

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2229

Wednesday, February 2, 2000 1:30 p.m.

Tulsa County Administration Building, Room 119

Members Present	Members Absent	Staff Present	Others Present
Boyle	Collins	Beach	Swiney, Legal
Carnes	Ledford	Bruce	Counsel
Harmon	Midget	Huntsinger	
Hill		Matthews	
Horner		Stump	
Jackson			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 31, 2000 at 8:40 a.m., posted in the Office of the City Clerk at 8:22 a.m., as well as in the office of the County Clerk at 8:17 a.m.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Boyle reported that the committee held a work session January 26th, regarding Subdivision Regulations and proposals to amend the regulations. Mr. Boyle requested that the proposed amendments for Subdivision Regulations be on the February 16, 2000 meeting.

Director's Report:

Mr. Stump reminded the Planning Commissioners that if they are interested in attending the APA New York Conference, they have to submit their registration forms.

Mr. Stump reported that the City Council meeting for January 27th was cancelled due to inclement weather and the February 3rd meeting will have the zoning cases that were scheduled for January 27th.

Mr. Harmon in at 1:34 p.m.

SUBDIVISIONS

FINAL PLAT:

CRESCENT CENTER ONE (PUD-608) (1483) (PD-8) (CD-8)
Southeast corner of East 81st Street South and South Sheridan Road

Staff Recommendation:

Mr. Bruce stated that all release letters have been received and everything is in order. Staff recommends approval of the final plat for Crescent Center One.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the final plat for Crescent Center One as recommended by staff.

KALLAY PARK CENTER (PUD-522) (1383) (PD-6) (CD-7)
Southeast corner of East 27th Street South and South Harvard Avenue

Staff Recommendation:

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval of the final plat for Kallay Park Center.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the final plat for Kallay Park Center as recommended by staff.

MEADOWBROOK CENTER (PUD-522) (1383)

(PD-18) (CD-8)

Southwest corner of East 81st Street South and South Mingo Road

Staff Recommendation:

Mr. Beach stated that everything is in order and all release letters have been received. Staff recommends approval of the final plat for Meadowbrook Center.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the final plat for Meadowbrook Center as recommended by staff.

PRELIMINARY PLAT:

SUTTON WEST (3304)

(PD-16) (CD-6)

Southeast corner of East Pine Street and North 129th East Avenue

Staff Recommendation:

This plat consists of one lot in one block with two reserves on 19.62 acres. It will be developed for industrial uses. This plat was reviewed in 1997 and ultimately was never approved. The applicant has now resubmitted the plat with minor revisions.

The following were discussed **January 20, 2000** at the Technical Advisory Committee (TAC) meeting:

1. Zoning:

- The property is zoned IL and the proposal is consistent with the zoning requirements. No Board of Adjustment action would be required to create these lots. There is no PUD or zoning change anticipated.

2. Streets/access:

- The property has frontage on East Pine Street and North 129th East Avenue. Lot 1 would gain its access from Pine. The plat shows one 40-foot access location 135 feet from the east end of the tract.
- Somdecerff, Transportation – stated that the right-of-way dedication needs to be modified to include the standard 28-foot triangle at the corner of the two streets. He also stated that the boundary line would need to be moved to the centerline of the two streets since this plat includes dedication of right-of-way.

- Eshelman, Traffic – stated that the access is acceptable as shown. He asked that the easements be made graphically clearer. It is not clear where the access easement begins and ends at the east end of the property.
3. **Sewer:**
 - There were no specific comments.
 4. **Water:**
 - Lee, Water – stated that the existing 12” water line would need to be extended along Pine.
 5. **Storm Drainage:**
 - The two reserve areas are for stormwater easements.
 - McCormick, Stormwater, stated that on-site detention would not be required. He stated that the Deed of Dedication and Restrictive Covenants need to contain the standard language related to stormwater, streets, and limits of access.
 6. **Other:**
 - The utility easements shown were acceptable to the TAC members present.

Staff recommends approval of the preliminary plat subject to the conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. Dedication of right-of-way consistent with the requirements of the Major Street and Highway Plan and including the 28-foot triangle at the corner of N. 129th E. Ave. and E. Pine St.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc, shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
18. The key or location map shall be complete.

- 19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
- 20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
- 21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
- 22. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the preliminary plat for Sutton West subject to special conditions and standard conditions as recommended by staff.

PLAT WAIVER:

Z-6734 (393)

63 North Yale

(PD-3) (CD-3)

Staff Recommendation:

Approval of a rezoning from RM-1 to IL triggered the platting requirement. This property with the existing building is planned to be used for a tool grinding shop. The building was formerly used for a church. There will be no new construction or paving.

Staff Comments and Recommendation:

Considering that the purposes of the Subdivision Regulations would not be compromised and the City would have nothing to gain by requiring the property be platted, **staff recommends APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|--------------------------|----|
| 1) Has property previously been platted? | <input type="checkbox"/> | √ |
| 2) Are there restrictive covenants contained in a previously filed plat? | <input type="checkbox"/> | √ |

3) Is property adequately described by surrounding platted properties or street R/W? √

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

4) Is right-of-way dedication required to comply with Major Street and Highway Plan? √1

5) Would restrictive covenants or deeds of dedication be needed by separate instrument? √2

6) Infrastructure requirements

a) Water

i) Is a main line water extension required? √

ii) Is an internal system or fire line required? √

iii) Are additional easements required? √

b) Sanitary Sewer

i) Is a main line extension required? √

ii) Is an internal system required? √

iii) Are additional easements required? √

c) Storm Sewer

i) Is a P.F.P.I. required? √

ii) Is an Overland Drainage Easement required? √

iii) Is on-site detention required? √

iv) Are additional easements required? √

7) Floodplain

a) Does the property contain a City of Tulsa (Regulatory) Floodplain? √

b) Does the property contain a F.E.M.A. (Federal) Floodplain? √

8) Change of Access

a) Are revisions to existing access locations necessary? √

9) Is the property in a P.U.D.? √

a) If yes, was plat recorded for the original P.U.D.? **N/A**

10) Is this a Major Amendment to a P.U.D.? √

a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? **N/A**

1) Dedication is required to a total width of 50 feet east of the centerline of Yale Avenue. However, the existing building would prevent this and the TAC would agree to a waiver of the requirement for dedication.

2) If the right-of-way dedication were made, a separate instrument would be required if the property were not platted. See No. 1

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Learord, Midget "absent") to **APPROVE** the plat waiver for Z-6734 as recommended by staff.

Staff Comments:

Mr. Beach stated that he failed to inform the Planning Commission that the dedication of the right-of-way that is required is not possible to accomplish. He explained that the existing building would prevent this from being accomplished. He indicated that the plat waiver would also need a waiver of the Subdivision Regulations requiring the dedication of the right-of-way. Mr. Beach informed the Planning Commission that TAC did not have concerns with waiving this condition.

Mr. Swiney informed the Planning Commission that if they would like to revisit or clarify the previous vote, then it would require a vote to reconsider.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **RECONSIDER** the plat waiver for Z-6734.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the plat waiver, subject to waiving the Subdivision Regulations requiring the dedication of right-of-way for Z-6734 as recommended by staff.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6729

Applicant: Louis Levy

Location: Northwest corner of East Apache and North Yale Avenue

IL TO IH

(PD-2) (CD-3)

TMAPC Comments:

Mr. Westervelt announced that the TMAPC has received a request for a continuance to March 1, 2000.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **CONTINUE** Z-6729 to March 1, 2000 at 1:30 p.m.

ZONING PUBLIC HEARING

APPLICATION NO.: CZ-263

RS TO CH

Applicant: James P. Kelley

(PD-8) (County)

Location: West of southwest corner of West 56th Street and South 45th West Avenue

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as High Intensity – Commercial land use and Special District C – Skelly Drive Frontage. Policies in the text call for conversion of residentially used land to commercial and industrial uses and improvement of circulation within and along this special district.

According to the Zoning Matrix, the requested CH **may be found in accordance** with the Plan, for two reasons. First, CH is not an "in accordance" in any intensity category; and second, the property is within a special district, in which all categories are "may be founds".

Staff Comments:

Site Analysis: The subject property is approximately 1.78 acres in size and is located west of the southwest corner of West 56th Street South and South 45th West Avenue. The property is flat, non-wooded, contains a motel and parking, and is zoned RS.

Surrounding Area Analysis: The subject property under consideration for rezoning is the eastern half of an existing motel. The western portion of the property is zoned CH; to the northwest is I-44, zoned CH; abutting the subject tract to the east is an industrial business, zoned IL; to the south are small storage buildings, zoned RS in the county, and to the southwest is vacant property, zoned IL.

Zoning and BOA Historical Summary: Recent rezoning action in this area approved IL zoning on a tract just south and west of the subject tract that fronts on West 57th Street South and also approved IL zoning on two small lots located south and east of the subject property and fronting South 45th West Avenue between West 56th Place and West 57th Street South.

Conclusion: The District Plan recognizes that this area is in transition to industrial and related uses. The subject tract has an existing motel located on it and has been a nonconforming use for several years. Based on the existing zoning and uses in this area, staff recommends **APPROVAL** of the requested CH zoning.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to recommend **APPROVAL** of the CH zoning for CZ-263 as recommended by staff.

Legal Description for CZ-263:

Lots 3 and 4, Block 1, Bozarth Acres, Tulsa County, State of Oklahoma. **From RS (Residential Single-family District) to CH (Commercial High Intensity District).**

* * * * *

APPLICATION NO.: Z-6749

RS-3/RM-1 TO PK

Applicant: Stephen Schuller

(PD-6) (CD-9)

Location: East of southeast corner 37th Place and South Peoria

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity – Residential within the Northern Brookside Special Consideration Area. Plan policies that pertain to the adjacent Northern Brookside Business Area Special District (Section 3.4.1) indicate that PK zoning is appropriate if contiguous to commercial zoning or off-street parking lots. In this case, the proposed PK zoning is adjacent to existing parking and commercial uses. Policy 3.4.2.7 recommends use of the PUD in any proposed (re)development to ensure compatibility with existing residential uses.

Staff Comments:

Site Analysis: The subject property is approximately .457-acres in size and is located east of South Peoria Avenue fronting East 37th Place South and East 38th Street South. The property is flat and non-wooded and is being used as a church parking lot on the north half of the tract and a parking lot on the south half. The property is zoned RS-3 on the north and RM-1 on the south.

Surrounding Area Analysis: The subject tract is abutted on the north by a parking lot, zoned OL, and a single-family dwelling, zoned RS-3; to the east by single-family homes, zoned RS-3 on the north half and a condominium complex on the south half; to the west by a church and commercial businesses, zoned CH; and to the south across East 38th Street South by an apartment complex and parking, zoned RM-1.

Zoning and BOA Historical Summary: The history of zoning action in this area indicate that parking uses have been permitted north of the subject tract and when contiguous to commercial lots that front South Peoria. The east 120' of the north 140' of the subject tract was approved in 1965 for off-street parking for church use (Lots 5 and 6, Block 1, Lee Dell Second) also the west 15' of the north 140' of the subject tract was approved for a church building that was constructed on the tract. The need for additional parking to serve this area is well documented.

Conclusion: The Comprehensive Plan designates the subject tracts as residential but they are included in the Northern Brookside Special Consideration Area. Plan policies for the adjacent Special District recommend PK zoning if adjacent to existing commercial zoning and/or existing parking lots. The west lots of the subject property have been used as parking lots for some time and the easternmost lot is vacant. The subject property is contiguous to the commercial tract to the west. Therefore, staff recommends **APPROVAL** of PK zoning for Z-6749. If the Planning Commission is inclined to approve this application, it would be appropriate to direct staff to prepare related amendments to the District 6 Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Ms. Pace expressed concerns regarding the line of the zoning districts. In response, Ms. Matthews stated that if the PK zoning could go one additional lot deep, then it would line up with the zoning boundary north of 37th Place. Ms. Matthews explained that staff strives to have uniform lines, but typically one follows the lot lines and the subject lot line is not regular. Ms. Matthews stated that there is a fine line that keeps creeping, as the parking problem becomes

worse. Ms. Matthews indicated that part of the provisions of the Infill Task Force report were to address this issue and staff also relies on the merchants and the neighborhood associations in the area to resolve any differences they might have. Ms. Matthews stated that without having a concrete agreement from the merchants and neighborhood associations nor a concrete recommendation from the Infill strategy, staff has no alternative but to recommend approval, since this is adjacent to existing parking and being used for parking.

Mr. Boyle stated that he feels that the key difference in this case is that the property is already being used for parking and the Planning Commission would be allowing other properties to use the subject parking area as well. Ms. Matthews stated that staff and the Planning Commission have encouraged flexible use of parking facilities in the past.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to recommend **APPROVAL** of the PK zoning for Z-6749 as recommended by staff.

Legal Description for Z-6749:

The East 45' of the West 305' of the South 165.57' of Lot 3, Section 19, T-19-N, R-13-E, Tulsa County, Oklahoma, and the East 15' of the West 275' of the North 2.5 acres of the South 5 acres of the West 20 acres of Lot 3, Section 19, T-19-N, R-13-E, Tulsa County, Oklahoma, and Lots 5 and 6, Block 1, Lee Dell Second Addition, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the Plat thereof, **from RS-3 and RM-1 (Residential Single-family High Density District and Residential Multifamily Low Density District) to PK (Parking District).**

APPLICATION NO.: PUD-602-1

MINOR AMENDMENT

Applicant: Charles Norman

(PD-18) (CD-8)

Location: Northwest corner of East 71st Street and South Garnett Road

Staff Recommendation:

The applicant is requesting Minor Amendment approval to modify the existing development specifications as follows:

1. A reduction in building setback from the north PUD boundary for 183 feet of the north-facing building wall from 75 feet to 42 feet for 43 feet of north-facing building wall and from 75 feet to 60 feet for 140 feet of north-facing building wall (Exhibit A).

2. A reduction of the buffer-planting strip along the north boundary from 15 feet to five feet for a 160-foot portion of the 1,215-foot northern boundary (Exhibit A).
3. An increase in permitted height of light standards from 40 feet to 43 feet.
4. An increase in the permitted height of the two centers and tenant identification ground signs at principal entrances to East 71st and S. Garnett from 25 feet to 35 feet (Exhibit C).

Staff has examined a draft detail site and landscape plans submitted as part of the request. The request for reduced building setback along the north boundary relates to the building location and configuration proposed by the anchor tenant. The reduction in setback necessitates a corresponding reduction in a portion of the landscaped and fenced buffer strip to allow truck access.

The increase in the height of light standards is for the purpose of installing a 40-foot standard on top of a three-foot concrete base. The request for increased tenant identification sign height from 25 feet to 35 feet along Garnett and East 71st South seeks to prominently display and identify the anchor tenant and other tenants of the site.

Staff is of the opinion that a reduction in a portion of the north-facing building wall setback and corresponding landscape buffer strip reduction; when combined with the screening fence requirement, maintains the intent of the original approval by providing an area with the potential to sufficiently buffer the rear of buildings from the collector street and office uses to the north.

Staff would note that the original approval calls for screening to be provided by some combination of fencing, landscaping and berming to effectively screen the rear of the building(s) from the collector street. The Draft Site Plan indicates approximately 160 feet of fencing and six trees. Staff is of the opinion that the screening indicated is insufficient and recommends a continuous row of trees and extension of the fencing along the entire 320-foot rear of the anchor tenant building.

Similarly the increase in the height of light standards is seen as a minor change not affecting abutting uses and is in keeping with the intensive commercial uses in the area.

The increase in sign height from 25 feet to 35 feet, however, does not maintain the intent of the original approval limiting sign height along East 71st Street and South Garnett. Existing ground signage along the south side of East 71st is uniformly 25 feet in height. The 25-foot height limitation of the tenant and center identification sign on Garnett was intended to limit the view of signage from residential area 300 feet to the north. Staff believes that conditions in the area have not changed since the March 1999 approval and do not warrant a change in sign height. Finally, tenant and center identification signage for PUD-489 (71

Mingo Center – West of the Expressway) has maintained a tenant-center sign height of 25 feet along East 71st. PUD-489 is positioned in an identical fashion as the subject PUD, being one user away from the expressway.

Staff, therefore, recommends **DENIAL** of the increased sign height and **APPROVAL** of the building setback, reduction in 15 foot screening buffer and increase in height of light poles as submitted subject to the following conditions:

1. The reduction in building setback from the north PUD boundary will be only for 183 feet of north facing building wall as depicted on the Draft Detail Site Plan noted as "Exhibit A."
2. The reduction of the 15 foot buffer planting strip will be allowed for only a 160-foot portion of the 1,215-foot northern PUD boundary abutting the collector street noted as "Exhibit A." This approval maintains the requirement that the rear of all north-facing buildings be effectively screened from the collector street. The effectiveness of the screening will be determined at the time of Detail Site Plan review.
3. The increase in the height of light standards from 40 feet to 43 feet will be allowed only for parking lot lighting south of the south-facing building wall of the shopping center. All lighting will be hooded and directed downward. ~~All freestanding and building mounted lighting on the sides and rear of the building will be no higher than the building and be hooded and directed downward.~~

Mr. Westervelt stated that the Planning Commission has received two letters from interested citizens in regard to this application, which will be submitted as an exhibit (Exhibit B-1).

TMAPC Comments:

Mr. Boyle stated that he noticed in one of the letters received today that the neighboring residents are concerned about the 75' setback. Mr. Boyle asked why the reduction from 75' to the lesser setback still leaves the residential neighborhood with the protection that they are entitled to. In response, Mr. Stump stated that there is another PUD that allows office immediately north of the subject property that is interposed between the residential and the back of this shopping center. This strip, including the roadways, is 300' wide and the residents would not notice if the setback was 60' or 75'. Mr. Stump explained that the normal setback from a collector street in a CS district would be 25' for buildings and this project is greater than 25'.

Mr. Boyle asked what the zoning is for the parcel between the residential and the proposed project. In response, Mr. Stump stated that the strip identified as PUD-602-1 is allowed to have offices, which would back to the residential in front and it is a separate PUD. Mr. Stump commented that staff feels that with the offices interposed between the residential and the back of the proposed commercial, the residents would not see the difference in the setbacks.

Mr. Stump stated that if the PUD to the north is developed as planned, the back of the shopping center would front onto 69th Street South along the northern boundary. Staff was concerned that there be some reasonable plantings along the northern boundary in order to soften the back of the shopping center.

Applicant's Comments:

Charles Norman, 2900 Mid-Continent Building, Tulsa, Oklahoma 74103, stated that the development plans for Eastside Market pursuant to PUD-602 have been completed and the detail site plan and landscape plans have been submitted to the TMAPC.

Mr. Norman commented that he appreciated the explanation that was given to make it clear regarding the 300-foot strip, which is the panhandle to the Hammonds Hotel PUD development.

Mr. Norman stated that the anchor tenant store will contain approximately 87,000 SF and is deeper in dimension than the accessory buildings shown on the detail site plan. PUD-602 requires a 75-foot building setback from the north boundary and a landscape buffer at least 15 feet in width containing landscaping, berms, screening walls or fences or combinations which screen the rear of the buildings from the proposed east/west collector street along the north boundary of Eastside Market.

Mr. Norman explained that in order to permit the development of Eastside Market, which features as its anchor tenant a major retailer new to the Tulsa area, the property owner requests approval of minor amendments to PUD-602.

Mr. Norman stated that the 75' setback is exceeded in every instance except with respect to two areas of the large anchor tenant. He indicated that the landscaping being provided on both sides of the subject area are deeper than the building setback line. He indicated that the requirement for landscaping was ten percent and the subject site plan produces sixteen percent overall landscaping. He stated that there is separation from the single-family area, which is 300 feet north of the subject property, and in addition, the landscaping itself will screen it.

Mr. Norman indicated that he agrees with the recommendation of the staff except for the recommendation for denial of the requested increase in height of the identification sign. He explained that he requested two signs, one on Garnett Road and one at the entrance, which is mid-point on East 71st Street.

Mr. Norman stated that the tops of the proposed signs have a decorative cap, which it is an architectural feature that has no real advertising on it. The next three feet is the identification of the center (Eastside Market) and the next five feet is for the identification for the anchor tenant with three panels below for additional tenants. He commented that if the additional ten feet is denied, then the lower panels will only be six feet from the ground. He explained that the

reason for this type of request is that this particular property differs from the property across the street. He indicated that the difference is that it is a single-ownership and single-developer shopping center. The property and the PUD to the south have a number of different ownerships for a restaurant, bank, theatres, apartments and an auto dealership. He stated that it is appropriate to limit the height of signs for these kinds of out-parcels. However, on the subject location the sign will be located in the middle of the property and only serve as an architectural element, as well as provide adequate height of visibility for the tenants.

Mr. Norman pointed out other properties in the subject area that were granted 35-foot identification signs. He stated that he recognizes that the subject location is farther away from the expressway itself, but the purpose of the height request is not to provide for any kind of identification from the expressway. It is simply to provide an adequate and visible identification of the subject center and the tenants inside the center. With this design and scale, he does not see where the extra ten feet represent inappropriate or unacceptable design for the one sign that is requested. He clarified that he is not asking for the sign on Garnett to be considered for the additional height.

TMAPC Comments:

Ms. Hill asked Mr. Norman what type of business was going into the center. In response, Mr. Norman stated that it would be an upper level department store that is entering the Tulsa market. Mr. Norman compared the business to Dillard's and indicated that there will be three stores that are planned to open simultaneously.

Ms. Pace asked Mr. Norman if the Planning Commission granted the ten-foot increase in the proposed sign, why wouldn't the Planning Commission wouldn't do the same for the next property developing in the same area. In response, Mr. Norman stated that when there is a project of this scope and width, plus being a single operation with 80,000 SF, then this height for a sign does not detract from good design or from the landscaping that is provided as a part of the center itself. In response, Ms. Pace stated that if one followed this logic then the larger the project the taller the sign. In response, Mr. Norman stated that he would not argue that the sign would need to be greater than 45' or 50' feet. Mr. Norman indicated that the sign could be wider and still utilize the permitted display floor area, but his particular design makes the sign higher and has different sizes of panels for the different tenants, according to the size of their stores. Ms. Pace asked Mr. Norman if the Planning Commission followed the staff recommendation and denied the additional height, then his client would make the sign wider. In response, Mr. Norman stated that he is not sure that his client would make the sign wider, but there is a concern regarding the bottom panels being reduced to six feet from the ground. Mr. Norman concluded that this is a sign that is in keeping with the design of the center.

Mr. Boyle asked Mr. Norman if the Planning Commission would have a risk by allowing the height, because each succeeding development would feel that they are entitled to an additional ten feet. Mr. Boyle stated that the Planning Commission has to draw line some place regarding height of signs. In response, Mr. Norman stated that if the proposed sign were located in straight CS zoning, it would be permitted as far as height. Mr. Norman commented that he applauds the Planning Commission's effort to reduce the height of signs and he has never argued about the height as a goal. Mr. Norman stated that the request is more of a design issue than one of absolute height.

Mr. Carnes stated that it is not the Planning Commission's intent to cater to an architectural design. In response, Mr. Norman stated that not all developments have been restricted, particularly the two on the east side. Mr. Carnes stated that he remembers the two signs and reminded Mr. Norman that the signs were approved because the bases were in a hole.

Interested Parties Comments:

Ken Ellers, 6806 South 109th East Avenue, thanked Mr. Boyle for clarifying the setbacks from the actual property lines. He expressed concerns regarding the screening fence being delayed until the installation of East 69th Street South. He commented that he has concerns with a barrier between the residents of East 68th Street and 109th, which abut the development.

Mr. Norman stated that he had originally requested that the planting of the trees along what will be the street frontage for the new collector street be deferred until the street is dedicated. He indicated that he has withdrawn this request and the trees will be planted before the dedication of the street. He explained that his client fears that some of the trees will be damaged during construction of the street; however, if they are not, then the trees will gain a couple years of growth.

Mr. Norman clarified where the screening fence would be installed and where the trees would be planted along the area where the new collector street would be constructed.

Mr. Ellers expressed concerns regarding the natural pond being destroyed. He explained that his home is at the lowest point of Southbrook II and the natural pond serves as a detention pond. In response, Mr. Norman stated that the subject pond is on the Hammond property and it will have to be addressed when the Hammond property is before the Planning Commission.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **DENY** of the increased sign height and **APPROVE** the building setback, reduction in 15-foot screening buffer and increase in height of light poles as submitted, subject to the following conditions: The reduction in

building setback from the north PUD boundary will be only for 183 feet of north-facing building wall as depicted on the Draft Detail Site Plan, noted as "Exhibit A." The reduction of the 15-foot buffer planting strip will be allowed for only a 160-foot portion of the 1,215-foot northern PUD boundary abutting the collector street, noted as "Exhibit A." This approval maintains the requirement that the rear of all north-facing buildings be effectively screened from the collector street. The effectiveness of the screening will be determined at the time of Detail Site Plan review. The increase in the height of light standards from 40 feet to 43 feet will be allowed only for parking lot lighting south of the south-facing building wall of the shopping center. All lighting will be hooded and directed downward, as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

OTHER BUSINESS:

APPLICATION NO.: PUD-621

DETAIL SITE PLAN

Applicant: Ted Sack

(PD-6) (CD-4)

Location: East side of South Harvard between East 27th Street and East 27th Place

Staff Recommendation:

The applicant is requesting Detail Site Plan approval for a 23,942 SF one-story office supply retail facility on 2.55 (net) acres.

In reviewing the Detail Site Plan, staff found conformance to bulk and area, building setback and height, parking, lighting, access, screening and total landscaped area standards of PUD-621.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-621 subject to the following:

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-621, subject to TMAPC approval and release of the Kallay Park Center Final Plat as recommended by staff.

APPLICATION NO.: PUD-608

DETAIL SITE PLAN

Applicant: Ricky Jones

(PD-18) (CD-8)

Location: Southeast corner East 81st Street South and South Sheridan

Staff Recommendation:

The applicant is requesting Detail Site and Landscape Plan approval for a 52,994 SF single-story building on a 9.87 acre (net) lot. The PUD specifications for Development Area A included a reference to the provision of a landscape buffer along the easternmost boundary as outlined in Exhibit B-1 of the Outline Development Plan.

Staff has examined the Site and Landscape Plans and finds conformance to bulk and area, setback, height, lighting, screening, buffering, access, parking and total landscaped area standards of PUD-608 Development Area A. Staff also notes conformance to landscape screening standards of PUD-608 as well as conformance to all requirements of the Landscaped Chapter of the Zoning Code.

In addition, staff notes that the applicant has provided details regarding the screening of roof-top mechanical equipment indicating that equipment will not be visible from second floor offices proposed for Development Area B. The applicant has also provided sufficient landscape buffering to screen both building and rear service areas from the residential areas to the east.

Staff, therefore, recommends **APPROVAL** of the Detail Site and Landscape Plans for PUD-608 Development Area A subject to the following condition: TMAPC approval and release of the *Crescent Center One* Final Plat.

There were no interested parties wishing to speak.

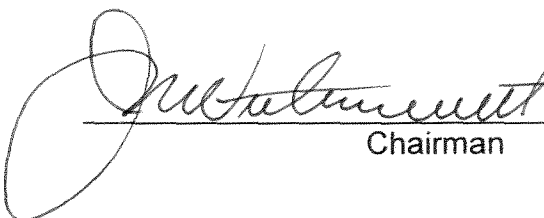
The applicant indicated his agreement with staff's recommendation.


TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Ledford, Midget "absent") to **APPROVE** the detail site plan for PUD-608, subject to TMAPC approval and release of the *Crescent Center One* Final Plat as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:14 p.m.

Date approved: 02/16/00


Chairman

ATTEST: 
Secretary