

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2290

Wednesday, October 24, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Hill	Beach	Swiney, Legal
Carnes	Midget	Bruce	
Harmon	Selph	Dunlap	
Horner		Huntsinger	
Jackson		Stump	
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, October 22, 2001 at 8:45 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:37 p.m.

REPORTS:

Worksession Reports:

Mr. Westervelt reported that there were several items on the worksession today and each item will be discussed later in the agenda.

Countryside Estates

Request that TMAPC initiate a rezoning of Countryside Estates Subdivision from RE to AG-R.

TMAPC Comments:

Mr. Westervelt stated that the committee decided to send this item to the Planning Commission with the recommendation to call for a public hearing on December 19, 2001.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, TMAPC voted **7-0-0** (Bayles, Carnes, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Harmon, Hill, Midget, Selph "absent") to **APPROVE** the TMAPC initiating a rezoning application for Countryside Estates from RE (Residential Estate District) to AG-R (Agriculture-Residential Single-Family, Rural Development) and call for a public hearing regarding this issue.

Mr. Harmon in at 1:35 p.m.

Director's Report:

Mr. Stump reported that Z-6814/PUD-650 (Children's Medical Center property) is scheduled for hearing at the City Council, October 25, 2001.

SUBDIVISIONS

Lot-Splits for Waiver of the Platting Requirement and Subdivision Regulations:

L-19243 – Donald Walker (3483) (PD-26) (CD-8)

Location: East of southeast corner East 121st Street and South Yale

RELATED ITEM:

APPLICATION NO.: PUD-527-B-1

MINOR AMENDMENT

Applicant: J. Don Walker

(PD-26) (CD-8)

Location: East of southeast corner East 121st Street and South Yale

Staff Recommendation:

Mr. Dunlap stated that the applicant has requested a continuance for these two items.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to **CONTINUE** L-19243 and PUD-527-B-1 to November 7, 2001 at 1:30 p.m.

CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6840/PUD-656

CO TO IL/PUD

Applicant: R. L. Reynolds

(PD-18) (CD-8)

Location: South of southeast corner of East 61st Street and South Mingo Road

Staff Recommendation:

RELEVANT ZONING HISTORY:

Z-5773-SP-3 October 1999: Approval was granted for the use of the subject property and existing building from the development of prototype aeronautic simulators and related products as a Scientific Research and Development use to Use Unit 15, Other Trades and Services, for the design, development and fabrication of components of aeronautic simulators. No exterior change to the building was approved.

Z-5773-SP-2 June 1997: A detail corridor site plan was approved for the subject property that changed the existing indoor soccer and recreational facility to a facility for the development of prototype aeronautic simulators and related products. No exterior change was proposed or approved for the building.

(See Z-5773-SP-1 – 1983)

Z-6254/Z-6254-SP-1 September 1989: All concurred in approval of rezoning a .4-acre lot located on the northeast corner of East 63rd Street South and South Mingo Road from RS-3 to CO and approval was also granted on a detail corridor site plan, Z-6254-SP-1 on the property for a small appliance business in the existing building.

Z-6122 October 1986: All concurred in approval of a request to rezone a .3-acre tract located on the northeast corner of East 62nd Street South and South Mingo Road from RS-3 to CS.

Z-6086 December 1985: A request to rezone the small .3-acre tract adjoining the subject property on the south, from RS-3 to OL to allow a multi-line insurance sales office was approved.

Z-5908 March 1984: A request to rezone a 3.1-acre tract located on the southeast corner of East 62nd Street South and South Mingo Road and abutting the subject tract on the north, from RS-3 to CO. Staff felt that the requested CO zoning was premature and inappropriate due to the existing single-family dwelling abutting the property and recommended denial. The adjoining property owner advised the Planning Commission that he would be requesting CO zoning. Planning Commission recommended approval of CO zoning and the City Commission concurred in approval.

Z-5903 February 1984: All concurred in approval of a request to rezone an 8.3-acre tract located south of the southeast corner of East 63rd Street and South Mingo Road from RS-3 to CO.

Z-5773/Z-5773-SP-1 January 1983: A request to rezone the subject tract from RS-3 to CO. The City Commission, per staff and Planning Commission's recommendation, approved the request for CO zoning. Approval was also granted for a detail corridor site plan for a 28,672-square foot building for an indoor soccer playfield and accessory recreational uses.

Z-6044 December 1980: A request to rezone a 1.6-acre tract on the west side of Mingo Road approximately 225' south of the southeast corner of East 62nd Street and South Mingo Road from AG to OL; staff recommended denial, the TMAPC recommended approval and the City Commission denied it.

SITE ANALYSIS: The subject property is approximately 2.37 acres in size. The property is flat, non-wooded; contains a manufacturing facility, and is zoned CO.

STREETS:

Exist. Access	MSHP R/W	Exist. No. Lanes
South Mingo Road	100'	2 lanes

The Major Street Plan designates South Mingo Road as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 20,700 trips per day on South Mingo Road at East 61st Street South.

UTILITIES: Water and sewer are available to the subject property.

SURROUNDING AREA: The subject tract is abutted north by vacant land, zoned CO; to the southwest by an office and small appliance retail store, zoned OL and CO; to the east and southeast by single-family dwellings, zoned RS-3; and to the west by a vacant land, zoned AG.

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 Low Intensity – Corridor.

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

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and zoning patterns, staff cannot support the requested rezoning and therefore recommends **DENIAL** of IL zoning for Z-6840.

RELATED ITEM:

PUD-656 Standards:

The subject tract is zoned CO and consists of approximately 2.27 acres located south of the southeast corner of East 62nd Street and South Mingo Road. A corridor site plan (Z-5773-SP-1) was approved by the City Council in 1983. The permitted uses were an indoor soccer playfield and accessory recreational uses. A second corridor plan (Z-5773-SP-2) was approved on the subject tract in 1997. This plan changed the use of the existing building to allow for the development of prototype aeronautic simulators and related products as included within Use Unit 22. A third corridor site plan was approved on the subject tract in 1999. This plan again changed the permitted use to allow for the design, development and fabrication of components of aeronautic simulators as included within Use Unit 15. There was no exterior change to the building and products shipped by semi-trailer truck were limited to 15 trips per month.

As stated above, the subject tract is zoned CO. The tract is abutted on the north by vacant CO-zoned property; on the east by residential uses zoned RS-3; and on the south by office uses zoned OL and residential uses zoned RS-3. There is a vacant AG-zoned property to the west of the tracts, across South Mingo Road.

Rezoning application Z-6840 has been filed requesting the subject tract be rezoned from CO to IL. The PUD proposes to allow uses permitted by right and exception in an IL district, excluding Use Unit 12 A. No changes to the exterior of the building are proposed.

The District 18 Plan, a part of the Comprehensive Plan designates the subject tract as Low Intensity/Corridor. The requested zoning and PUD are not in accordance with the plan map.

The Planning Commission at their October 17, 2001 meeting, directed staff to prepare the following standards:

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

Land Area:

Net	2.273 Acres	98,991.81 SF
Gross:	2.448 Acres	106,618.20 SF

Permitted Uses:

Only fabricating and assemblage of gauges, valves, packers, plugs and related down hole oil well service tools as would be included within Use Unit 25. Casting or forging is prohibited. All fabricating and assemblage shall be conducted inside the existing building.

Maximum Building Floor Area: 30,000 SF

(Existing building only, no new buildings are permitted)

Maximum Building Height:

(Existing building only, no new buildings are permitted)

Sidewall 25 FT

Peak of the roof 37 FT

Maximum Number of Buildings: 1

Minimum Lot Frontage Per Lot:

On South Mingo Road 150 FT

Minimum Building Setbacks:

(For existing building only, no new buildings are permitted.)

From the north boundary 33 FT

From the south boundary 33 FT

From the centerline of South Mingo Road 230 FT

From the east boundary: 120 FT

From the west boundary 182 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code.

Signs:

One (1) identification ground sign shall be permitted at the entrances on South Mingo Road with a maximum of 20 square feet of display surface area and six feet in height.

Wall signs shall be permitted not to exceed one square foot of display surface are per lineal foot of building wall to which attach. The length of a wall sign shall not exceed seventy five percent (75%) of the frontage of the building. No wall signs shall be permitted on the east- or south-facing walls.

Landscaping and Screening:

A minimum of fifteen percent (15%) of the net land area shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code and in accord with the Detailed Landscape and Screening Plan as shown on Exhibit B.

There shall be a six-foot high or higher screening wall or fence along the east and south boundaries of the PUD abutting the residential district. There shall be a ten-foot wide landscaped strip along the east and south boundaries of the PUD abutting the residential district.

Access and Circulation:

There shall be a maximum of one access point onto South Mingo Road. All access shall be approved by Traffic Engineering.

Color of Building:

The color of the building shall be earth tones.

3. All activities and storage of materials shall be within the existing building.
4. Product shipping or receiving by semi-trailer truck shall be limited to the hours of 6:00 a.m. to ~~11:00 p.m.~~ 8:00 p.m.
5. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. A detail landscape plan for each lot shall be approved by the TMAPC 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 for the lot, 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.

7. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. There shall be no bulk trash receptacles south of the north building wall or east of the east building wall.
9. Outdoor lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from properties within the residential district abutting the PUD. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in the residential district abutting the PUD or street right-of-way. No light standard nor building-mounted light shall exceed 20 feet in height.
10. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
11. No building permit shall be issued until the requirements of Section 1107F 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 that relate to PUD conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of products, materials or equipment used on site, nor recyclable material, trash or similar material outside, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers or outside metal containers shall not be used for storage.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Tulsa, Oklahoma 74114, stated that he would like to clarify some issues initially. He explained that he doesn't want anyone to think that he doesn't fully support previous actions or uses of the subject property in the past. Common sense went into finding a way to utilize the subject property in accordance with both the letter and the spirit of the Zoning Code. He stated that staff and the Planning Commission is to be commended for that. He explained that, being mindful of the past use and the

Comprehensive Plan designation, his client viewed this application as more technical than in the past and believed he could work with staff and the Planning Commission to find the right balance. Mr. Reynolds concluded that he is in agreement with the standards staff was requested to develop by the Planning Commission and requests this application be approved.

Mr. Reynolds informed the Planning Commission that he intends to request a plat waiver in the near future because the subject property is a single lot that is fully platted. He indicated that he has gone through the check list and everything is in place except for the use restrictions decided today. He stated that he is willing to record and file of record.

TMAPC Comments:

Mr. Westervelt asked Mr. Reynolds if his client had any difficulty with the stipulation that the doors remain closed. He reminded Mr. Reynolds that the building is totally climate-controlled and there would be no need for the doors to be opened. In response, Mr. Reynolds stated that his client would like the ability to open the doors, weather permitting. Mr. Reynolds explained that his client does not expect a tremendous amount of noise during the process. Mr. Reynolds indicated that the doors are on the east side of the building and the neighbors are to the south of the building.

Mr. Westervelt asked Mr. Reynolds if there was anyway to limit the 11:00 p.m. truck hours to a shorter timeframe. In response, Mr. Reynolds stated that the truck hours could be 6:00 a.m. to 8:00 p.m.

Interested Parties Comments:

Fred Emmer, Tulsa Chamber of Commerce, 616 South Boston, Tulsa, Oklahoma 74119, stated that he is in support of this application.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to recommend **APPROVAL** of IL/PUD zoning for Z-6840/PUD-656, subject to the standards and conditions as recommended by the Planning Commission. (Language in the standards that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

Legal Description for Z-6840/PUD-656:

Lot 1, Block 1, Newhart-Hutson Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located south of the southeast corner of East 61st Street South and South Mingo Road, Tulsa, Oklahoma, **From CO (Corridor District) To IL/PUD (Industrial Light District/Planned Unit Development).**

OTHER BUSINESS:

APPLICATION NO.: PUD-600-A

DETAIL SITE PLAN

Applicant: Rick Martin

(PD-18) (CD-8)

Location: South of 91st Street and West of Toledo, Lot 1, Block 1

Staff Recommendation:

The applicant is requesting detail site plan approval for a new 6,460 square foot medical office building. The structure will be 26 feet tall. The use proposed is in conformance with the Planned Unit Development standards for this site.

Staff recommends **APPROVAL** of the site plan as submitted.

Note: Site plan approval does not constitute sign or landscape plan approval.

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 **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to **APPROVE** the detail site plan for PUD-600-A as recommended by staff.

Amendment to the Tulsa Zoning Code

Review and possible endorsement of an Ordinance revising Chapter 2 (Section 213) of Title 42 of Tulsa Revised Ordinances (Zoning Code). This amendment is a result of Commission action related to subdivisions; public hearing (8/22/01).

(Published in the Tulsa Daily Commerce
and Legal News,

_____, 2001)

Ordinance No. _____

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, CHAPTER 2, SECTION 213, RELATED TO PLATTING REQUIREMENTS; PROVIDING FOR WAIVER OR MODIFICATION OF THE PLATTING PROCESS BY THE PLANNING COMMISSION; PROVIDING FOR THE ACCELERATED RELEASE OF BUILDING PERMITS IN CERTAIN CIRCUMSTANCES; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 2, Section 213, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

ASECTION 213. PLATTING REQUIREMENT B EXCEPTIONS

A. **Requirement.** For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established. No building permit or zoning clearance permit shall be issued until that portion of a tract on which the permit is sought has been included within a subdivision plat or replat, submitted to and approved by the Planning Commission and filed of record in the office of the County Clerk where the property is situated. This platting requirement shall be applicable to any land which has been:

1. Rezoned to a zoning classification other than AG upon application of a private party;
or
2. Granted a special exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8 and 20.

B. **Exceptions.** Provided that the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats, may:

1. Waive the platting requirement upon a determination that the purposes have been achieved by previous platting, have or will be achieved by other actions, including any conditions prescribed by the Commission, or could not be achieved by plat or replat;
2. Amend the plat review procedure and authorize the processing of a minor subdivision plat upon the determination that no new streets will be built and that minimal public improvements will be required; or
3. Authorize the accelerated release of a building permit upon approval of a proposed preliminary plat, thereby enabling building permits to be issued prior to the filing of the final plat. Such authorization shall require dedication of public street right of way to conform with the requirements of the Major Street and Highway Plan prior to issuance of a building permit. Prior to such release the Commission shall determine that extraordinary or exceptional circumstances warrant the release and that compliance with the filing of the final plat is reasonably assured. In the exercise of its discretion to authorize any accelerated release of a building permit, the Commission may:

a. Waive the requirement for street dedication as a condition of authorization of a building permit being released prior to filing of a final plat. Such waiver may only occur upon a determination that circumstances related to the particular project reasonably preclude the future use/improvement of the area for which dedication would be required;

b. Require that no final inspection of buildings or structures occur, that no occupancy permit shall be issued and that no building should be occupied until the platting requirement is fully complied with; and

c. Prescribe conditions for any accelerated release of a building permit to ensure the filing of the final plat.@

Section 2. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 3. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

Staff Comments:

Mr. Bruce explained that this item was continued from October 17, 2001 after discussion brought up by Mr. Roy Johnsen regarding some of the language. He explained that the issue is with the relationship between the approval/authorization of the ability of Public Works to release a building permit prior to the filing of a final plat.

Mr. Bruce stated that the issue revolved around the Planning Commission and the Public Works relationship. Staff is trying to craft language that would authorize the Public Works staff to release a permit but not directing them to do so. Mr. Bruce pointed out the changes in the language after discussing this issue with Mr. Johnsen.

Mr. Bruce stated that one of the things that staff is concerned about is to make sure that Public Works has the ability to provide further review, after such time, as this Planning Commission looks at a preliminary plat with a request that the building permit be issued prior to the filing of the final plat. The preliminary plat doesn't always have all of the complete technical information and there may be something that shows up at Public Works after the time the Planning Commission has acted. Staff is trying to craft language that would allow Public Works to react to technical issues that they had prior to release of such permits.

Mr. Bruce stated that staff and Legal approves this language and Mr. Johnsen feels that it addresses the issues he was concerned with.

TMAPC Comments:

Mr. Westervelt stated that he would like the record to reflect that the Planning Commission appreciates Mr. Johnsen sitting through an entire meeting last week to share these issues with them. The work that staff, Legal and Mr. Johnsen has done creates a better draft.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to recommend **ENDORSEMENT** of the proposed Ordinance revising Chapter 2 (Section 213) of Title 42 of Tulsa Revised Ordinances (Zoning Code) as recommended by staff.

Recommendation to City Council

Recommendations related to Outdoor Advertising Signs on arterial streets.

TMAPC Comments:

Mr. Westervelt stated that there was significant debate during today's worksession and the committee recommends the endorsement of the Sign Advisory Board's recommendations.

Staff Recommendation:

Mr. Stump stated that this was referred to the Planning Commission by the City Council. He commented that the work that the Sign Advisory Board did improve the Planning Commission's earlier recommendation without any significant change in the intent. Staff recommends that the Planning Commission **ENDORSE** these changes as in keeping with the Planning Commission's original recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to **ENDORSE** the recommendations for the Outdoor Advertising Signs on arterial streets as presented.

Policies and Procedures and Code of Ethics

Amendments to language relating to continuances.

TMAPC Comments:

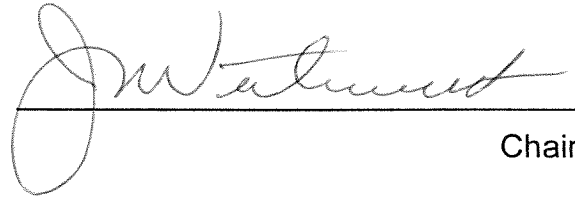
Mr. Westervelt stated that the committee reviewed the amendments during today's worksession and recommends the approval of the amendment.

TMAPC Action; 8 members present:

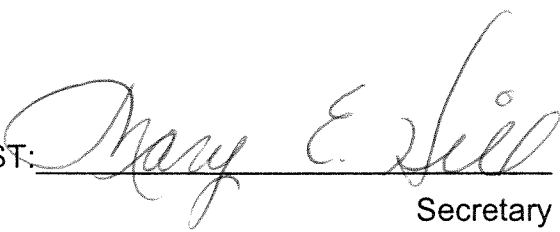
On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Midget, Selph "absent") to **AMEND** the Policies and Procedures and Code of Ethics as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 1:53 p.m.

Date Approved: 11-07-01



Chairman

ATTEST: 

Secretary