

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1826
Wednesday, February 27, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Coutant Harris	Gardner Russell Stump Lasker	Linker, Legal Counsel
Doherty, Secretary			
Draughon, 2nd Vice Chairman			
Horner			
Midget, Mayor's Designee			
Neely			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 26, 1991 at 11:21 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:32 p.m.

Minutes:

Approval of the minutes of February 13, 1991, Meeting No. 1824:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-1** (Carnes, Doherty, Draughon, Midget, Neely, Parmeale, Wilson, Woodard, "aye"; no "nays"; Horner "abstaining") to **APPROVE** the minutes of the meeting of February 13, 1991 Meeting No. 1824.

REPORTS:

Chairman's Report:

Chairman Parmeale reported that the City Council considered four rezoning and/or PUD applications. All of which were approved by the City Council.

Committee Reports:

Mr. Doherty advised that the **Rules and Regulations Committee** would be meeting following the TMAPC meeting to discuss satellite antennae and the home occupation study.

Ms. Wilson stated that the **Budget and Work Program Committee** would also be meeting following the TMAPC meeting to discuss the TMAPC Second Quarter Progress Report and next year's work program.

Director's Report:

Mr. Jerry Lasker, INCOG Executive Director, advised that the City Council referred the proposed amendments to the zoning code regarding signs to their public works committee. They will be discussing it at 4:00, March 5, 1991.

He also commented that staff met with the residents of the West Tulsa neighborhood regarding rezoning from RM-1 to Single Family. Approximately 20 residents were present, all of which were in favor of the rezoning. The residents will canvas the neighborhood to determine the rest of the neighborhood's feelings toward the rezoning. Staff will provide the TMAPC with the results of the canvassing at the March 6, 1991 meeting.

ZONING PUBLIC HEARING

Application No.: Z-6310, PUD-467 Present Zoning: OM, OMH
Applicant: GBK, Inc. Proposed Zoning: CO
Location: NW/c of E. 51st St. S. and S. Pittsburg Ave.
Date of Hearing: February 27, 1991
Presentation to TMAPC: Mr. Louis Levy, Attorney, 5314 S. Yale

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan area, designates the subject property Medium Intensity -- No Specific Land Use and Corridor District.

According to the Zoning Matrix, the requested CO District is in accordance with the plan map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 6.3 acres in size and is located at the northwest corner of East 51st Street South and South Pittsburg Avenue. It is non-wooded, flat, vacant, and is zoned OM and OMH.

Surrounding Area Analysis: The tract is abutted on the north by the I-44 Expressway zoned RS-3 and RS-2; on the east by an apartment complex zoned RM-2; on the south by office uses zoned OL and RS-3; and on the west by vacant property zoned OM.

Zoning and BOA Historical Summary: A previous rezoning and PUD case requesting CO zoning and retail and restaurant uses was recommended by Staff and the TMAPC for approval but was withdrawn prior to the City Council hearing.

Conclusion: Based on the Comprehensive Plan, existing zoning pattern and previous approval, Staff is supportive of the requested CO zoning.

Therefore, Staff recommends **APPROVAL** of CO zoning for Z-6310 as requested.

If the CO zoning and the PUD zoning is approved, it would be the first commercial use allowed on the north side of 51st Street more than one-quarter mile from its intersection with Harvard or Yale. The greatest potential adverse impact of commercial uses at this location would be if used as justification for allowing medium intensity commercial uses on the south side of 51st Street adjacent to single-family residential development. If commercialization on the south side of 51st can be avoided and the Comprehensive Plan remain intact, staff supports the proposed PUD and CO zoning.

PUD 467: Located at the northwest corner of East 51st Street South and South Pittsburg Avenue

Staff Recommendation

PUD 467 is 6.3 acres in size and is located within the corridor formed between Interstate 44 on the north, and East 51st Street South. The tract is irregular in shape, having 1,025 feet of frontage along I-44, 360 feet of frontage along South Pittsburg (which forms the east boundary), 1,010 feet of frontage along East 51st Street South, and a westerly boundary that narrows to 190 feet. The tract, now vacant, was previously developed as the Dickens Commons Apartments, which were razed. A similar development, Z-6255 and PUD 451, was approved by Staff and TMAPC in July, 1989, but was withdrawn by the applicant prior to being heard by the City Commission.

PUD 467 proposes three development areas: Area 1 on the eastern side of the property contains .77 acres and is proposed to be used for a restaurant or retail shopping and service; Area 2, containing 3.92 acres, would be used for a shopping center; and Area 3, containing 1.61 acres, would also contain a restaurant or retail.

Based upon the following conditions, Staff finds that PUD 467 is consistent with the Comprehensive Plan; in harmony with the existing and expected development of the site; and consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 467 subject to the following conditions:

1. The underlying zoning is changed to CO.
2. That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
3. Development Standards:

Development Area 1

Land Area (Net):	.77 acres
Permitted Uses:	Use Units 10, 11, 12, 13 and 14, except no funeral home and no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.
Maximum Floor Area;	
Use Unit 12	5,000 SF
Other Permitted Uses	6,400 SF
Minimum Floor Area:	3,000 SF for Use Unit 12
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
from west development boundary	20'
Minimum Off-street Parking:	As required by the applicable Use Unit of the Zoning Code
Minimum Interior Landscaped Open Space:	12% of net areas excluding street right-of-way

Signs:

Ground Signs: Ground signs shall be limited to one sign along I-44 and one sign along 51st, identifying the establishment therein, and shall be located not less than 50' east of the west line of the development area. The ground sign along the expressway shall not exceed 25' in height, nor exceed a display surface area of 144 square feet. The ground sign

along 51st shall be limited to a monument sign not exceeding 8' in height, nor 64 square feet in display surface area.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

Development Area 2

Land Area (net):	3.92 acres
Permitted Uses:	Use Units 10, 11, 12, 13, and 14 except no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.
Maximum Floor Area:	50,100 SF
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
Minimum Off-Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code
Minimum Interior Landscaped Open Space:	10% of net area excluding street right-of-way
Signs:	
<u>Ground Signs:</u>	Ground signs shall be limited to one ground sign along 51st identifying the project and/or tenants therein. The sign shall not exceed 25' in height, nor exceed a display surface area of 175 square feet.*

*As amended by staff during the public hearing

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1.5 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall signage shall be of uniform letter height and display surface area dimension. Wall or canopy signs shall not exceed the height of the building.

Development Area 3

Land Area (net):	1.61 acres
Permitted Uses:	Use Units 10, 11, 12, 13, and 14 except no funeral home and no Entertainment and/or Drinking Establishments as defined in Use Unit 12. Bars are permitted only as an accessory to a principal use restaurant.
Maximum Floor Area:	16,500 SF
Maximum Building Height:	22'
Maximum No. of Stories:	1
Minimum Building Setbacks:	
from C/L of 51st Street	130'
from right-of-way of I-44	20'
from C/L of Pittsburg Avenue	100'
Minimum Off-Street Parking:	As required by the applicable Use Unit of the Tulsa Zoning Code
Minimum Interior Landscaped Open Space:	14% of net area excluding street right-of-way

Signs:

Ground Signs: Ground signs shall be limited to one sign along Interstate 44 and one sign along 51st, identifying the establishment therein, and shall be located not less than 50' west of the east line of the development area. The ground sign along the expressway shall not exceed 25' in height, nor exceed a display surface area of 144 square feet. The ground sign along 51st shall be limited to a monument sign not

exceeding 8" in height, nor 64 square feet in display surface area.

Wall or Canopy Signs: The aggregate display surface area of the wall or canopy signs shall be limited to 1 square foot per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. 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 that development area] prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No Building Permits in a development area shall be issued within the PUD until a Detail Site Plan for that development area, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
8. No Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has 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, making the City of Tulsa beneficiary to said Covenants.
9. All trash, mechanical and equipment areas shall be screened from public view.

10. Outdoor advertising signs are expressly prohibited.
11. Restaurants with drive-through or drive-in capabilities are expressly prohibited.

Applicant's Comments:

Mr. Louis Levy, attorney representing the applicant, stated the applicant was in agreement with all but one of the staff recommendations. He stated that they did object to the number of signs permitted on Development Area 2. He advised that the shopping center area was approximately 50,000 SF. The applicant was asking for two ground signs, two monument signs and one identification sign. He advised that they were willing to compromise and have only one sign provided it was a sign that would identify the tenants of the building as well as the name of the shopping center. Staff had suggested that the sign not be more than 8' in height and a display surface area of 64 SF.

Interested Parties:

There were no interested parties present.

Comments & Discussion:

Mr. Doherty clarified that Mr. Levy was proposing a ground sign, 25' in height, identifying the center and containing 144 SF of tenant identification space. Mr. Levy stated with that one amendment, the applicant could accept all of the conditions recommended by staff.

Mr. Gardner advised it was the opinion of staff that signs should be restrictive. He further advised it is possible that, in the future, applications will be made for free standing signs all up and down the area.

Mr. Doherty commented he would rather see one sign in the location, rather than several signs for each tenant. He felt the height and size of the sign proposed by Mr. Levy was appropriate.

TMAPC ACTION, 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Harris "absent") to RECOMMEND to the City Council APPROVAL of CO Zoning for Z-6310 and PUD 467 subject to the conditions as recommended by staff and the amended staff recommendation to allow one ground sign along 51st Street in Development Area 2 not exceeding 25' in height nor exceeding a display surface area of 175 SF.

Legal Description

(Z-6310 and PUD 467)

Lot 3, Block 1, Morland Addition, City of Tulsa, Tulsa County, Oklahoma

OTHER BUSINESS:

PUD 257 Minor Amendment to increase the number and size of signs permitted and Detail Sign Plan for Lot 1, Block 1, Elmcrest Park Addition - 2738 East 51st

Staff Recommendation:

The subject tract is approximately 3.8 gross acres in size and contains a four story office building. The PUD with an underlying zoning of OM permitted two ground signs not to exceed 32 square feet and 15 feet each in size. The applicant is now requesting a minor amendment to allow an approximately 116 SF wall sign in addition to two 32 SF ground signs already allowed by the PUD and installed.

Staff is not supportive of the increased signage for PUD 257 and therefore, recommends **DENIAL** as submitted.

The applicant was not present.

Comments & Discussion:

Staff advised that the applicant had applied to the Board of Adjustment for a variance of a number of signs. The Board of Adjustment denied the request. Therefore staff assumed that the applicant was giving up on the application.

TMAPC ACTION, 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Harris "absent") to **DENY** PUD 257 as recommended by staff.

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NEW BUSINESS

PUD 179-C Approval of Amendments to the Declaration of Covenants Venture - SW/c of 71st St. S. and 85th E. Ave.

Staff advised that Mr. Roy Johnsen had supplied amendments to Declaration of Covenants which reflect minor amendments 179-C-7 and 179-C-8 which have been approved by TMAPC at previous meetings. Staff has reviewed the amendments and recommend approval for recording.

TMAPC ACTION, 9 members present:

On MOTION of WOODARD, the TMAPC voted 9-0-0 (Carnes, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Harris "absent") to APPROVE the Amendments to Declaration of Covenants for PUD 179-C as recommended by staff.

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PUD 342: Request to determine whether adding a Use Unit 15 use to the permitted uses in PUD 342 should be considered a minor or major amendment.

Applicant's Comments:

Mr. Bob Traband, of Traband Realty, 1716 South Phoenix, was present stating his company is the managing agents for Wembley Center. He is one of the owners of the Center. He advised that Ms. Lori Nichols, owner of Bundles Diaper Service, was also present. They were requesting a minor amendment to PUD 342 for the placement of a diaper service in Wembley Center.

He advised that the laundry facilities to be used in the diaper service were identical to those used in a coin-operated laundromat. He mentioned that their project is leased to basically children related services.

Mr. Traband said they applied for a building permit and it was denied on the basis that their operation would be a Use Unit 15, not a Use Unit 14.

Comments & Discussion:

Chairman Parmele advised the Commission that in the past there has been a problem with major and minor amendment conflicts. Previously a general policy had been set which would classify this as a major amendment. Chairman Parmele advised that if the application was handled as a major amendment, it would take 90-120 days to approve. If the policy was waived, it could be considered in two weeks. He suggested that notice be given to property owners with 300', and commented that if the applicant were to go before the Board of Adjustment to appeal the Zoning Clearance Officer's Use Unit 15 interpretation, it would take six weeks.

Mr. Doherty inquired whether the PUD could be amended to allow only certain Use Unit 15 uses. Mr. Linker, legal counsel, advised that they would have that option under a major amendment. He advised that Use Unit 15 is not allowed by right in a CS district, only by exception of the Board of Adjustment. He stated that if the TMAPC

approved the application as a minor amendment, it would be done without City Council approval and without the notice that is required by state law.

Chairman Parmele asked, if the TMAPC determined it was minor in nature, could the PUD be amended to permit the specific use (diaper service). Mr. Linker advised that it could be done as a major amendment. He stated that it would be going against the policy established by TMAPC and in his opinion it would be violating the law by not going to the City Council. He stressed that it was important to hold to the notice guidelines established in the zoning code for major amendments.

Mr. Linker advised that under the major amendment process TMAPC has the authority to recommend a change of uses permitted in the PUD, but then it goes to the City Council and they approve it. If this is processed as a minor amendment, proper notice is not given and the City Council will not have given their approval.

Chairman Parmele stated he felt the use should be considered as a Use Unit 14, but the zoning clearance officer has determined it a Use Unit 15. He asked legal counsel if TMAPC could approve this as a specific use allowed in the PUD as a minor amendment and instruct staff to amend the issues through a hearing process to change a diaper service to Use Unit 14. Mr. Linker advised that if TMAPC goes beyond the uses permitted and the uses are changed, then City Council approval must be obtained.

Ms. Wilson commented that there is not anything in the zoning code regarding diaper services. She commented that an item needs to be added to the zoning code to address diaper services. She did not feel that a diaper service is in the same category as a linen supply or a janitorial service, which are both Use Unit 15 uses. Chairman Parmele asked if TMAPC could decide whether a diaper service is a Use Unit 14 permitted use in the PUD. Mr. Linker advised that the remedy was to appeal the Zoning Officer's determination to the Board of Adjustment as was allowed by state law. The problem was that the applicant did not want to appeal to the Board of Adjustment.

Mr. Doherty commented that he felt that the zoning officer does a very good job in determining uses, but in this case he felt a mistake had been made. He questioned which was more important, fairness to an applicant or strict adherence to the law. Mr. Linker stated that the reason it appeared it was not fair to the applicant was that the applicant did not want to take the time to give the notice. He advised that this should not be treated as a minor amendment.

Mr. Gardner stated that the TMAPC could write a letter to Ms. Paula Hubbard, zoning clearance officer, providing the facts that have

PUD 342

cont.

appeared during the hearing, and request that she re-evaluate the application.

Mr. Carnes commented that if this application was treated as minor amendment, against legal counsel's advise, notice could be sent out as if it were a major amendment.

Mr. Draughon stated he was in favor of the application. He stated that the zoning code needs to be amended to include a diaper service.

Mr. Gardner commented that if the Planning Commission were to treat this as a major amendment, notice could be given, published and heard by the City Council within thirty days.

Mr. Doherty advised that a letter could be sent to Ms. Hubbard, informing her of the facts that have appeared and requesting her to reconsider her determination. Should she still feel this is Use Unit 15 he requested that the application be heard in two weeks as a minor amendment.

TMAPC ACTION, 9 members present:

On MOTION of DOHERTY, the TMAPC voted 7-0-2 (Carnes, Doherty, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon, Neely "abstaining"; Coutant, Harris "absent"); to set a public hearing on March 13, 1991 to consider PUD 342 as a minor amendment and to send a memo to Ms. Paula Hubbard requesting she reconsider her Use Unit 15 use determination in light of the facts presented.

There being no further business, the Chairman declared the meeting adjourned at 2:22 p.m.

Date Approved: 3/13/91

[Signature]
Chairman

ATTEST:

[Signature]
Secretary