini-storage or other commercial facilities will only add to the traffic problem.

Ms. Lacy feels that by changing the zoning from single-family residential to commercial could add to the crime situation in the area. She asked the Commission to deny the request.

Doris Cameron, 1381 East 67th Street, expressed concern with the crime and traffic elements in the area. She stated during the six years she has seen some deterioration that she is not pleased with.

Ms. Cameron feels the area can be improved and not over-commercialized. She feels single-family dwellings and owner-occupied dwellings can be encouraged. She stated there are already five mini-storage in the immediate area.

Ms. Cameron stated the approval of this request would only open the area to more commercial encroachment. She feels this would be very detrimental to the neighborhood.

Becky Macaruso, 1376 East 64th Street, expressed concern with flooding problems in the area. She indicated on the map where these flooding problems exist. She questioned where the proposed facility would drain due to her home being on a septic system.

Ms. Macaruso questioned if Stormwater Management would require this owner to retain stormwater on his property to avoid flooding others in the area. She feels the installation of concrete for the mini-storage will only add to the flooding problem.

Ms. Macaruso expressed concern with the lighting of the mini-storage and the effect it will have on her home and others in the area.

Elizabeth Berntson, 1309 East 66th Place, stated she has lived in this neighborhood for over ten years. She presented letter from other neighbors expressing concerns and questions in opposition to this proposed change in zoning.

Ms. Berntson stated she is opposed to the multifamily zoning due to the excessive number of multifamily units and zoning in the area. The area from 61st to 71st and Riverside to Lewis has a incredible number of apartments.

The September/October Insight Newsletter showed that District 2 has 21 percent of the City's apartment units. Ms. Berntson feels the apartments and multifamily zoning in the neighborhood has affected the neighborhood along with crime rate and traffic problems.

Ms. Berntson stated the neighborhood is classified as transitional. There are an areas at 64th Street, 66th Place and the north side of 67th Street that consist of country houses that the City has developed around. There are no storm sewer or curbing in this area. There are only drainage ditches along the front of the properties.

However, Ms. Berntson feels the neighborhood has stabilized in recent years, with more owner-occupied properties and renters being long-term tenants. She stated she does not know if the stabilization is due to the corridor work in the area.

Ms. Berntson feels with this section of Peoria having only two lanes, the mini-storage will add to the traffic problem. She stated access to and from the neighborhood is extremely difficult at rush-hour time.

Ms. Berntson stated she is new at understanding how the Planning Commission operates and stated she has received help from the Planning District Representatives. She stated she is still trying to understand how mini-storage fits in multifamily. She requested to be notified of the BOA hearing if the zoning is approved. She stated she opposes the zoning and the mini-storage.

Applicant's Rebuttal:

Wayne Alberty stated he understands the concerns of the neighborhood and realizes that many of the neighborhoods are not aware of the planning process and Comprehensive Plan. The decision has been made that this zoning is appropriate and he feels he is entitled to this type of zoning. He feels the best decisions have been made and unfortunately this property will never revert to single-family development.

Mr. Alberty feels this development option is certainly the most desirable. However, there are many steps and processes to meet before a mini-storage is permitted. Then several other processes, such as platting and issuance of a building permit, have to be met. This is only the first step.

Mr. Alberty stated this is a low-intensity use compared to other uses allowed. With regard to the market for mini-storage, he stated this is a risk the owner will have to take.

TMAPC Comments:

Mr. Boyle asked Mr. Alberty to address the safety concerns expressed by the neighborhood. Mr. Alberty replied anytime property is developed there will be an increase in traffic. However, the mini-storage traffic will be minimal compared to apartments. In regard to crime, it is Mr. Alberty's belief that new investment and construction would tend to provide and encourage other such development areas, instead of causing deterioration.

Ms. Pace asked whether Mr. Alberty was agreeable to RM-1. Mr. Alberty replied that if part of the property is zoned RM-1 and the other part RM-2, it will not pose a particular problem.

Ms. Pace asked whether RM-1 imposes more standards of greenspace and setbacks that would benefit the neighborhood. Mr. Gardner replied it does not make a difference whether the property is zoned RM-1 or RM-2 as far as going to the Board of Adjustment for mini-storage use. He stated there is a requirement of .5 coverage and the ordinance has certain standards built in.

Mr. Westervelt feels that mini-storage projects are low-generators of traffic and the wall usually works well with neighborhoods. Mini-storage uses are not noisy and do not have late hours. He feels the zoning is appropriate and the use will be good for the area.

Mr. Boyle stated that he would not support a 14-foot wall as in the previous mini-storage application and advised the developer to be careful and pay attention to the development.

Ms. Pace reminded the applicant there are certain standards for walls.

Mr. Midget suggested that the residents to monitor the development and keep in contact with Mr. Alberty during the development.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to recommend **DENIAL** of RM-2 and **APPROVAL** of RM-1 for Z-6567 as recommended by staff.

Legal Description for Z-6567:

The East 483.68' of Lot 7, Block 3, Valley View Addition to the City of Tulsa, Oklahoma, and located south of the southeast corner of East 64th Street South and South Peoria Avenue, Tulsa, Oklahoma.

Application No.: Z-5537-SP-2

(PD-18)(CD-8)

Applicant: Benny Dickson

Location: 7616 South Garnett Road

Presented to TMAPC:

(Corridor Site Plan for an outdoor advertising sign.)

Staff Recommendation:

The Union School District is requesting approval of a Corridor Site Plan for an outdoor advertising sign 860 feet south of the north boundary of the existing school site. The sign would be a two-sided "V" containing 672 sq.ft. on each side and 60 feet in height. The sign is approximately 900 ft. from the nearest residence and appears to comply with all the design requirements of the zoning code for outdoor advertising signs. Staff finds the use appropriate in this location, and therefore recommends **APPROVAL** of Z-5537-SP-2.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Doherty stated a letter has been received from Carol Friesen in support of the application. Mr. Stokely is present in support of the application.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **APPROVE** the Corridor Site Plan of Z-5537-SP-2 as recommended by staff.

Application No.: PUD-538A

(PD-26)(CD-8)

Applicant: Charles E. Norman

Location: Northeast corner East 101st Street & South Yale

Presented to TMAPC: Charles Norman

(Major Amendment to allow a dry cleaning and laundry pick-up and delivery business.)

Staff Recommendation:

The applicant is requesting to add dry cleaning and laundry services as allowed in Use Unit 15 to the permitted uses in commercial development area of PUD-538. Staff can support the request if it is limited to a maximum of 3,000 sq.ft. as required in Use Unit 15. If a drop-

off and pick-up window is envisioned, a revised site plan must be submitted for approval. Therefore, staff recommends **APPROVAL** of PUD-538-A subject to the following conditions:

1. All the development standards and conditions of PUD-538 continue to apply except as modified herein.
2. Add to permitted uses: Dry Cleaning/Laundry, (3,000 sq.ft. maximum floor area). No pick-up or delivery trucks are permitted as part of the Dry Cleaning/Laundry service unless approved by minor amendment to the PUD.*

* Modified at the hearing by TMAPC.

Applicant's Comments:

Charles Norman stated this application involves the Winbury Center at the northeast corner of 101st and South Yale, which was extensively discussed and a number of compromises and restrictions were agreed upon by a large group from the neighborhood association.

During the discussion, the neighborhood was advised that there would be on the site a laundry/dry cleaning pick-up and delivery service. Mr. Norman stated that neither the developer nor himself knew at the time what the actual tenant intended to do and customarily does in other locations where dry cleaning and laundry is done on the premises.

Mr. Norman stated he understands new equipment has been developed since the code was written that allows one-day dry cleaning turn-around on the premises, which method is approved by the Health Department. To allow on-premises laundry and dry cleaning requires Use Unit 15, which permits laundry and dry cleaning facilities by right.

Mr. Norman stated that this type of service and equipment is provided in almost all of the suburban laundry/dry cleaning pick-up facilities. The actual space within the center is 30 feet wide and then it widens out to a larger space in the back part of the building.

Mr. Norman requested that this use be added as a permitted use.

Mr. Norman pointed out that staff's recommendation places a condition that no delivery or collection trucks may be used as a part of the operation. Mr. Norman is not in agreement with the reasoning. He stated that the laundry/dry cleaning facilities are not offering pick-up and delivery, although one facility on 18th Street does provide delivery/pick-up service.

Mr. Norman requested that delivery/pick-up services be permitted as an additional use by minor amendment if in the future that should become a custom and practice. He feels staff is concerned with the delivery truck being parked in front of the facility. He feels the delivery truck should be permitted only if parking arrangements are provided in the rear.

Interested Parties Comments:

John C. Morris, 10249 South Canton, expressed concern with the traffic problems in the area. The neighborhood is very concerned with the amount of traffic coming onto the two-lane streets. Due to the bank, school and clinics in the area, the traffic gets backed up on Yale just south of 101st Street.

Applicant's Rebuttal:

Mr. Norman feels the laundry/dry cleaning facility will not have any effect on the traffic.

TMAPC Comments:

Mr. Doherty asked whether Mr. Morris understands that currently the facility is allowed to have a drop-off area and that the traffic would not be increased if the clothing was processed on the site as opposed to being hauled off-site.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to recommend **APPROVAL** of Major Amendment for PUD-538-A subject to conditions as recommended by staff, with the exception that pick-up and delivery trucks may be permitted by Minor Amendment.

Legal Description for PUD-538-A:

Lot 1, Block 1, Winbury Center, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, and located on the northeast corner of East 101st Street South and South Yale Avenue, Tulsa, Oklahoma,

OTHER BUSINESS:

PUD-472 Paul Messick

(PD-18)(CD-9)

1330 East 58th Street
Amended Site Plan for mini-storage.)

Staff Recommendation:

The applicant is requesting revised detail site plan to allow an increase in 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 provides no information on building height nor amount of landscape area provided.

Therefore, staff recommends **CONTINUANCE** of the revised Detail Site Plan until Minor Amendments PUD-472-2 and -3 are resolved and additional information is provided as mentioned above.

Staff Comments:

Mr. Stump stated that since no significant changes as required to the Site Plan because minor amendments PUD-472-2 and -3 were approved; applicant would provide information on landscaped area, and building height then staff would recommend approval subject to staff's approval of building height and the amount of landscaped area provided.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **APPROVE** the Amended Site Plan for PUD-472 for a mini-storage subject to staff's approval of building height and the amount of landscaped area provided.

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 Recommendation:

Site Plan Review:

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

A monopole tower be constructed 175 feet south of the centerline of 41st Street and 150 feet east of the easternmost buildings of Observation Point Apartments. The construction of fencing around the tower site would place the fence 105 feet from the centerline of 41st Street and 110 feet from Observation Point Apartments. An equipment building slab and a gravel drive are also proposed. Access to the gravel drive is from the parking lot of the apartments.

Staff has reviewed the request and finds that the location of the tower meets the minimum setback from the apartments specified in the PUD standards. Paved parking is not proposed nor required on the site.

Staff recommends **APPROVAL**.

Landscape Plan Review:

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, raises 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.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, stated he has talked with the Neighborhood Association and addressed the concerns they have expressed. He presented the Site and Landscape Plan. He indicated where the plants, shrubs and trees will be placed.

In regard to irrigation, Mr. Coutant stated that irrigation will be provided for the landscape features and the property will be maintained.

TMAPC Comments:

Ms. Gray asked whether the temporary road for construction off 41st Street will be removed after construction is completed. Mr. Coutant replied the temporary road will be removed as soon as construction is complete. Mr. Coutant offered to make this a condition of approval.

TMAPC Action; 8 members present:

On **MOTION** of **GRAY**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **APPROVE** the Site Plan for PUD-221-E as recommended by staff subject to the removal of the temporary road.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **APPROVE** the Landscape Plan for PUD-221-E subject to staff determining that adequate information has been provided.

PUD-236-B Crestline Construction

(PD-18)(CD-8)

North of the northwest corner of East 78th Street South and Memorial Drive
(Detail Site Plan for expansion of a church.)

Staff Recommendation:

The applicant is requesting site plan approval for a 7,913 sq.ft. addition to an existing 21,662 sq.ft. church facility. The addition absorbs approximately 2,541sq.ft. of the existing building for a net increase of 5,372 sq.ft. of building area on the site. The addition will be used for classroom and meeting spaces.

Staff has reviewed the request and finds that under the Outline Development Plan the 7.36 acres of Development Area II would permit a total building area of 54, 732 sq.ft.; the current proposal brings the total building area on the site to 27,034 sq.ft., well within the maximum allowed floor area. The building addition conforms to the bulk and area, setback, access and circulation requirements. The plan for expansion of the church facility does not indicate the provision of additional parking. The existing 212 spaces are roughly half the 440 spaces proposed in the Outline Plan and conform to the parking requirements of the code.

Therefore, staff recommends **APPROVAL** of the proposed site plan.

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

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **APPROVE** the Detail Site Plan for PUD-236-B as recommended by staff.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO CITY OF TULSA ZONING CODE:

Public Hearing to consider amendments to City of Tulsa Zoning Code to permit new outdoor advertising signs to be located outside of the Freeway (Expressway) Sign Corridor, along arterial streets which have been zoned for commercial and/or industrial development; provided, however, that an equal or greater amount of display surface area of nonconforming signs are removed elsewhere in the City prior to installation of the new sign. Such sign would be limited in height and size (approximately 300 square foot of display surface area for one side). Such signs would be treated as bonus signs and the owner of nonconforming outdoor advertising signs could transfer development rights to another sign company or individual.

TMAPC Comments:

Mr. Doherty called the Public Hearing to consider amendments to City of Tulsa Zoning Code.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Doherty, Gray, Horner, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Carnes, Dick "absent ") to **CONTINUE** the Public Hearing to consider amendments to City of Tulsa Zoning Code to November 20, 1996.

There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 11/6/96

[Signature]
Chairman *

ATTEST: *Gracis Pace*
Secretary