

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2172

Wednesday, August 26, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Carnes	Beach	Myers, Legal
Harmon	Gray	Dunlap	Counsel
Jackson	Horner	Matthews	Romig, Legal
Midget	Ledford	Huntsinger	Counsel
Pace	Selph	Stump	
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 21, 1998 at 2:06 p.m., posted in the Office of the City Clerk at 2:00 p.m., as well as in the office of the County Clerk at 1:55 p.m.

After declaring a quorum present, Chairman Boyle called the meeting to order at 1:47 p.m.

REPORTS:

Chairman's Report:

Mr. Boyle requested the Rules and Regulations Committee to meet and discuss the issue of political signs in accordance with the City Council's requests.

Mr. Boyle announced that the Planning Commission is saddened by the resignation of Ms. Bobbie Gray from the Commission. He stated that he understands that the Mayor has accepted the resignation and there will be a new commissioner soon. Mr. Boyle concluded that he would like to thank Ms. Gray for her service and looks forward to the service of her replacement.

Committee Reports:

Rules and Regulations Committee

Mr. Westervelt asked staff to schedule a work session on September 9, 1998 for the Rules and Regulations Committee to discuss the political signs as requested by the City Council.

Mr. Boyle requested that everyone with an interest in the political sign issue be notified of the work session.

Mr. Midget requested that the Sign Advisory Board be notified of the work session regarding political signs.

Director's Report:

Mr. Stump reported that there are four zoning cases before the City Council on Thursday, August 27, 1998. He indicated he will be attending the meeting representing INCOG.

Mr. Stump stated that the Infill Task Force work groups continue to meet. He reported that the Neighborhood Compatibility work group had a tour and maps are available of the tour if requested. He commented that the attendees seem to appreciate the tour.

Mr. Stump reported that the Utilities Committee will be meeting Thursday, August 27, 1998 and the Building Code Committee will meet on September 9, 1998 at 3:00 p.m.

Mr. Harmon indicated that he will attend the City Council meeting representing the Planning Commission.

Zoning Public Hearings:

Z-6655 – John Moody

West of southwest corner East 61st Street and South 105th East Avenue

(Applicant has made a timely request for a two-month continuance.)

OL to IL
(PD-18) (CD-8)

TMAPC Comments:

Mr. Boyle stated that there is a timely request for a continuance to October 28, 1998.

There were no interested parties wishing to speak.

Applicant's Presentation:

Mr. John Moody stated he represents the owner on the subject application. He explained that originally when he filed a request for a continuance, a decision had not been made on how to handle the application. He stated that the decision has now been made and this application will be withdrawn.

Mr. Moody stated he will announce today that this application has been withdrawn.

TMAPC Comments:

Mr. Boyle stated that Z-6655 has been stricken from the agenda.

Public Hearing For Comprehensive Plan Amendments

PUBLIC HEARING TO ADOPT CITY OF TULSA FLOOD AND STORMWATER MANAGEMENT PLAN UPDATE, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA. RESOLUTION.

Staff Recommendation:

Staff has reviewed the draft update of the City of Tulsa Flood and Stormwater Management Plan and recommends that the TMAPC adopt it as a part of the Comprehensive Plan for the Tulsa Metropolitan Area. As stated by Public Works officials, the document reflects improvements that have previously been accomplished and resulting new priorities for implementation.

The development of the plan update compiles information and recommendations from the various basin master drainage plans as well as from the various Planning District Plans and special studies. As additional studies are completed and as plan amendments are processed, it is hoped that coordination will continue.

TMAPC Comments:

Mr. Boyle stated that the Comprehensive Plan Committee did review this proposal one week ago. He commented that the plan is in good order.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **ADOPTION** of the City of Tulsa Flood and Stormwater Management Plan Update, A part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Continued Zoning Public Hearings:

PUD-360-A-3 – Adrian Smith

(PD-18) (CD-8)

West of northwest corner East 91st Street and South Memorial
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to create additional development areas and set development standards for these areas, to reduce the setback requirement from East 91st Street South, to increase building height and allow restaurant use (Use Unit 12) within the west 200 feet of the PUD. The purpose of the request is to split a portion of Lot 2 into three tracts.

Staff has examined the request and finds the applicant is proposing the creation of three new development areas within Lot 2 consisting of Tract 2-A with 6.23 acres, Tract 2-B with 1.66 acres and Tract 2-C with 1.23 acres.

A 1995 lot-split left a .64 acre interior parcel abutting the Homeland parking area to the north. This .64-acre parcel and an existing .59-acre access road from Homeland to East 91st Street are designated as Tract 2-C in the current request. No end use for this parcel has occurred, although expansion of the Homeland parking was discussed during Minor Amendment approval in 1995. Staff notes that the 1995 Minor Amendment reduced the required setback from the East 91st Street centerline from 150 feet to 135 feet.

Staff review and recommendations for PUD-360-A-3 are as follows:

1. **Reduction of Setback** - The requested reduction in setback from the centerline of East 91st from 150 feet to 110 feet for Tract 2-B would establish a building line 60 feet from the East 91st right-of way. This setback is 15 feet closer to East 91st than the setback approved for the bank to the east. Staff recommends a uniform setback for Lot 2 of 135 feet from the centerline of East 91st Street and, therefore, recommends **DENIAL** of the request and **APPROVAL** of a 135-foot setback from the centerline of 91st Street. Staff notes that the Major Amendment creating PUD-360-A reduced the required centerline setback from 200 feet to 150 feet, which was considered consistent with other development in the area.
2. **Increase Building Height** - Staff can support the requested increase in building height from one-story/20 feet to one-story/24 feet for buildings within the west 200 feet of Lot 2 noting a 60-foot required west boundary building setback and a 40-foot buffer strip. PUD-360 required a "significant landscaping with large plant materials along the west property line and a screening fence along the north and west property lines." This requirement was not modified with PUD-360-A and was intended as a screening buffer for abutting residential areas to the west.

Staff, therefore, recommends **APPROVAL** of the increase in building height to 24 feet conditioned on establishment of an adequate landscape and fencing buffer approved by TMAPC during Detail Site Plan review.

3. **Allow restaurant use (Use Unit 12) within 200 feet of the west boundary within development**

Area 2-B The original approval limited the CS uses in the west 200 feet to Use Units 11 and 14 with the intent of encouraging office or commercial uses with primarily daytime business hours. The applicant is requesting a Use Unit 12 use within 200 feet of the west boundary of proposed Development Area 2-B.

Although the required 40-foot landscaped strip and screening fence along the west property line will provide a degree of buffering during evening business operations, the intent of the original approval should be recognized. Staff is of the opinion that the restaurant use should be limited to a building or portion of a building within the east half of Development Area 2-B to minimize impacts to abutting residential areas.

Staff, therefore, recommends **APPROVAL** of the request with the condition that any restaurant (Use Unit 12) be no closer than 150 feet from the west boundary of Development Area 2-B. Uses for the remainder of Development Area 2-B and the West 200 feet of the balance of the PUD will be limited to Use Units 11 and 14.

4. Development Areas and Standards - Staff recommends **APPROVAL** of the proposed development areas and standards as follows noting that all PUD-360-A standards remain unchanged* unless modified herein:

Development Area 2-A

Land Area (Net)	6.258 acres
Permitted Uses:	As permitted in the CS District except within the west 200 feet which shall be restricted to Use Units 11 & 14
Maximum Floor Area:	84,501 square feet
Maximum Building Height:	35 feet/two stories except within the west 200 feet where height shall be restricted to 24'/1-story
Minimum Building Setback:	From West Property Line - 60 feet From North Property Line - 40 feet

Development Area 2-B

Land Area (Net):	1.654 acres
Permitted Uses:	As permitted in the CS District except within the west 150 feet which shall be restricted to Use Units 11 & 14.
Maximum Floor Area:	22,337 square feet
Maximum Building Height:	35 feet/stories except within the west 200 feet where height shall be restricted to 20' 24'/1-story.
Minimum Building Setback:	From centerline of East 91 st Street - 135 feet from west Property Line - 60 feet

Development Area 2-C

Land Area (Net):	1.227 acres which includes a .59 acre paved access drive and a .63 acre parcel.
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Permitted Uses:	As permitted within the CS District.
Maximum Floor Area:	8,618 square feet on the .63 acre parcel.
Maximum Building Height:	35 feet/two stories.

Signage

Two ground signs shall be allowed along the 91st Street frontage of Development Area 2-B and placed at least 150 feet from the west boundary of the development area. The signs shall not exceed 25 feet in height and shall comply with other sign regulations as set forth in Subsection 1103 B 2. One sign shall identify the users of Development Area 2-A and one sign shall identify the users of Development Area 2-B and 2-C. The display surface area for all signs combined shall not exceed 320 SF.

Mutual Access and Access Drive

By separate instrument and prior to approval of a lot-split, TMAPC shall approve a *Declaration of Easements, Covenants, and Restrictions* filed with the County, which provides mutual access to Development Areas 2-A, 2-B, 2-C, and other parcels abutting the paved access drive. The paved access drive shall be at least 30 feet in width and maintained jointly by the users of all development areas within Lots 1 and 2.

Lighting

All building and parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. Light standards within the west 200 feet of Development Areas 2-A and 2-B shall be limited to 15 feet in height.

***Standards include, but are not limited to:**

1. Minimum 15% Internal Landscape Open Space
2. Minimum 40-foot setback of paving from the west property line.
3. North and west elevations of proposed buildings be architecturally similar in character to the fronts of buildings.
4. That a 40-foot landscape buffer strip on the west property boundary include significant landscaping with large plant materials; that a screening fence be provided along the west and north property boundaries.

TMAPC Comments:

Mr. Boyle asked Mr. Stump if all the items in numbers one, two and three in the recommendation are points of disagreement. In response, Mr. Stump stated that items one and three are points of disagreement. Mr. Stump explained that the applicant would like a 110-foot setback and the staff is recommending 135-foot setback. Mr. Stump stated that the 135-foot setback is the same given to the bank just to the east along 91st Street. Mr. Stump stated that the applicant was asking for an entire lift of the ban against restaurants in the western 200 feet and staff is willing to reduce the ban of restaurants to the western 150 feet.

Mr. Boyle asked Mr. Stump if the applicant is in agreement with staff's recommendation in item four. In response, Mr. Stump stated the applicant agrees with staff's recommendation in item four. Mr. Stump explained that the restaurant use would only apply to Area 2-B, which fronts 91st Street.

Applicant's Presentation:

Adrian Smith, Hammond Engineering, representing Mr. Doug Malone of Wichita, Kansas. Mr. Hammond stated that Mr. Malone is the principal owner of the subject site. He explained that his client has no objection to the staff's recommendation except for Item 2-B, where it recommends a 20-foot building height. He stated that his client requested an increase to 22 feet in order to allow for a parapet to hide the rooftop air conditioning units.

Mr. Stump informed Mr. Smith that in item 2-B, there is a typo and should read 24 feet building height.

Applicant's Presentation: (continued)

Mr. Smith stated that the building will be a freestanding building and within the building will be a restaurant of 4,000 feet. He commented that he wanted to make sure that the staff is not talking about the entire building being set back 150 feet. He stated he understands that the 150-foot setback applies to the west wall of the restaurant.

Staff Comments:

Mr. Stump stated that the restaurant's west-demising wall, which will be internal, will have to be 150 feet from the west boundary.

Interested Parties:

Daryl Richter, 8925 South 77th East Place, Tulsa, Oklahoma 74133, stated he has some concerns with the possibility of his view being blocked by the subject building height if it is 24 feet. He expressed concerns that the trees will be cut down, with smaller trees replacing them when the landscaping is done. He requested reassurances that no tree 6" or more in diameter will be cut down. He further requested that if any mature trees are to be removed the applicant must get the approval, both expressed and written, from the abutting property owner. Mr. Richter submitted a petition from his neighborhood.

Mr. Richter stated he is concerned with the existing drainage problems and possibly becoming more of a problem with this proposal. He indicated that he would like to be included when the detail site plan and landscape plan is submitted for review. He commented that he would also like to be included on the decision of the exterior of the building.

TMAPC Comments:

Mr. Boyle asked staff if the detail site plan will be submitted to the Planning Commission with the landscape plan for review. In response, Mr. Stump stated that the Planning Commission will receive the site plan; however, as it stands at this time, landscaping

plans are approved by staff and do not come back to the Planning Commission unless staff is directed to do so.

Mr. Boyle stated the Planning Commission could make a condition of the approval that the landscaping plan be returned to the Planning Commission for review.

Mr. Stump stated that the 40-foot landscape strip is from the original approval of the PUD, which has been carried through. It is not a new standard, nor is the language regarding the plant material.

Mr. Boyle asked Mr. Richter if he felt that having the landscape plan returned to the Planning Commission offered him another opportunity to express his concerns. In response, Mr. Richter stated that it may help, but he would prefer the Planning Commission to direct the applicant that he cannot remove the trees, if the Planning Commission has that power. Mr. Richter indicated that he would like to be included during the landscape plan review and how these buildings will look as far as the exterior.

Mr. Boyle stated that the Planning Commission could place the condition that no trees over 6" in diameter be removed; however, that is not offering much protection because trees sometimes are accidentally removed by the construction workers. Mr. Boyle commented that the best protection for the residents would be the right to come back to the Planning Commission and review the landscape plan.

Ms. Pace asked staff if there has already been a stormwater critique of the subject property. In response, Mr. Stump stated that the stormwater critique probably has not been done on the undeveloped portion of the PUD. He explained that it would be evaluated when the proposal to develop the subject property is submitted. Mr. Stump stated that the floodplain and detention is not referred to TAC for minor amendments because they have reviewed the subject property before. Mr. Stump explained that a review from TAC would not indicate whether there are surface drainage problems.

Mr. Stump stated that after the 40-foot landscaping buffer there will probably be a six-inch step-curb running north and south along the subject property. He explained that the landscape buffer and the six-inch step-curb will intercept any sheet flow of water coming to the west and the southwest across the subject property. The water will either be directed into storm drains or out onto the street, whichever the volume allows and whatever Public Works allows.

Mr. Richter stated that the bulk of the trees are located near the north end of the subject property and there are fewer water problems in that location. He explained that the drainage problem is located in the central-to-front portion of the subject property.

Mr. Westervelt stated that he does not want to give the applicant any false assumptions that the Planning Commission can do anything about stormwater management. He explained that the Planning Commission does not deal with stormwater management,

even though this is the place to express one's concerns. The best potential solution to any problems with stormwater will be handled with the development of the subject property, because stormwater management standards are very stringent. In response, Mr. Richter stated that he understands that the Planning Commission does not deal with stormwater issues. Mr. Richter stated that the Planning Commission needed to be aware that there is a serious problem with drainage.

Mr. Westervelt indicated that Mr. Richter and his neighbors should contact Paul Zachary, Public Works, and inquire the status of the subject property.

Interested Parties:

Mr. Jamal Saad, 8929 South 77th East Place, stated he does not understand why the applicant is requesting 24' building height instead of 20' building height. He explained that he is a Civil Engineer and if you need a two-story building then he would need more than 24' and the four feet will not help.

TMAPC Comments:

Mr. Boyle asked Mr. Saad if he heard the applicant explain that they are looking for some decorative pieces to hide the air-conditioning units on the top of the building. In response, Mr. Saad stated he did hear the applicant request the increase in building height in order to hide the air conditioning units on the roof.

Interested Parties: (continued)

Mr. Saad stated that the trees being removed and the stormwater drainage are also concerns of his.

Applicant's Rebuttal:

Mr. Smith explained that the fees-in-lieu-of-detention were previously paid for the entire site by Homeland. He stated that there are no detention ponds or detention plans for the subject site. Mr. Smith introduced Mr. Malone, owner of the subject property.

Mr. Doug Malone, 150 North Market, Wichita, Kansas, stated that he will submit a drainage plan to ensure that there are no drainage problems associated with the drainage to the west. He commented that the landscaping, trees, and foliage will be maintained. He indicated that he would be willing to stake where the landscape setback is currently and show where the existing trees are located, plus which trees are to remain. He commented that he will abide by the landscape plan.

Mr. Malone stated that the building height needed is 23'.6" and that is why he requested a 24' building height. The only reason for the 22' on the pad site is to make sure that none of the rooftop units are obstructed. He commented that Homeland approved their requests.

TMAPC Comments:

Mr. Boyle asked the applicant if he would object to the Planning Commission adopting that all trees with a diameter of six inches or more would remain. In response, Mr.

Malone stated he would have to consider this request. He explained that he does not want to be liable for any trees that are not long lasting. He commented that some of the trees are shrubby and he plans to landscape to clean up the subject area and make it more attractive. He stated that he does not want to remove any trees that are currently existing and he understands the neighbors' standpoint.

Mr. Boyle asked Mr. Malone if he would object to the Planning Commission retaining the final approval of the landscape plan. In response, Mr. Malone stated he has no problem with the landscaping plan being reviewed by the Planning Commission.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-360-A-3; subject to Development Area 2-B amended to 24' building height and that the west wall of the restaurant must be 105 feet from the west boundary, subject to the Detail Site Plan and Landscape Plan being reviewed by the Planning Commission for approval, and conditions as recommended by staff. (Language deleted is shown as strikeout type, language added or substituted is underline type.)

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Z-6654 – Samuel J. Smith

Northwest corner East 51st Street and South 101st East Avenue

RS-3 to IL

(PD-18) (CD-5)

Staff Recommendation:

Relationship to the Comprehensive Plan:

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Special District 1 – Industrial Area.

According to the Zoning Matrix the requested IL zoning **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 177' x 220' in size and is located on the northwest corner of East 51st Street South and South 101st East Avenue. The property is flat, non-wooded, vacant, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by a non-conforming pipe manufacturing and pipe yard, zoned RS-3; to the east is a vacant wholesale greenhouse/nursery facility, zoned IL; to the south across E. 51st Street, are commercial and industrial uses, zoned IL; to the west by vacant property, zoned IL.

Zoning and BOA Historical Summary: The most recent rezoning action in this area rezoned a small .37-acre tract located west of the subject tract, from RS-3 to IL for a dental office.

Conclusion: The Comprehensive Plan supports IL zoning in this area. Therefore, based on the Comprehensive Plan, the surrounding zoning, and development, staff recommends **APPROVAL** of IL zoning for 6654.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **APPROVAL** of IL zoning for Z-6654 as recommended by staff.

Legal Description for Z-6654:

Lots 1 through 7, and all of Lots 8 through 14, Block 51, Alsuma Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

Mr. Westervelt announced that he will be abstaining from case PUD-594. He explained that after talking with Mr. Romig, he was advised that if he remains seated there will still be a quorum.

Ms. Pace requested that this case be heard later in the agenda. She explained that a gentlemen involved with case PUD-594 has had to leave and will return later.

Mr. Schuller agreed to his case being heard later in the agenda.

PUD-594 – Stephen Schuller will be heard later in the agenda.

PUD-272-3 – James Healy

(PD-18) (CD-8)

West of southwest corner East 81st Street and South Sheridan
(Minor Amendment)

Staff Recommendation:

The applicant is requesting approval of a Minor Amendment to increase the maximum allowed building height from 26 feet to 35 feet for a proposed two-story 11,430 square foot permanent bank facility with five drive-through lanes on a 2.042 acre tract. The

applicant has received Detail Site Plan approval for a temporary bank building on the eastern portion of the site.

Minor Amendment 272-2 reduced the west property boundary setback from 50 feet to 25 feet but maintained the 26-foot height limitation contained in the original approval. A condition of the reduced setback required two feet of additional setback from the 25 foot west building line for every additional foot of building height over 26 feet. Two-story multifamily residential uses occur on the lot to the west of the PUD.

Staff has reviewed the request and finds the applicant is requesting an increase in building height for that portion of the building set back 52 feet from the west property boundary. The required two feet of setback for each additional foot of building height over 26 feet is exceeded using an "angle of setback" method of computing the ratio of height to setback. Those portions of the building within 25 feet of the west boundary are less than 18 feet in height; portions of the building 26 feet in height extend 34 feet from the west boundary.

Staff has examined the building elevation details and finds the interpretation of setback to height is reasonable and maintains the intent of the prior approval. Staff can support the "angle of setback" height increase and recommends **APPROVAL** of PUD-272-3 for only those portions of Development Areas A & B per the elevation and plan details submitted with the application.

NOTE: Minor Amendment approval does not constitute Detail Site Plan approval.

Staff Comments:

Mr. Stump stated that in the past Mr. Gardner told him that a building height is the highest point on the building and if there is a setback of two feet for every foot of building height, the maximum height of the building determines the setback. He indicated that staff feels that a better interpretation is that at any point, the building cannot break the plane formed by the two-for-one setback or slope. He explained that the staff does not care if the building is higher 50' or 100' from the property line than would be permitted at the minimum building setback line. He stated that in most zoning codes the line of openness is how it is interpreted for adequate light and air. The farther a building goes from a property line, then the higher the building can go up and not violate the two-for-one ratio.

Mr. Stump explained that the Board of Adjustment is the official interpreter of the Code and this is the way the staff plans to administer the setback, unless the Planning Commission has major objections.

Applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Gray, Horner, Ledford, Selph “absent”) to recommend **APPROVAL** of the Minor Amendment for PUD-272-3 for portions of Development Areas A and B as recommended by staff.

Mr. Westervelt reminded the Planning Commission that he will be abstaining but remaining seated in order to have a quorum.

PUD-594 – Stephen Schuller

Northwest corner East Admiral Place and North Harvard
(Proposed convenience store.)

**CH/RS-3 to CH/RS-3/PUD
(PD-3) (CD-3)**

Staff Recommendation:

The PUD proposes a convenience store on a 1.68-acre tract located at the northwest corner of East Admiral Place and North Harvard Avenue. The present uses are a convenience store, adult entertainment establishment, residence, and vacant property. The applicant proposes to remove the existing structures and construct a new convenience store not to exceed 9,000 square feet.

The Major Street and Highway Plan designates North Harvard Avenue as a 100' secondary arterial street and East Admiral Place as a 60' residential collector street. East Admiral Court is a minor residential street.

The subject tract is abutted on the north by multifamily dwellings, zoned RS-3 and a drug store, zoned CH; to the west by single-family dwellings, zoned RS-3 and CH; to the south and east by a restaurant and commercial uses, zoned CH.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-594 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-594 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

Land Area:		
(Net)	1.32 Acres	57,534.6 SF
(Gross)	1.68 Acres	73,104.17 SF

Permitted Uses:

Those uses allowed as a matter of right in Use Unit 13, Convenience Goods, and Services.

Maximum Building Floor Area: 9,000 SF

Maximum Building Height: one story

Minimum Building and Bulk Trash Container Setbacks:

From centerline of East Admiral Court	75 FT
From centerline of North Harvard	90 50 FT
From centerline of East Admiral Place	35 FT
From west property boundary	20 FT

Minimum Lot Width, Frontage and Area:

The development area of the PUD shall consist of the entire property described above, having 196 feet of frontage along North Harvard Avenue on the east, 208 feet of frontage along East Admiral Place on the south, and 127.95 feet of frontage along East Admiral Court on the north.

Signs:

Signs accessory to permitted principal uses shall be permitted, subject to compliance with the Tulsa Zoning Code and the following standards:

Two ground signs, shall be permitted, one at the southeast corner of the PUD not more than ~~25~~ 17 feet in height nor more than ~~420~~ 95 SF of display surface area and one at the northeast corner of the PUD (along Harvard Avenue) not more than ~~eight~~ 17 feet in height nor more than ~~60~~ 95 SF of display surface area. A minimum of 100 feet of spacing is required between ground signs and no sign shall be within the planned right-of-way of Harvard Avenue.

Wall or canopy signs shall not exceed an aggregate display surface area of two SF per each lineal foot of the building or canopy wall to which the signs are affixed, except that no wall signs shall be erected or installed upon the west or north sides of any building within the PUD. Wall or canopy signs shall not exceed the height of the building or canopy.

No roof or projecting signs shall be permitted.

Vehicular Access:

There shall be a maximum of four access points, one 35-foot access drive at the east boundary for vehicular access to and from North Harvard Avenue, one 35-foot access drive at the south boundary for vehicular access to and from East Admiral Place, one 30-foot access drive along the north boundary for vehicular access to and from East Admiral Court, and a 20-foot access drive across the property boundary between the PUD and the commercial property to the northeast, for mutual access between such properties.

Landscaping and Screening:

Minimum internal landscaped open space 10% of lot area

Minimum width of landscaped area along west boundary of the PUD except the north 100 feet. 15 FT

Minimum width of landscaped area along the north 100 feet of the west boundary of the PUD. 60 FT

Other landscaping shall be provided as required by the Landscaping Chapter of the Zoning Ordinance. ~~In lieu of a screening wall or fence~~ A four-foot solid fence on the north property line and landscaping on both sides of the fence, landscaping shall be installed substantially in conformance with the conceptual plan submitted with the PUD application.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

6. All trash, mechanical, and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height and all such lights shall be set back at least 25 feet from an RS district abutting the PUD.
8. The Department Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No Building Permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval and making the City beneficiary to said Covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. No parking is permitted in the planned right-of-way of Harvard Avenue or Admiral Place, unless a variance is granted from BOA.

Applicant's Presentation:

Mr. Stephen Schuller, representing Quik Trip, stated that presently Quik Trip has a convenience store located on the subject site. He indicated that there are several access drives onto Admiral Place; two for the store, one for the bar and for a house that is currently existing. There is one access drive on Harvard Avenue. He explained that there on Admiral Court there is an access drive located on the site to the northeast for the drug store and another serving the existing Quik Trip store.

Mr. Schuller stated that Quik Trip has acquired the property where the house and bar are located. The bar and house are scheduled to be removed from the subject property in order to build a larger store farther back from Harvard Avenue. He stated the gasoline canopy will be moved away from Harvard Avenue and additional parking with landscaping will be added. He explained that this will decrease the number of access driveways on the south side from four to one and on the north side from three to one.

Mr. Schuller indicated that the owner of the drugstore, which is located on the corner northeast of the subject property, has agreed to combine the access driveways to form one large driveway from Admiral Court. He stated Quik Trip will have a mutual access agreement with the drugstore.

Mr. Schuller stated that generally he is in agreement with the staff's recommendation; however, there are a few modifications that the staff has added that may pose a problem. One of the modifications is the building setback from the centerline of Harvard Avenue. He explained that the problem with setting a building setback line at 90' creates a problem of meeting the landscaping requirements. He requested that the building line in the PUD be a 50' setback in order to calculate the street yard and determine the compliance with the landscaping requirements. He stated that this would be consistent with the underlying zoning of CH and the PUD standards in the Zoning Code.

Mr. Schuller stated his client has asked for two signs, each having a maximum height of 25' and a maximum display surface area of 120 SF. He explained that staff has recommended that the sign at the southeast corner be left at 25' in height and 120 SF display surface area. He indicated that the staff has recommended that the sign at the northeast corner be eight feet in height, with a maximum display surface area of 60 SF, which allows a maximum combined display surface area of 180 SF for both signs. Mr. Schuller proposed to scale back the maximum display surface area by more than 20 percent, from a total of 240 SF down to 190 SF, which is a five percent increase over the staff recommendation and a 20 percent decrease than what was originally requested. He explained that he would like to reduce the height of each sign by a third, down to 17', and that will give his client a display surface area of 94.5 SF per sign. He commented that the overall effect is to reduce the signage significantly from the original request and meet the objectives of reducing the signage along Harvard Avenue. He stated that the new proposal for signage is consistent with the existing signage already in place on the property and the surrounding area. He indicated that he has no problem with the signs being set back 50' off the Major Street and Highway Plan right-of-way. He stated he has no problem with the recommendation of the staff that there is no sign on the north side of the building.

Mr. Schuller stated that staff recommended that the landscaping be substantially in conformance with what is shown on the landscaping plans. Mr. Schuller submitted a landscape plan. He commented that he does not have any problems with the changes to landscaping requested by staff in the staff recommendation.

TMAPC Comments:

Mr. Boyle asked staff for their position on the changes Mr. Schuller has presented to today. In response, Mr. Stump stated that the landscaping on the frontage, which is defined on the submitted landscape plan from Mr. Schuller, is adequate along Harvard Avenue. Mr. Stump commented that Mr. Schuller's revised landscape plan looks more extensive than the original landscape plan. Mr. Stump stated that he would round off the signage display surface area, which should be rounded to 95 SF and it will still be within the one square foot per linear foot, which is what is allowed in the PUD. Mr. Stump indicated that the sign modification of 17' height and 95 SF display surface area suggested by Mr. Schuller would be acceptable.

In response to Ms. Pace, Mr. Schuller indicated that the two signs will be at least 100' apart and he indicated on the map where the two signs would be located.

Interested Parties:

Mr. Burt Hallford, 3229 East Admiral Court, expressed concerns regarding traffic and safety for young children. He commented that the noise and trash have been problems in the past and would like Quik Trip to consider erecting a fence on the north boundary to the northwest end in order to reduce the noise and trash from blowing into neighbors' yards. He stated that there will be a lot of foot traffic going to the Quick Trip, and people on foot tend to cut through the neighbors' yards, which is another reason for Quick Trip to install a fence.

Chris Smith, representing Kendall-Whittier Ministries, 2839 East 5th Street, stated that he discussed this proposal prior to today's meeting with Mr. Schuller. He expressed concerns with the traffic going through the neighborhood. He explained that Admiral Court goes to Gary and then it ends.

Mr. Smith stated that on weekends there are people who tend to take the back way into the Quik Trip in order to avoid the major streets. He explained that this is dangerous for the kids in the neighborhood. He stated that there are no sidewalks or curbs in the neighborhood and the streets are narrow. Mr. Smith indicated that inebriated customers use the back streets to purchase more alcoholic beverages from Quik Trip and that creates a safety issue.

Mr. Smith suggested that the concrete island on Harvard be removed to make the access from Harvard more accessible. He commented that if the concrete island were removed, then Quik Trip would not have to have the mutual access with T. Roy Barnes Drug Store.

TMAPC Comments:

Discussion with Commissioners and a member of audience was inaudible.

Mr. Boyle asked Mr. Smith if the proposed mutual access improves the situation by making it a better and safer driveway. In response, Mr. Smith stated he did not, think so, because it only encourages people to take the route in order to access the Quik Trip. Mr. Smith stated he thinks it is more appropriate for the people to access Quik Trip through the collector streets.

Mr. Smith explained that the T. Roy Barnes is a small neighborhood drug store and currently has some traffic from East Admiral Court; however, it does not compare to the traffic that the new Quik Trip will create. He stated he did not know what the benefits would be to Mr. Barnes to combine the access from East Admiral Court. He commented that the combined access driveway will be a detriment to the neighborhood.

Applicant's Rebuttal:

Mr. Schuller stated that he does not know if a fence will solve the problems that the interested parties described. He indicated that if the TMAPC is inclined to recommend a fence be constructed, Quik Trip will not object. He commented that by installing a fence it will defeat purpose of the additional landscaping. He stated that a six-foot fence would be less attractive and inconsistent with the landscaping. He suggested a four-foot fence and would be more appropriate.

Mr. Schuller stated that the driveway is existing off of East Admiral Court. He explained that it is the driveway access for the drive-up window for the existing drug store. He stated that the access driveway to the drug store drive-up window has existed for a number of years and will continue to be used if the use changed. The Quik Trip driveway is paved and there is no problem accessing the driveway on East Admiral Court. He stated that the PUD will consolidate the two driveways into one with some additional landscaping, which will make it an attractive area.

Mr. Schuller stated that you cannot see the Quik Trip cannot be seen from a street or more away because of the topography. He commented that the people traveling the back streets to get to the Quik Trip know that the Quik Trip is there and live in the neighborhood. He explained that if there are inebriated customers coming into Quik Trip to purchase alcohol beverages, they will be turned away by Quik Trip. He reminded the Commissioners that if the driveway access is eliminated from East Admiral Court, there will still be a driveway access for the drug store or any subsequent use. He commented that he does not believe any the neighborhood traffic problems will be solved by eliminating the driveway on East Admiral Court.

TMAPC Comments:

Mr. Boyle asked the applicant if TMAPC was inclined to require the fence, could he place some of the landscaping on the outside of the fence. In response, Mr. Schuller stated that has been done at one of the Quik Trip stores before, but he did not see that a fence in this case would solve any problems because it will be far from the street.

Mr. Stump stated that a wood fence does not reduce any noise. He suggested that if the applicant wants to control pedestrian traffic and blowing of trash, he might want to install a four-foot, vinyl black-clad chain-link fence. He stated that this type of fence has been used effectively and enables one to see the landscaping on either side of the fence. He commented that trash blown up against a fence will not be attractive, but it would keep people from walking across the landscaping.

Mr. Schuller stated that there is an enclosed trash area, which is better than previous Quik Trip trash areas brought before the commission. He commented that he did not think any fence would screen noise; however, trees would screen the noise better. The store is being set back quite a distance away from Admiral Court and away from the residential area so the noise associated with the store will be minor.

Mr. Midget asked the applicant if there was any reference made regarding the median on Harvard being removed. In response, Mr. Schuller stated he was informed that the median is to be removed.

Ms. Pace stated that the most important thing to screen would be the lights of the cars since they are encouraged to exit onto Admiral Court. She commented that a fence would be a trade-off to have an exit adjacent to a residential neighborhood. She suggested a four-foot masonry with plants on the outside. In response, Mr. Schuller stated he questions that the fence needs to be masonry, but some type of solid material.

Mr. Jackson informed Mr. Schuller that there are new PVC products available that will not deteriorate and that come in various colors. He stated the products are available in four-to-six-foot in heights and many styles. He commented that a six-foot fence would not be appropriate because one wouldn't be able to see to the west. In response, Mr. Schuller agreed with the view problem if a six-foot fence were installed.

Ms. Pace asked the applicant if the Quik Trip considered monument signs instead of the two pole signs. Ms. Pace commented that the two signs appear to clutter the street and questioned if Quik Trip needed two signs. In response, Mr. Schuller stated that the Quik Trip is at an intersection of two commercial streets and although Admiral Place may be designated on the Major Street and Highway Plan as a residential collector, it is situated in the middle of a CH-zoned area. He explained that there will be traffic coming from four different directions and that is why the two signs are necessary, so that they will be seen from two different directions.

In response to Ms. Pace, Mr. Schuller explained that they cannot have any signs farther west because they have to be on Harvard Avenue, since Admiral Place is designated as a residential collector street. Mr. Schuller stated that the two signs are the standard Quik Trip signs, which are very attractive, and which are seven feet wide and seventeen feet high.

Mr. Boyle recognized Mr. Smith and reminded him to not repeat his previous statements.

Interested Parties:

Mr. Smith asked if the existing driveway on the north was approved or if any approval was required for the driveway. In response, Mr. Stump stated that when a commercial establishment wants to cut a curb, then they have to apply for a curb-cut permit from the City Public Works Department.

Mr. Boyle asked Mr. Stump if the curb-cut requests come before the Planning Commission. In response, Mr. Stump answered negatively.

Applicant's Rebuttal:

Mr. Schuller stated that he consulted with his client and he does not have a problem with the fence being set back with landscaping on both sides of the fence. He suggested setting the fence back ten feet and landscaping on both sides of the fence. Mr. Schuller stated that any fence that is three feet or four feet would block car headlights.

TMAPC Comments:

Mr. Harmon asked if the fence is required, where it would be located and how far on the west property line. In response, Mr. Boyle stated the fence is to be located on the north property line.

Mr. Stump suggested that an appropriate place for the fence would be the northernmost point of the parking area beginning at the west side of the sidewalk and extending to the west property line. He commented that the sidewalk should not be blocked because it will be connected to the sidewalk on the street.

Mr. Boyle asked Mr. Schuller if the location for the fence was acceptable as Mr. Stump suggested. In response, Mr. Schuller stated the location described was acceptable. Mr. Schuller stated that there is already a tall wall on the west.

Mr. Stump stated that the landscaping would be in lieu of the fence. If, for some reason, the wall on the residential west property were taken down, it would be the residents' responsibility to replace it as they saw fit.

TMAPC Action; 6 members present:

On **MOTION** of **HARMON** the TMAPC voted **5-0-1** (Boyle, Harmon, Jackson, Midget, Pace "aye"; no "nays"; Westervelt "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **APPROVAL** of PUD-594, subject to a four-foot solid fence on the north property line; 50' setback from Harvard; subject to two signs being 17' in height and 95 SF of display surface area, as amended and agreed upon by the Applicant and the TMAPC. (Language deleted is shown as ~~strikeout type~~, language added or substituted is underline type.)

Legal Description for PUD-594:

A tract of land being a part of Lots 11 and 12, Block 1, Pomeroy Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and a portion of East Admiral Place adjacent thereto, more particularly described as follows, to-wit: Beginning at the southwest corner of Lot 12, Block 1, thence N 00°00'00" E and along the west line of Lot 12 for a distance of 276.25' to a point that is 25.00' south of the northwest corner of Lot 12; thence N 89°46'00" E and parallel to the north line of Lot 12 for a distance of 127.95' to a point on the east line of Lot 12, thence S 00°00'00" west and along such east line for a distance of 95.00', thence N 89°46'00" E and parallel to the north line of Lot 11 for a distance of 104.45' to a point that is 23.50' west of the east line of Block 1, thence S 00°00'00" west and parallel to such east line

for a distance of 50.00', thence N 89°46'00" E and parallel to the north line of Lot 11 for a distance of 5.00' to a point that is 18.50' west of the east line of Block 1, thence S 00°00'00" W and parallel to such east line for a distance of 145.95' to a point 15.00' south of the south line of Lot 11, thence S 89°42'07" W and parallel to the south line of Lots 11 and 12 for a distance of 237.40', thence N 00°00'00" E for a distance of 15.00' to the Point of Beginning.

PUD-558-2 – Dean Thomas
1200 South Frisco
(Minor Amendment)

(PD-7) (CD-2)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required south boundary setback from 30 feet to 18 feet. The request modifies the approved PUD standards as amended by PUD-558-1 on July 22, 1998.

Staff has reviewed the request and finds the proposed reduction in the setback of the proposed single-family dwelling from the south boundary of the PUD is minor in nature and does not alter the character of the PUD or the intent of the original approval. PUD-558-1 modified the original approval from a four-plex to a single-family dwelling. A draft plot plan submitted at that time formed the basis for establishing setback distances.

The current request moves the structure ten feet to the south to more fully utilize the lot.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-558-2 reducing the south boundary per the submitted plot plan from 30 feet to 18 feet.

NOTE: Minor Amendment approval does not constitute Detail Site Plan approval.

Applicant indicated his agreement with the staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **APPROVAL** Minor Amendment for PUD-558-2 as recommended by staff.

PUD-364 – Ricky Jones

(PD-18) (CD-8)

North of northeast corner 101st Street South and South Mingo Road
(Detail Site Plan)

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 4,007 square foot one-story bank building and drive-through facility on a 46,000 square foot (net) lot.

Staff has reviewed the site plan and finds conformance to area and bulk, building height and square footage, setback, parking, circulation, screening and total landscaped area standards as revised by PUD-364-3.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted.

Note: Detail Site Plan approval does not constitute Landscape or Sign Plan approval

Applicant indicated his agreement with staff's recommendation.

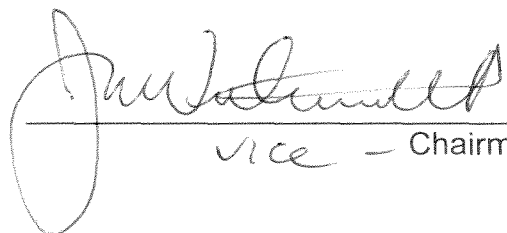
There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Harmon, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Horner, Ledford, Selph "absent") to recommend **APPROVAL** of the Detail Site plan as submitted and recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date approved: 09-09-98



vice - Chairman

ATTEST: 

Secretary