

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2329**

Wednesday, December 4, 2002, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Carnes	Dunlap	Boulden, Legal
Coutant	Dick	Fernandez	
Horner	Harmon	Huntsinger	
Jackson	Hill	Matthews	
Midget	Ledford	Stump	
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, November 27, 2002 at 10:15 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, 1<sup>st</sup> Vice Chair Jackson called the meeting to order at 1:40 p.m.

**Minutes:**

**Approval of the minutes of November 6, 2002, Meeting No. 2326**

On **MOTION** of **HORNER** the TMAPC voted 6-0-0 (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to **APPROVE** the minutes of the meeting of November 6, 2002, Meeting No. 2326.

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**REPORTS:**

**Chairman's Report:**

Mr. Jackson reported that the applicant for the preliminary plat and accelerated building permit requested made by APAC has requested a continuance to December 18, 2002.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill "absent") to **CONTINUE** the preliminary plat and accelerated building permit for APAC 11<sup>th</sup> Street facility and APAC-Oklahoma, Inc. to December 18, 2002 at 1:30 p.m.

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**Director's Report:**

Mr. Stump reported that there are several items on the City Council agenda and staff would be attending the meeting.

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**SUBDIVISIONS:**

**PLAT WAIVER:**

**PUD 663 - (784) (PD 18) (CD 7)**

**Location:** South 107<sup>th</sup> East Avenue and East 81<sup>st</sup> Street South

**Staff Recommendation:**

The platting requirement was triggered by Planned Unit Development rezoning for PUD 663.

**Staff provides the following information from TAC at their November 21, 2002 meeting:**

**ZONING:**

TMAPC staff: The property is in an existing recently-platted subdivision. A new PUD (663) was approved for the site, which is also in a CO district.

**STREETS:**

Public Works, Traffic: No additional right-of-way is necessary.

**SEWER:**

Public Works: Plans are okay for sewer extension.

**WATER:**

Public Works, Water: No comments

**STORM DRAIN:**

Public Works, Stormwater: Any additional floodplain easements will be acceptable by separate instrument.

**FIRE:**

Public Works, Fire: No comments

**UTILITIES:**

Franchise Utilities: No comments.

Staff can recommend **APPROVAL** of the plat waiver requested with the requirements of the storm water department being met. TAC members felt that there would be no need for another new plat on this site at this time.

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street R/W?	X	

*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?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?	X*	
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?	X**	

- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D. X
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? NA

\* Plans have already been reviewed for this and are acceptable to Public Works staff. At this time, no determination has been made regarding these items, but separate instruments are acceptable for this property per Public Works.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** the plat waiver for PUD-663 as recommended by staff.

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**Z-5903-SP-3 - (684) (PD 18) (CD 7)**

**Location:** 6415 South Mingo Road

**Staff Recommendation:**

The platting requirement was triggered by a new Corridor Site plan, Z-5903-SP-3.

**Staff provides the following information from TAC at their November 21, 2002 meeting:**

**ZONING:**

TMAPC staff: The property is in an existing Corridor District. The applicant was involved in a purchase of additional property which resulted in a new CO site plan.

**STREETS:**

No Comment.

Public Works, Traffic: No comment.

**SEWER:**

Public Works, Wastewater: No comment.

**WATER:**

Public Works, Water: No comment.

**STORM DRAIN:**

Public Works, Stormwater: No comment.

**FIRE:**

Public Works, Fire: No comment.

**UTILITIES:**

Franchise Utilities: No comment.

Staff can recommend **APPROVAL** of the plat waiver requested.

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street RW?	X	

**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?	X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?	X*
6. Infrastructure requirements:	
a) Water	
i. Is a main line water extension required?	X
ii. Is an internal system or fire line required?	X

- iii. Are additional easements required? X
  - b) Sanitary Sewer
    - i. Is a main line extension required? X
    - ii. Is an internal system required? X
    - lii Are additional easements required? X
  - c) Storm Sewer
    - i. Is a P.F.P.I. required? X
    - ii. Is an Overland Drainage Easement required? X
    - iii. Is on site detention required? X
    - iv. Are additional easements required? X
- 7. Floodplain
  - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
  - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
  - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
  - a) If yes, was plat recorded for the original P.U.D. NA
- 10. Is this a Major Amendment to a P.U.D.? X
  - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? NA

\* City of Tulsa Legal staff has reviewed these covenants and approve of them.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** of the plat waiver for Z-5903-SP-3 as recommended by staff.

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**CHANGE OF ACCESS ON RECORDED PLAT:**

**Lots 9 through 11, Block 1, Metro Park South 1**

**Location:** 12007 East 61<sup>st</sup> Street

**Staff Recommendation:**

This application is made to allow a change of access along 61<sup>st</sup> Street South for the Metro Park South 1 plat. The proposal is to change access points to allow for access points for individual lots. The property is zoned IL.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** of the change of access for Lots 9 through 11, Block 1, Metro Park South 1 as recommended by staff.

\* \* \* \* \*

**Part of Lot 3 in Block 1, Amberjack**

**Location:** Northwest Corner of 51<sup>st</sup> and 129<sup>th</sup> East Avenue

**Staff Recommendation:**

This application is made to allow a change of access along South 129<sup>th</sup> East Avenue in the Amberjack addition. The proposal is to add a 40-foot access on 129<sup>th</sup> for Lot 3. The property is zoned CS.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** of the change of access for Part of Lot 3, in Block 1, Amberjack as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING:**

**Application No.:** PUD-608-A

**MAJOR AMENDMENT**

**Applicant:** Charles Norman

(PD-18) (CD-8)

**Location:** Southeast corner of East 81<sup>st</sup> Street and South Sheridan Road

**Staff Recommendation:**

Siegfried Companies, Inc., submitted PUD-608 in 1999 for the development of the southeast corner of East 81<sup>st</sup> Street and South Sheridan Road. A 2.75-acre tract at the northeast corner of PUD-608 owned by Siegfried Companies was under contract for development as an assisted living facility in an RM-0/RS-3 zoning district and was not included in PUD-608. Subsequent to the approval of PUD-608, the contract for the sale of the 2.75-acre parcel was terminated. The property remains undeveloped and is the subject of this amendment to PUD-608.

Five acres at the intersection of East 81<sup>st</sup> Street and South Sheridan Road within PUD-608 is zoned in the CS – Commercial Shopping District and could permit a maximum of 109,045 square feet of commercial building floor area. PUD-608 as approved consists of Development Areas A and B. Development Area A was approved for retail commercial uses with 89,050 square feet of commercial use floor area allocated to Area A. A parcel containing 7.54 acres within PUD-608 is within the OL – Office Light zoning district and could permit a maximum of approximately 131,275 square feet of office floor area. Development Area A was platted as Crescent Center One and developed with a Wal-Mart Neighborhood Center as the principal use.

Development Area B as approved permits offices under Use Unit 11 and within the north 200 feet of the west 200 feet of Area B, eating establishments other than drive-ins and the display and sale of business and office machines and equipment and other limited retail uses are permitted. The maximum building floor area permitted in Development Area B is 142,500 square feet. The maximum permitted floor area for offices in Area B is 142,500 square feet and for



the permitted restaurant and retail use, the maximum permitted floor area is 10,000 square feet.

The floor area allocations under PUD-608 as approved may be summarized as follows:

Maximum Floor Area:

Five acres CS zoning at .5 FAR	109,045 SF
7.54 acres OL zoning at .4 FAR	131,275 SF
Retail floor area allocated to Development Area A	89,050 SF
Retail floor area allocated to Development Area B	10,000 SF
Unallocated retail floor area	9,995 SF

The purposes of PUD-608-A area as follows:

1. Add to the PUD as Development Area C the 2.75-acre parcel at the northeast corner of PUD-608.
2. Transfer to the new Development Area C for general retail and commercial uses 14,995 square feet of building floor area.
3. Establish development area standards for the new Development Area C.
4. Reduce the maximum permitted building floor area within Development Area B from 10,000 square feet to 5,000 square feet for restaurant and restricted retail uses within the north 200 feet of the west 200 feet of Development Area B and reduce the maximum building floor area within Development Area B from 142,500 square feet to 137,500 square feet.

Development Area A, Crescent Center One, is unchanged and would remain as approved in 1999.

The PUD is abutted on the east by a single-family subdivision with no streets stubbed into the PUD. The screening and landscaping plan proposed for Area C is identical to the screening and landscaping plan approved for PUD-608 and includes a double-sided screening fence along the east boundary as shown on Exhibit B.

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-608-A as modified by staff, 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-608-A 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:**

### DEVELOPMENT AREA A

#### **Mutual Access:**

Each lot within Development Area A shall have vehicular access to all other lots in the PUD, including Development Area C, through the use of mutual access easements.

All other development area standards for Development Area A shall remain as originally approved.

### DEVELOPMENT AREA B

<b>Amended Maximum Building Floor Area:</b>	137,500 SF
Offices	137,500 SF
Other Permitted Uses	5,000 SF

All other development area standards for Development Area B shall remain as originally approved.

**DEVELOPMENT AREA C**

**Net:** 2.755 Acres 119,999.540 SF

**Gross:** 3.099 Acres 134,999.483 SF

**Permitted Uses:**

Uses permitted as a matter of right in Use Units 10, Off-Street Parking; Use Unit 11, Offices and Studios, including drive-in bank facilities; Use Unit 12, Eating Establishments other than Drive-ins provided no restaurant drive-up window shall be permitted in the east 150 feet of the development area; Use Unit 13, Convenience Goods and Services; and Retail Trade Establishments as included within Use Unit 14 (provided Use Unit 14 Uses, Service Establishments may be added by minor amendment), and uses customarily accessory to permitted principal uses. No auto or truck fuel sales shall be permitted in the development area.

**Maximum Floor Area Ratio:** .125

**Maximum Building Floor Area:** 14,995 SF

**Maximum Building Height:**

One story, not to exceed 20 FT.

Architectural elements may exceed maximum building height with detailed site plan approval.

**Minimum Lot Frontage on East 81<sup>st</sup> Street:** 300 FT\*

**Minimum Building Setbacks:**

From the centerline of East 81<sup>st</sup> Street 100 FT

From the east boundary 50 FT

From the west boundary 0 FT

From the south boundary 0 FT

**Minimum Parking Area or Access Road Setbacks:**

From the east boundary 50 FT

From the north boundary 5 FT

**Required Off-Street Parking:**

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

**Maximum Access Points on East 81<sup>st</sup> Street** 2\*\*

**Mutual Access:**

Each lot within Development Area C shall have vehicular access to all other lots in Development Area C and Development Area A through the use of mutual access easements.

**Landscaped Area and Screening:**

A minimum of ten percent of the net land area shall be improved as internal landscaped open space in accord with the provisions of the Landscape Chapter of the Tulsa Zoning Code and a landscaped area a minimum of 50 feet wide in accord with the detail landscape and screening plan for the east boundary of Area C as shown on Exhibit B-1.

**Signs:**

1. One ground sign shall be permitted for each lot within Development Area C with a maximum of 120 square feet of display surface area and 20 feet in height.
2. No ground sign shall be within 135 feet of the east boundary of Development Area C.
3. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75 percent of the frontage of the building. No wall signs shall be permitted on east-facing walls.

**Lighting:**

Lighting used to illuminate Development Area C shall be so arranged as to shield and direct the light away from residential properties abutting the development area. Shielding of such light shall be designed so as to prevent the light-producing element or reflector of the light fixture from being visible to a person standing in residential properties abutting the development area or street right-of-way. No light standard nor building-mounted light shall exceed 20 feet in height; within the west 50 feet of the east 100 feet, no such lights shall exceed eight feet in height; and within 50 feet of the east boundary of the PUD no such lights shall exceed six feet in height.

\*May be modified by minor amendment with approved detail site plan.

\*\*Access points shall be approved by Traffic Engineering.

**Loading Docks Screening:**

Loading docks shall be screened from the residential subdivision to the east by a masonry screening fence a minimum of ten feet in height and shall be set back a minimum of 200 feet from the east boundary of the development area.

**Trash Dumpsters:**

Exterior trash, dumpsters and compactors shall be a minimum of 90 feet from the east boundary, attached to the building, comply with the building setback lines and be enclosed by a masonry wall except for access doors.

**Outside Storage:**

There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks, truck-trailers or containers be parked in the PUD, except while they are actively being loaded or unloaded. Truck-trailers or outside containers shall not be used for storage.

**Roof-Mounted Mechanical Equipment:**

Roof-mounted mechanical equipment shall be screened from view by persons standing at ground level.

### **Building Limitations:**

There shall be no building windows or customer access doors on east-facing walls within the east 100 feet of Development Area C. No outside speakers shall be permitted in the Development Area except restaurant drive-up window speakers may be located within the west 100 feet.

Except as above modified, the development standards established pursuant to the initial approval of PUD-608 shall remain applicable.

### **Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that this application was continued for two weeks in order to discuss this application with the staff concerning the concept illustration. As a result, a number of changes were made in the proposal as submitted and those are a part of the staff recommendation. He indicated that he is in agreement with the changes. Mr. Norman cited the changes in the proposal submitted.

Mr. Norman submitted photographs of the surrounding development and the proposed site (Exhibit A-1). Mr. Norman stated that Jay McCain, Attorney for Wal-Mart, requested that it be stated in the record that the subject application does not include any permission for any adult-type bookstore or video store, bars or night clubs. He explained that these uses require Use Unit 12a and it is not a permitted use under this request or the staff recommendation. He concluded that Wal-Mart nor his client want these types of uses.

### **TMAPC Comments:**

Mr. Midget asked if the open space indicated on the conceptual plan would remain open space. In response, Mr. Norman stated that the open space belongs to Wal-Mart and it is located in Development Area A.

### **There were no interested parties wishing to speak.**

Mr. Norman informed that Planning Commission that he had an inquiry from one neighbor and he sent him a packet and discussed the proposal. He stated that he assumes that the party is satisfied.

### **TMAPC Comments:**

Ms. Bayles asked Mr. Norman if the interested party has a specific concern. In response, Mr. Norman stated that he had proposed a 25-foot wide greenbelt area and that was acceptable, but he was even more pleased with the staff recommendation for 50 feet. Mr. Norman stated that the maximum building height is 20 feet and the restrictions on the lighting are severe.

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** of the major amendment for PUD-608-A as recommended by staff.

**Legal Description for PUD-608-A:**

A tract of land in three areas being part of the NW/4 of Section 14, T-18-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, said tract being more particularly described as follows: Development Area "A": all of Lot 1, Block 1, Crescent Center One, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof and containing 430,971 square feet, or 9.894 acres; and Development Area B: Beginning at the Southwest corner of Lot 1, Block 1, Crescent Center One, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, thence S 90°00'00" E along the Southerly line of said Lot 1, for a distance of 790.00' to a point, said point being the Southeast corner of Lot 1 and a point on the Westerly line of Block 11, The Crescent, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence S 0°00'00" W along said Westerly line of Block 11, for a distance of 497.81' to a point on the Northerly line of Block 1, The Crescent; thence S 89°50'29" W along said Northerly line of Block 1, for a distance of 790.00' to a point; thence N 00°00'00" East and parallel with the Westerly line of Block 11, for a distance of 500.00' to the Point of Beginning; said area containing 394,134 square feet, or 9.048 acres; and Development Area C: Beginning at the Northerly Northeast corner of Lot 1, Block 1, Crescent Center One, a subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence N 89°50'29" E for a distance of 300.00' to a point, said point being the Northwest corner of Block 11, The Crescent, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; thence S 0°00'00" W along the Westerly line of said Block 11, for a distance of 400.00' to a point, said Point being the Easterly Northeast corner of said Lot 1; thence S 89°50'29" W along a Northerly line of Lot 1, for a distance of 300.00' to a point; thence N 0°00'00" E along an Easterly line of Lot 1, for a distance of 400.00' to the Point of Beginning; said area containing 119,999 square feet, or 2.755 acres, and located in the southeast corner of East 81<sup>st</sup> Street South and South Sheridan Road, Tulsa, Oklahoma, **From CS/OL/RM-0/RS-3/PUD-608 (Commercial Shopping Center District/Office Low Intensity/Residential Multifamily Medium Density District/Residential Single-family High Density District/Planned Unit Development) To CS/OL/RM-0/RS-3/PUD-608-A (Commercial Shopping Center District/Office Low Intensity/Residential Multifamily Medium Density District/Residential Single-family High Density District/Planned Unit Development) [PUD-608-A]).**

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# ZONING PUBLIC HEARING

**Application No.:** Z-6876

**RM-1/CS to CH**

**Applicant:** William Hill

**(PD-2) (CD-3)**

**Location:** West of southwest corner of East Apache Street and North Yale Avenue

**Staff Recommendation:**

## RELEVANT ZONING HISTORY:

**BOA-18185 September 1998:** The Board of Adjustment approved a special exception to allow a night club in an IL-zoned district, subject to the landscaping and parking requirements being met on property located on the northwest corner of East Apache Street and North Yale Avenue.

**Z-6638 July 1998:** A request to rezone a two-acre tract located north and west of the northwest corner of East Apache and North Toledo Avenue from RS-3 to IH. All concurred in denial of IH and approved IL zoning.

**Z-6616 March 1998:** A request to rezone 4.5 acres located on the north and south side of East 27<sup>th</sup> Street North and west of North Toledo Avenue, from RS-3 to IL for industrial use was approved.

**BOA-17476 June 1996:** The Board of Adjustment approved a special exception to allow a manufactured home in an RS-3- and CH-zoned district, a variance of the one year time limit to permanent and a variance of the hard surface parking requirements for one year. The property is located on the northwest corner of East Apache Street and North Toledo Avenue.

## AREA DESCRIPTION:

**SITE ANALYSIS:** The subject property is flat, non-wooded, vacant on the west and contains truck trailers on the east end, and is zoned RM-1 and CS. The truck trailers appear to be on the CS-zoned portion of the property.

## **STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
East Apache Street.	Secondary arterial	100'	Four
North Yale Avenue	Secondary arterial	100'	Four



**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The subject property is abutted on the south and west by single-family dwellings, zoned RS-3; to the east by a commercial shopping strip center, zoned CS; and to the north and northeast, across East Apache Street, is vacant land, previously used as a dump and a vacant building approved for use (see above) as a nightclub, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 16 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the properties as Low Intensity-Residential land use on the western five lots (currently zoned RM-1) and Medium Intensity-No Specific land use on the eastern two lots (currently zoned CS). According to the Zoning Matrix, the requested CH zoning **is not** in accord with the Plan Map.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and the adjacent apparently stable single-family residential uses, staff cannot support the requested CH zoning. However, it is unlikely that this property will feasibly redevelop as single-family residential, and due to its location adjacent to a secondary arterial, that use would not be appropriate. Therefore, staff recommends **APPROVAL** of CS zoning in the alternative.

If the TMAPC is inclined to recommend approval of either of these zoning categories, they should direct staff to prepare appropriate District Plan map amendments to reflect this.

**TMAPC Comments:**

Mr. Midget asked staff if the applicant would have to go to the Board of Adjustment for automotive and repair if the Planning Commission were inclined to approve the CS zoning. In response, Ms. Matthews answered affirmatively.

**Applicant's Comments:**

**William Hill**, Route 3, Box 6, Catoosa, Oklahoma 74429, stated that he asked for CH zoning because of the setbacks that are required with CS zoning. He explained that there wouldn't be any room left to build anything with the CS setback requirements.

Mr. Hill stated that the application is not for automobile repair, but to store a mobile truck service on the lot. He indicated that there wouldn't be any outside storage.

**TMAPC Comments:**

Mr. Midget asked Mr. Hill to explain what a mobile truck service is. In response, Mr. Hill stated that the owner of the truck goes out on the road and fixes trucks

on site. His client needs a place to keep his trucks inside a building when they are not in use.

Ms. Matthews stated that the CS-zoned portion of the existing property appears to already have truck-trailers stored on it. In response, Mr. Hill stated that there are truck-trailers being stored there currently, but that is the site where the new building would be located.

**Interested Parties:**

**Tanzye Adams**, 4538 East Zion Street, Tulsa, Oklahoma 74115, stated that the children in the neighborhood have played on the subject lot. She expressed concerns about the children's safety. She indicated that in the past, the businesses had not sufficiently screened to prevent the children from playing in the lot.

**TMAPC Comments:**

Mr. Jackson explained that if the zoning is approved, then the applicant would have to meet all screening and landscaping requirements. He stated that there would have to be a screening fence next to residential properties.

**Interested Parties:**

**Ruby Harvey**, 2447 North Urbana, Tulsa, Oklahoma 74115, stated that she is concerned about the children's safety. She indicated that there is a lot of trash currently on the subject property and it has never been cleaned up. She expressed her opposition to junk cars being stored on the subject property.

**Wynona Reed**, 2457 North Urbana, Tulsa, Oklahoma 74115, expressed her concerns regarding safety for the neighborhood children. She stated that she wouldn't want to see junk cars stored on the subject property.

**TMAPC Comments:**

Mr. Jackson asked Ms. Harvey if she opposed the zoning change. In response, Ms. Harvey stated that she doesn't mind the zoning change as long as it is kept neat and clean. She further stated that she wouldn't want it to look like a dump.

Mr. Midget stated that he is familiar with the subject area and with the neighborhood association. He commented that the subject neighborhood is a stable neighborhood with a strong neighborhood association. He stated that the CS zoning would be more appropriate and would not allow the intensity that CH would allow. Automotive use on the subject property is a bad proposal and it wouldn't be good for the subject neighborhood. He believes it would be a detriment to the neighborhood to rezone the subject property to CS or CH. There are no guarantees that further down the road the subject property would turn into the type of use the neighborhood is concerned about.

Ms. Bayles stated that she would have to agree with Mr. Midget. She commented that the subject neighborhood is uniquely stable and if the subject property is rezoned, then it could be detrimental in the future.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **DENY** CH and CS zoning for Z-6876.

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**Application No.: CZ-315**

**RS to IL**

**Applicant:** Dennis B. Bilyeu

(PD-8) (County)

**Location:** West of northwest corner of West 57<sup>th</sup> Street and South 45<sup>th</sup> West Avenue

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

**CZ-314 November 6, 2002:** A request to rezone the adjoining lot to the west from RS to IL was unanimously recommended for approval by TMAPC on November 6, 2002 and transmitted to the County Commission. No action has been taken as yet by the County.

**CZ-263 February 2000:** A request was approved to rezone two lots located west of the southwest corner of West 56<sup>th</sup> Street and South 45<sup>th</sup> West Avenue and abutting the subject tract on the north, from RS to CH for an existing hotel/motel.

**CZ-258 December 1999:** All concurred in approval of a request to rezone a lot located 127' west of the subject tract on the north side of West 57<sup>th</sup> Street South, from RS to IL for light manufacturing use.

**CZ-250 February 1999:** All concurred in approval of a request to rezone a tract located on the east side of South 45<sup>th</sup> West Avenue between West 56<sup>th</sup> Place South and West 57<sup>th</sup> Street South, from RS to IL for a proposed landscape maintenance service business.

**CZ-248 December 1998:** A request to rezone a tract located on the southwest corner of West 55<sup>th</sup> Place and South 41<sup>st</sup> West Court from RS to IL. All concurred in approval of IL zoning for a body shop.

**CZ-233 May 1997:** All concurred in approval of a request to rezone a 2.2-acre tract located east of the northeast corner of West 61<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue from RS to IL.

**CZ-202 June 1993:** All concurred in approval of a request to rezone a .6-acre tract located on the northeast corner of West 56<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue from RS to IL for a truck repair service.

**CZ-188 June 1991:** A request to rezone a tract located east of the southeast corner of South 45<sup>th</sup> West Avenue and West 55<sup>th</sup> Street South from RS-3 to IL. All concurred in approval of IL zoning for a fireworks facility.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, non-wooded contains parking and outdoor storage, and is zoned RS in the County.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South 57 <sup>th</sup> Street South	Residential street	50'	2 lanes
South 45 <sup>th</sup> West Avenue	Residential street	50'	2 lanes

**UTILITIES:** The subject tract has municipal water and sewer.

**SURROUNDING AREA:** The subject property is abutted on the north by a motel, zoned CH; to the east by industrial, single-family and mixed uses, zoned RS; to the west by industrial uses, zoned IL; to the southwest by industrial uses, zoned RS; and to the south by a mobile home and mixed industrial uses, zoned IL.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates this area Special District C – Medium Intensity Commercial land use. Plan policies call for the Skelly Drive frontage areas to be developed as highway-oriented commercial and the remainder to be industrial. According to the Zoning Matrix, the requested IL zoning **may be found** in accord with the Plan, by virtue of its being within a Special District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan, the existing uses and nearby zoning, staff recommends **APPROVAL** of IL zoning for CZ-315.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** the IL zoning for CZ-315 as recommended by staff.

**Legal Description for CZ-315:**

Lots 18 and 19, Block 1, Bozarth Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and located west of the northwest corner of West 57<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue, Tulsa, Oklahoma, **From RS (Residential Single-family District) To IL (Industrial Light District).**

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**Application No.: CZ-316**

**AG to AG-R**

**Applicant:** Ken Laster

(PD-21) (County)

**Location:** East of northeast corner of West 171<sup>st</sup> Street and Highway 75 South

**Staff Recommendation:**

**RELEVANT ZONING HISTORY:**

None

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is flat, non-wooded, vacant and is zoned AG.

**STREETS:**

<b>Exist. Access</b>	<b>MSHP Design.</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
West 171 <sup>st</sup> Street South	Primary arterial street	120'	2 lanes

**UTILITIES:** The subject tract is served by the City of Glenpool for water and sewer.

**SURROUNDING AREA:** The subject property is abutting vacant land on the north, south and west and scattered single-family homes to the east, all zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:** The District 21 Plan, a part of the Comprehensive Plan for the City of Glenpool, designates the subject property as being Low Intensity – Residential.

According to the Zoning Matrix the requested AG-R is in accord with the Land Use Intensity of the Plan.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and the surrounding uses, staff recommends **APPROVAL** of AG-R for CZ-316.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to recommend **APPROVAL** AG-R zoning for CZ-316 as recommended by staff.

**Legal Description for CZ-316:**

The E/2, W/2, SE/4, Section 26, T-17-N, R-12-E, of the IBM, Tulsa County, State of Oklahoma, and located west of the northwest corner of West 171<sup>st</sup> Street South and South Elwood Avenue, Tulsa, Oklahoma, **From AG (Agriculture District) To AG-R (Agriculture – Residential Single-family Rural Development).**

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**Application No.:** PUD-628-5

**MINOR AMENDMENT**

**Applicant:** Bobby Cowan/Acura Neon

(PD-18) (CD-8)

**Location:** 9311 South Mingo

**Staff Recommendation:**

The applicant is requesting a minor amendment to increase the permitted wall signage on a canopy for the Allergy Clinic of Tulsa located 9311 South Mingo Road.

The subject tract is within PUD-628 and has been approved for office uses. The existing sign standards are as follows:

- 1) One ground sign not exceeding 12 feet in height and 32 square feet in display surface area shall be permitted on each lot.
- 2) Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

The applicant is requesting 70.1 square feet of signage on the west elevation of the canopy which is 30 feet long or 2.34 square feet of display surface area per lineal foot of the canopy wall. The applicant is also requesting 66.4 square feet of signage on the north and south elevations which are 25 feet long or 2.66 square feet of display surface area per lineal foot of the canopy wall. Staff notes that the length of the entire north elevation of the building is 111 feet and the same for south elevation. The entire west elevation of the building is 140 feet long.

Section 1103.B.2.a. of the Zoning Code states that wall signs shall not exceed an aggregate display surface area of two (2) square feet per each lineal foot of building wall to which the sign or signs are affixed. The applicant is requesting more signage on the canopy wall than would be allowed by the PUD chapter of Zoning Code. Such a request would also require a variance from the Board of Adjustment.

The applicant is requesting 2.34 square feet of display surface area per lineal foot on the west elevation of the canopy wall and 2.66 square feet on the north and also on the south elevation. This does not comply with the provisions of the PUD chapter which would permit a maximum of two square feet per each lineal foot of the building wall to which the sign or signs are affixed. Such a request would also require a variance from the Board of Adjustment. Therefore, staff recommends **DENIAL** of the applicant's request and **APPROVAL** of the following wall sign standard for Lot 6, Block 1, Cedar Ridge Park:

Wall signs shall be permitted on the canopy of the Allergy Clinic of Tulsa per the attached exhibits but not to exceed two (2) square feet of display surface area per lineal foot of canopy wall to which attached. The length of the wall sign shall not exceed 75% of the frontage of the building. No other wall signs shall be permitted on the building.

**Applicant's Comments:**

**Danny Mitchell**, 5110 South Yale, Suite 511, Tulsa, Oklahoma 74135, stated that the question is more of placement of signage than square footage. Staff points out that with the west side of the building being 144 feet long, the north and south walls each being approximately 100 feet long, the combined area of

signage in those locations at 1.5 square feet per lineal footage would allow 500-plus square feet of sign area. He stated that he is requesting to put all of the signage on the canopy of the subject building.

**TMAPC Comments:**

Mr. Stump stated that if the building is measured from the far corner to the near corner the applicant could concentrate all the square footage and it would allow a enormous sign, (in this case the canopy), which would result in basically a large ground sign. Staff feels this type of measurement could be disproportionate to the structure that the sign is being placed on. When standards are developed at 1.5 per lineal foot of building wall to which it is attached, then there is the possibility to have large signage, and staff would rather go a more conservative route. If there is a small deflection in the wall it can be counted as a continuous wall, but if there are major right-angle turns or projections out from the wall, then it becomes a new wall and only that portion would be counted. The wall facing to the west produces larger signage than was intended. If the argument is that the building could be a large rectangle and the proposed signage allowed, the difference would be that there would be a large wall to accommodate the signage. With the canopy, it seems to be disproportionate to the size of the canopy and becomes a large ground sign.

Mr. Westervelt asked how close the subject property is to the clinic with the electronic sign that was approved several months ago. In response, Mr. Stump stated that the clinic is immediately to the south. Mr. Westervelt stated that he drove by the clinic Friday evening and the sign was flashing at one second intervals like a neon commercial sign and that was not permitted in the standards. Mr. Westervelt asked Mr. Stump to notify Neighborhood Inspections regarding this sign.

Mr. Westervelt stated that Mr. Mitchell gave his pledge that there wouldn't be any more chicanery with the signs, and after seeing the clinic's sign he regrets giving the latitude to allow the signage. He indicated that he would not be giving any latitude for the proposed sign.

Mr. Mitchell stated that the Code is fuzzy regarding this proposal, and if his client installed one sign on the west façade according to the lineal footage, then his client could have a sign 216 square feet in area and he is proposing a sign on the west side of the canopy that is 70 square feet in area. The total sign area is half of what is allowable. It is the placement of the sign and the location of the signage that is the question. The west façade on the subject property is not unlike the building across the street at the Heart Center. The Heart Center has a canopy with a sign on it that is approximately 75% of the width of the wall it is mounted on, which is similar to what he is proposing for the subject property.



**Interested Parties:**

**Greg Baers**, CEO for the Allergy Clinic of Tulsa, 9311 South Mingo, Tulsa, Oklahoma 74133, stated that he agrees with Mr. Westervelt regarding the flashing sign at Dr. Carl Fisher's office. He commented that he doesn't want to be penalized for what was presented and not followed through.

**TMAPC Comments:**

Mr. Midget asked Mr. Baers if he was familiar with the staff recommendation. In response, Mr. Baers stated that the only thing is familiar with is that staff recommends denial of the signage proposed for the porte-cochere. Mr. Midget stated that staff is recommending to allow a sign, but to reduce the square footage. Mr. Midget asked Mr. Baers if he could live with staff's recommendation. Mr. Stump explained to Mr. Baers what the staff was recommending. Mr. Baers stated that he is asking for more signage than what staff is recommending because the front of the building is large. Mr. Midget asked Mr. Baer if he would be satisfied with the staff recommendation or denial of the signage entirely. In response, Mr. Baers stated that it is his understanding that if the Planning Commission votes denial, then he wouldn't be allowed the proposed signage, and if it is approved, then he would be able to have the proposed signage.

Mr. Westervelt asked Mr. Baers if he would prefer the Planning Commission to approve the staff recommendation as it has been presented or deny the application totally. Mr. Dunlap stated that staff is recommending 1.5 square feet of display surface area for each wall on the canopy and staff is recommending two square feet of display surface area, which staff believes that is all the Code would allow without going before the Board of Adjustment and to the Planning Commission. Mr. Westervelt assured Mr. Baers that he is not being penalized for Dr. Fisher's action, but Mr. Mitchell needs to know that the Planning Commission has a long memory and Mr. Mitchell is now on notice that the Planning Commission is not please with what has happened. Mr. Westervelt explained that when Mr. Mitchell proposed Dr. Fisher's sign he promised that he wouldn't return with more signage beyond what staff wants and here he is again with an interpretative measure, more than what staff recommends, and he would prefer to approve the staff recommendation and make sure Dr. Fisher's sign gets turned in to the Neighborhood Inspections. Mr. Stump stated that staff is recommending a 33 percent increase over the current standard, the way staff has measured the standard, and Mr. Mitchell is asking for approximately 50 percent increase over the current standard.

**Interested Parties:**

**Meir Casery**, 1801 North Willow Avenue, Tulsa, Oklahoma 74104, stated that one key thing about this proposal is that the sign has been built. He indicated that he read the City Zoning Code and it read "1.5 square foot of sign per each lineal foot of frontage." The building has more signage allowed because of its size and he is proposing less signage that would be allowed. He commented

that the issue is the placement of the sign. He further commented that if the signage was mounted to the wall of the building he wouldn't have to come before the Planning Commission. He stated that there is approximately \$20,000.00 worth of signage that is already to be mounted to the canopy.

**TMAPC Comments:**

Mr. Horner stated that he remembers the hours that the Planning Commission took establishing a signage program that he thought was infallible. He requested the Chair to direct staff to clean up this area of the Code to prevent this area of confusion.

Mr. Westervelt stated that he is sympathetic to the preconstruction sign, but he also understand that staff is trying to administer policy that is applicable for the entire city. He commented that he agrees with Mr. Horner that if there is some question of the interpretation, he is comfortable with staff correcting this grey area. He wouldn't want anyone else to get ahead of the curve and spend money before they have a thorough understanding of what the guidelines are going to be. He concluded that it is naïve to construct a sign before the Planning Commission has voted on something.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 6-0-0 (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to **DENY** the applicant's request and **APPROVE** the minor amendment for PUD-628-5 per staff recommendation.

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**Application No.: PUD-648-1**

**MINOR AMENDMENT**

**Applicant:** Mark Riddle

(PD-8) (CD=2)

**Location:** 6901 South Olympia

**Staff Recommendation:**

The applicant is requesting a minor amendment to increase the permitted wall signage on a canopy for the Tulsa Spine Hospital located at 6901 South Olympia Avenue.

The subject tract is within Development Area A of PUD-648 and has been approved for hospital uses. The existing sign standards are as follows:

One ground sign shall be permitted north of Development Area F along the internal collector street frontage, which shall not exceed 125 SF of display surface area and 25 feet in height. One ground sign shall be permitted along the West 71<sup>st</sup> Street frontage in Reserve A, which shall not exceed 225 SF of display surface area and 25 FT in height.

Wall signs shall not exceed an aggregate display surface area of one square foot per each lineal foot of building wall to which attached. There shall be no wall signs permitted on the east-facing walls.

The applicant is requesting 63.3 SF of signage on the west elevation of the canopy which is 50 feet long or 1.266 SF of display surface area per lineal foot of the canopy wall. Staff notes that the length of the entire west elevation is 580 feet.

Staff finds that the requested modification to approved signage does not substantially alter the size, location, number or character of the signs. Therefore staff recommends **APPROVAL** of the request subject to the following condition:

No other wall signs shall be permitted on the building.

Mr. Dunlap stated that this application is well within the maximum of two feet that could be approved.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Comments:**

Mr. Westervelt asked staff if they were comfortable with their recommendation on this proposal based on the sign proposal for PUD-628-5. In response, Mr. Dunlap stated that, in PUD-628-5, staff felt that staff's recommendation was the maximum that the Planning Commission could approve. Mr. Dunlap explained that PUD-648-1 is the same, well under the two square feet that would be allowed for each lineal foot of wall, which would be the maximum that could be allowed because it does have CO zoning. Mr. Dunlap stated that the one square foot, which is the standard now, was submitted by the applicant at the time the PUD was processed and it wasn't something staff came up with. Mr. Westervelt stated that he felt it was good to have this on the record, that the Planning Commission has asked the question. Mr. Stump stated that the subject proposal is less than 2/3 of what was approved for PUD-628-5.

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-0** (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Dick, Harmon, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-648-1 per staff recommendation.

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**Application No.: PUD-306-H-1**

**MINOR AMENDMENT**

**Applicant:** Sack & Associates

(PD-18) (CD-2)

**Location:** Southwest corner of Vensel Creek and South Riverside Parkway

**Staff Recommendation:**

The applicant is requesting a minor amendment to allocate floor area and reduce the minimum required lot frontage on Riverside Parkway from 150 feet to 145 feet.

PUD-306-H consists of 8.43 net acres located at the southwest corner of Vensel Creek and South Riverside Parkway. Uses permitted by right in a CS district have been approved for the PUD with a maximum building floor area of 180,000 SF. The applicant is proposing to allocate this floor area between three parcels (See attached Exhibit A) as follows:

Tract A in Lot 1	10,000 SF
Tract B in Lot 1	160,000 SF
Lot 2	10,000 SF

Staff finds that the proposed minor amendment does not substantially alter the approved standards of the PUD. Therefore, staff recommends **APPROVAL** of the request subject to the following conditions:

**Maximum Building Floor Area:**

Tract A in Lot 1	10,000 SF
Tract B in Lot 1	160,000 SF
Lot 2	10,000 SF

**Minimum Lot Frontage on Riverside Parkway:** 145 FT

**Access:**

The principal access to all development in the PUD shall be from a corridor collector street unless a variance of Section 804 of the Zoning Code is obtained from the Board of Adjustment. Each lot in the PUD shall have vehicular access to all other lots in the PUD through the use of mutual access easements that area directed toward the existing median break on Riverside Parkway. This access point shall also be mutually accessible to the adjoining undeveloped tract to the south. The mutual access to the adjoining undeveloped tract to the south must be constructed prior to the issuance of an occupancy permit in Tract A or Tract B. Access may be limited to one point on Riverside Parkway. All access shall be approved by Tulsa Traffic Engineering.

Except as above modified, the development standards established pursuant to the initial approval of PUD-306-H shall remain applicable.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 6-0-0 (Bayles, Coutant, Horner, Jackson, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Dick, Harmon, Hill, Ledford "absent") to **APPROVE** the minor amendment for PUD-306-H-1 per staff recommendation.

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**OTHER BUSINESS:**

**Mr. Westervelt announced that he would be abstaining from AC-068.**

**Application No.: AC-068**

**ALTERNATIVE LANDSCAPE COMPLIANCE**

**Applicant:** Steve Powell

(PD-18) (CD-8)

**Location:** Southeast corner of East 71<sup>st</sup> Street and South 92<sup>nd</sup> East Avenue

**Staff Recommendation:**

The applicant is requesting approval of an Alternative Landscape Compliance plan to remove several trees and replace some of them with crepe myrtles at an existing QuikTrip store.

The original site and landscape plans were reviewed and approved under PUD-179-R. Development standards required landscaping and screening of the west boundary so as to screen the building and parking area from 92<sup>nd</sup> East Avenue and 71<sup>st</sup> Street, as well as from the residential uses to the west. These same standards were carried forward and included in PUD-179-S, the current PUD for the site.

In the landscaped area on the site/building's west side there are currently three mature white pine trees and eight mature pear trees, five of which are located directly under overhead power lines. Per the exhibits submitted, these five pear trees have grown up and into the power lines and could be considered a hazard.

In addition to removal of the five pear trees along the 92<sup>nd</sup> Avenue frontage, three white pines and an additional pear tree immediately adjacent to the building's west side are proposed for removal. Per the proposal, this would leave two mature pear trees and five new crepe myrtles. According to the Landscape Chapter of the Zoning Code, six trees are required for the 92<sup>nd</sup> Avenue frontage (street yard). Crepe myrtles are not included in the Urban Forrester's Certified List of Tree Species nor does staff recommend their use for meeting the tree requirements of Section 1002.C.

Therefore, because the Alternative Landscape Plan as submitted neither meets or exceeds the requirements and/or intent of the Landscape Chapter of the Zoning Code and PUD-179-S Development Standards, staff recommends **DENIAL** of the plan as submitted, but suggests the following alternatives:

- 1) Allow removal of the five Bradford Pears immediately adjacent to 92<sup>nd</sup> Avenue right-of-way, but retain the three White Pines (per recommendation of the Urban Forrester, Joe Roberts) and retain the three Bradford Pears immediately adjacent to the building so as to meet the tree requirements for street yards per Section 1002.C of the Zoning Code and the intent of the landscape and screening requirements of PUD-179-S. Additional use of the crepe myrtles would be at the discretion of the developer. Removal of the Bradford Pear in the landscape area on the building's east side is not recommended.
- 2) Allow removal of the five Bradford Pears immediately adjacent to 92<sup>nd</sup> Avenue and the "center" Bradford Pear tree immediately adjacent to the building as proposed, with addition of a least one Oklahoma Redbud or other similar, slow-growing ornamental tree, and retain the three White Pines (per recommendation of the Urban Forrester, Joe Roberts) so as to meet the tree requirements for street yards per Section 1002.C of the Zoning Code and the intent of the landscape and screening requirements of PUD-179-S. Additional use of the crepe myrtles would be at the discretion of the developer. Removal of

the Bradford Pear in the landscape area on the building's east side is not recommended.

**Applicant's Comments:**

**Stephen Schuller**, 100 West Fifth, Suite 500, Tulsa, Oklahoma 74103; stated that he has submitted a site plan that he believes is in compliance with the Zoning Code's landscape requirement and provides better landscaping than would be provided under strict compliance with the Zoning Code. He indicated that the current requirements are the same as PUD-179-R and not PUD-179-S; as indicated in the staff recommendation. The only specific requirement in PUD-179-R is that a detail landscape plan be submitted to the Planning Commission for review and approval. The issue today is the type of species to be used on the QuikTrip property. When the pine trees and pear trees mature, they are too thick to permit grass to grow underneath and they grow up high enough to get into the power lines. The weak branches break during windy or icy conditions and results in power failures. The pine trees are attractive, but they grow thick enough to prevent grass from growing beneath them and they provide cover for robbers and muggers at night. QuikTrip does not want their clerks or customers assaulted by criminals hiding in the trees.

Mr. Schuller stated that crepe myrtle trees are more open and provide plenty of foliage. Crepe myrtles allow grass to grow beneath them and do not provide cover for the criminal element. The proposed crepe myrtle trees have been specifically and consistently permitted in previous alternative landscape compliance applications that have been filed for QuikTrip stores around Tulsa. Mr. Schuller cited the QuikTrip stores where crepe myrtle trees have been allowed in the alternative. QuikTrip has established a reputation for consistently maintaining attractive appearance at its stores with quality landscaping that is properly maintained. The landscape plan for the subject property proposes to replace all but two pear trees on the west side with crepe myrtle trees, eight feet in height, underneath the power lines, which is consistent with the approved landscaped plan. This would preserve the flowering trees and that element of landscaping, but would not grow into the power lines and preventing grass to grow beneath them. Removal of the pine trees would eliminate the safety hazard for employees and customers. He indicated that his client would like to remove one pear tree along the side of the building (there are currently three pear trees along the building) and this would open up the area to light and eliminate security hazards as well. On the east side of the property he would like to remove one pear tree which would open it up for more light. He stated that staff has a disagreement with QuikTrip's landscape designers as to the number of required trees on the subject property. He further stated that if the designers have calculated what is required, then he would suggest that his client plant additional crepe myrtle trees in that area if it is required by the Planning Commission. He suggested replacing some or all of the pine trees with crepe myrtle trees.

**TMAPC Comments:**

Ms. Bayles – inaudible.

Mr. Midget – inaudible.

Mr. Stump stated that one of the reasons that more intensive planting is required along the west side is because it is residential on the other side of 92<sup>nd</sup> Street. Staff realizes that the Bradford Pears are not appropriate under power lines because they do mature and interfere. Staff has no problem with the trees under the power lines being removed, but the premise that an evergreen that provides visual obstruction is a bad thing. Much of the landscaping and buffering that has been established would have to be removed because someone might be able to hide behind a tree then it would look like the prairie look. The Tree Ordinance might as well be eliminated or ban evergreens if the Planning Commission buys into the reasoning that anything that obstructs vision at ground level is a problem and a potential crime hazard. He commented that these reasons for removing trees and pines are overstating the problem. The evergreens are healthy and provide a good visual screen for the residences to the west and as soon as something becomes successful and thrives, they want to take it out. This is going against all of the plantings and other things we have been encouraging people to increase.

Mr. Midget stated that he understands Mr. Stump's comments. Mr. Midget commented that perhaps it is the way the landscape is manicured and perhaps the landscaping could be cleaned up from the bottom so that it still provides the type of screening needed for the residential areas. In response, Mr. Stump stated that this type of pine typically holds its lower limbs, unless they are trimmed off. Mr. Midget asked staff if the trimming from the bottom would impact negatively the screening. In response, Mr. Stump stated that it wouldn't if it was only to the height of three feet. Mr. Stump stated that by trimming the trees from the bottom up to three feet in height, the ability to see someone standing behind a tree would still be there. Mr. Midget stated that there is a series of pines there and if the applicant could clean them up. Then the screening would still be accomplished with some crepe myrtles and not provide some type of haven for criminal activity.

Mr. Jackson asked Mr. Schuller if he would be amenable to removing the five pear trees and replacing them with the crepe myrtles and leaving the pine trees, but trimming them three feet above grade. In response, Mr. Schuller stated that he disagrees with staff, because if the bottom branches are removed from the pine trees there are still the dark areas and shadows at night because the light doesn't penetrate pine trees. Mr. Schuller commented that he is not advocating that all the nice trees in Tulsa be cut down, but he is advocating that at these sites specifically to decide what is appropriate. Mr. Schuller stated that in this instance it is a convenience store in a highly-traveled commercial area and it is dark under those trees at night. Mr. Schuller suggested the pine trees be



removed to prevent anyone from hiding behind them. Mr. Schuller explained that at night, light cannot penetrate the pine trees and it creates shadows and a place for someone to hide.

Mr. Jackson asked Mr. Schuller if he would agree to remove five pear trees and one pine tree. In response, Mr. Schuller stated that it would help, but there would still be three pear trees along the store building and he would suggest removing the middle pear tree along the store building and the middle pine tree.

Mr. Stump stated that staff would be willing to go along with taking out all of the pear trees along the curb and taking out the middle pine tree and the middle pear tree against the building, if the applicant would replace the pear trees with a crepe myrtle as described in the letter from Joe Roberts, Urban Forrester (Exhibit C-1). If the applicant would plant the crepe myrtle described to replace the pear trees being removed and take out the middle pine tree and middle pear tree along the building. Mr. Schuller asked staff if they agreed with removing the one pear tree on the east side of the building and replace it with a crepe myrtle as well. In response, Mr. Stump stated that staff is not as concerned with the pear tree removal on the east side because it doesn't screen from residential. Mr. Stump further stated that staff would agree to removing the one pear tree on the east side and replacing it with the crepe myrtle. Mr. Stump stated that the middle pear tree on the west side wouldn't need to be replaced with a crepe myrtle because they need a lot of sun, which would be difficult between the remaining pear trees. Mr. Stump concluded that staff would agree to five pear trees along the curb and the one pear tree on the east side be removed and replaced with crepe myrtles and remove the middle pear tree and one pine tree on the west side. Mr. Schuller requested a copy of the letter from Joe Roberts.

Ms. Bayles: inaudible.

Mr. Stump stated that there are new types of crepe myrtles that withstand the colder weather and can continue as a tree form and there is no need to trim them in the winter.

Mr. Horner: inaudible.

Mr. Schuller stated that he believes his client could comply with the requirements in the letter from Joe Roberts. He indicated that QuikTrip doesn't trim their crepe myrtles down and he doesn't see why they wouldn't be able to comply with the requirements.

Mr. Schuller clarified that five crepe myrtle trees on the west side would be planted after six pear trees are removed, one pear tree on the east side removed and replaced with a crepe myrtle tree, and one pine tree removed on the west side.

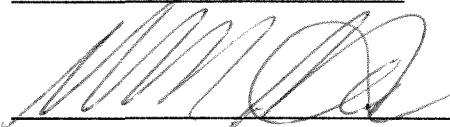
**TMAPC Action; 6 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 5-0-1 (Bayles, Coutant, Horner, Jackson, Midget "aye"; no "nays"; Westervelt "abstaining"; Bayles, Dick, Harmon, Hill, Ledford "absent") to **APPROVE** the alternative landscape compliance for AC-068; subject to five pear trees along the curb be removed and replaced with crepe myrtle trees, one pear tree removed on the east side and replaced with a crepe myrtle tree, the middle pear tree and the middle pine tree shall be removed on the west side of the building and the applicant must comply with the letter from the Urban Forrester, Joe Roberts (Exhibit C-1).

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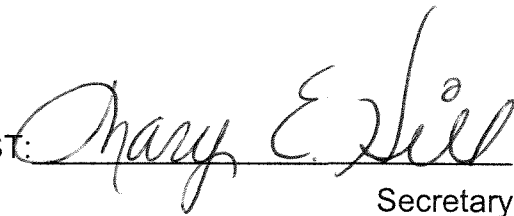
There being no further business, the Chair declared the meeting adjourned at 2:55 p.m.

Date Approved:

12-18-02  


Chairman

ATTEST:

  
Secretary