

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2116

Wednesday, June 11, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Doherty	Boyle	Almy	Linker, Legal
Gray	Carnes	Gardner	Counsel
Horner	Dick	Jones	
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, June 6, 1997 at 3:28 p.m., in the Office of the City Clerk at 3:19 p.m., as well as in the office of the County Clerk at 3:17 p.m.

After declaring a quorum present, 1st Vice Chairman Doherty called the meeting to order at 1:36 p.m.

Minutes:

Approval of the minutes of May 28, 1997, Meeting No. 2114:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Boyle, Carnes, Dick, Midget "absent") to **APPROVE** the minutes of the meeting of May 28, 1997 Meeting No. 2114.

Reports:

Director's Report:

Mr. Gardner stated there are items scheduled for the June 12, 1997 City Council meeting and he will be in attendance.

Subdivisions:

Change of Access on Recorded Plat:

Dunham-Birkes Addition (1794) (PD-17) (CD-6)
11617-11621 East 31st Street South

Staff Comments:

Mr. Jones stated a location map with the proposed change of access point was included in the agenda packets. He pointed out there are limits of no access along the entire frontage of East 31st Street and the applicant is proposing a 26-foot drive at the location.

Mr. Jones stated staff and Traffic Engineering has reviewed and signed off on the change of access. Therefore, staff recommends approval of the change of access on the Recorded Plat of Dunham-Birkes Addition, subject to the location map that was included in the agenda packet (See Exhibit "A").

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to **APPROVE** the Change of Access of Recorded Plat for Dunham-Birkes Addition as recommended by staff.

Lot-Splits for Ratification of Prior Approval:

L-18335 (3492) Jack Stacy (PD-9) (CD-2)
6000 32nd West Avenue

L-18451 (684) Jeff Neal (PD-18) (CD-8)
11200 East 61st Street

L-18478 (1694) Southlands (PD-17) (CD-6)
13100 blk East 28th Place South

L-18479 (1694) Southlands (PD-17) (CD-6)
13100 blk East 28th Place South

L-18480 (793) Christ the King Church (PD-6) (CD-4)
1300 blk East 16th Street

L-18484 (794) John Campbell (PD-17) (CD-5)
1140 South 107th East Avenue

L-18487 (1582) Gary Kent (PD-8) (CD-2)
8200 South Waco

L-18488 (2194) City of Tulsa (PD-17) (CD-6)
13421 East 38th Street

Staff Comments:

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

Continued Zoning Public Hearing:

Application No.: PUD-563 **CS/OL/AG to CS/OL/AG/PUD**
Applicant: Roy Johnsen (PD-18) (CD-2)
Location: Southeast corner East 91st Street and South Riverside Drive
Presented to TMAPC: Roy Johnsen
(Apartment complex.)

Staff Recommendation:

This PUD contains approximately 10.5 acres at the southeast corner of Riverside Drive and 91st Street South. The triangularly-shaped tract fronts the Riverside extension for over one-quarter of a mile and ends north of the intersection of Riverside and the new Jenks bridge. The north 350' of the PUD is zoned CS and planned for Medium Intensity uses. The remainder is planned for Low Intensity - No Specific Land Use and is primarily zoned OL with a small portion on the southern end zoned AG. Across 91st Street from the PUD is a landscape/nursery, vacant land to the east and south, and to the west Riverside Drive and the Arkansas River.

The PUD proposes the only principal use to be multifamily dwellings at a density of 24 units/acre. Up to four stories in height is proposed with 50' setbacks from 91st Street and Riverside Drive and 10' setbacks from other boundaries. Other Bulk and Area requirements are as established in the RM-1 district.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-563 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding area; (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-563 subject to the following conditions:

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

2. Development Standards:

Land Area (Net):	10.45 acres
Permitted Uses:	Multifamily dwellings and customary accessory uses
Maximum Number of Dwelling Units:	256
Maximum Building Height:	52'
Maximum Stories:	4
Minimum Building Setback:	
Garages (all boundaries)	5'
From R/W of Riverside Drive	50'
From R/W of 91 st Street South	50'
From all other boundaries	25'
Other Bulk and Area Requirements:	As established for multifamily development in the RM-1 district

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings, required parking, fences or walls, and entry gates, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. Installation of required landscaping shall be done in accordance with a phasing schedule approved by TMAPC and certified by a landscape architect registered in the State of Oklahoma. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
7. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 25 feet.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
9. No Building Permit shall be issued until the requirements of Section 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.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff Comments:

Mr. Gardner stated there is a disagreement between staff's recommendation and the applicant's proposal in regard to the east building setbacks from other boundaries. Staff is requiring a 25-foot setback and the applicant is requesting a 20-foot setback.

Mr. Gardner informed the Commission that there is still an utility easement yet to be worked out along the eastern boundary. The easement may or may not change the ultimate layout of the development.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 440, presented his Supplemental Development Standards for Crown Woods, which was included in the agenda packets. He noted the asterisk indicates the issue on the east building setback.

The Supplemental Development Standards for Crown Woods are as follows:

Subsequent to the May 28, 1997, hearing of the Tulsa Metropolitan Area Planning Commission and pursuant to the directive of the Commission, further staff review was made and the applicant submits the following supplemental development standards:

Limitation on perimeter garages:

Garages with second-level dwelling units may be located along the east boundary and the north boundary of the easternmost 192 feet, but second-level garage units shall not exceed two units per building nor eight units in the aggregate. Perimeter garages in the aggregate shall not occupy more than 25% of the perimeter boundary along which they are located and shall be subject to the building setbacks set forth below.

Minimum Building Setbacks:

Garages without second level units

All boundaries 5 feet

Garages with second level units

East boundary and north boundary
of easternmost 192 feet 11 feet

Other Buildings

from Riverside Parkway 50 feet
from East 91st Street 50 feet
from other boundaries *25 feet

*provided, however, within the south 208 feet a multifamily dwelling not exceeding three stories in height may be located within 20 feet of the east boundary.

Mr. Johnsen reminded the Commission of the previous discussion in regard to the setback for the rectangular-shaped tract. He stated the applicant originally requested a 15-foot setback, and after discussions and reviews, the applicant is able to move the proposed tennis courts to accommodate a 20-foot setback. However, the tennis courts could be eliminated to meet the 25-foot setback.

Mr. Johnsen feels a 20-foot setback would have no adverse effect on anyone in the area. He reminded the Commission the proposed development for this area is one three-story building.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Pace asked whether Mr. Johnsen was sure the undeveloped land to the east of the proposed project would not be developed single-family residential. Mr. Johnsen replied in the affirmative based on the current development in the area. He stated immediately south of the proposed development between the parkway and Delaware is zoned commercial. The corner of 91st Street is zoned commercially, the top portion of the subject property is zoned commercial, and the southeast corner of 91st and Delaware is also zoned commercially. A plowed field and property to the east of the field is zoned for multifamily residential use. South of the field is zoned commercially.

Mr. Horner feels this is an exciting development that has been well-planned and located in a beautiful area.

Ms. Gray commented that she agrees with Mr. Johnsen in regard that single-family development will not be developed on the undeveloped land to the east based on the price of the land.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-1-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace "aye"; Westervelt "nay"; none "abstaining"; Boyle, Carnes, Dick "absent") to recommend **APPROVAL** of PUD-563, subject to the Supplemental Development Standards as presented by the applicant with the disputed setback to be 20 feet.

Legal Description for PUD-563:

A tract of land being part of Lot 1, of Section 20, T-18-N, R-13-E of IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, said tract being more particularly described as follows: commencing at the northeast corner of said Lot 1; thence S 88°36'58" W along the Northerly line of Lot 1, for a distance of 660.00'; thence S 1°03'49" E for a distance of 65.00' to the point of beginning; thence continuing S 1°03'49" E for a distance of 1,255.87' to a point on the Southerly line of Lot 1, said point being 660.18', as measured along said Southerly line, from the Southeast corner thereof; thence S 88°41'41" W along said Southerly line, for a distance of 79.25' to a point; thence N 17°14'33" W for a distance of 235.57' to a point of curvature; thence Northerly and Northwesterly along a curve to the left having a radius of 2,964.79', a central angle of 22°29'08" for an arc distance of 1,163.52' to a point, said point being 65.00' South of the Northerly line of Lot 1; thence N 88°36'58" E and parallel with said Northerly line, for a distance of 667.31' to the point of beginning, and a tract of land being part of Lot 4, of Section 20, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma, according to the U. S. Government survey thereof, said tract being more particularly described as follows: commencing at the Northeast corner of said Lot 4; thence S 88°41'41" W along the Northerly line of Lot 4, for a distance

of 739.43' to the point of beginning; thence S 17°14'33" E for a distance of 216.94' to a point; thence N 88°41'41" E and parallel with said Northerly line, for a distance of 211.81' to a point; thence N 1°04'12" W for a distance of 208.60' to a point on said Northerly line; thence S 88°41'41" W along said Northerly line for a distance of 192.98' to the point of beginning; and located on the southeast corner of East 91st Street South and South Riverside Drive, Tulsa, Oklahoma.

Zoning Public Hearings:

Application No.: PUD-397-A

(PD-18) (CD-7)

Applicant: Roy Johnsen

Location: Southeast corner 91st East Avenue and East 61st Street

Presented to TMAPC: Roy Johnsen

(Major Amendment to allow a drive-in bank.)

Chairman Doherty stated an untimely request for continuance to June 18, 1997 was received from Anthony Heaberlin, Kingsridge Home Owners Association. The reason for the request is to allow the Association a chance to meet with the developer and review the proposed development. Mr. Heaberlin was not in attendance.

Applicant's Comments:

Roy Johnsen, 201 West 5th, Suite 440, stated he came prepared to agree to the one-week continuance, but without Mr. Heaberlin present, he is less inclined to do so. However, he has talked with bank representatives and they have agreed to meet with the Association. Therefore, Mr. Johnsen agreed to the one-week continuance.

There were no interested parties wishing to speak.

TMAPC Comments:

Chairman Doherty feels it would be better to continue in regard to neighborhood relations and expressed appreciation of Mr. Johnsen's willingness to agree to the one-week continuance.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick, Midget "absent") to **CONTINUE THE Zoning Public Hearing** for PUD-397-A to June 18, 1997.

Application No.: PUD-343-A

(PD-18) (CD-8)

Applicant: Mike James

Location: 8118 South Memorial

Presented to TMAPC: Mike James

(Major Amendment to allow an auto rental agency.)

Staff Recommendation:

The applicant is proposing to add an automobile rental use to the permitted uses in Development Area B of PUD-343. The auto rental agency is proposing to have a maximum of 18 rental cars stored on-site at any time. No servicing or cleaning of the rental cars is proposed. Staff finds the use to be compatible with the uses in the shopping center and the surrounding uses. There does, however, appear to be no parking available to store the rental cars. The current uses in the center require more off-street parking spaces than are currently available on the site.

Therefore, staff recommends the addition of auto rental agency use to the permitted uses of PUD-343, subject to no servicing or washing of rental vehicles, no more than 18 rental vehicles on-site at any time and approval by TMAPC of a Detail Site Plan which provides sufficient off-street parking and 18 storage spaces of the rental vehicles. All other requirements of PUD-343 would continue to apply to PUD-343-A.

Applicant's Comments:

Mike James, Enterprise Rent-a-Car, 2228 East 11th Street, stated the subject property is located in the Echelon Shopping Center. He presented a copy of the proposed site plan indicating there is adequate parking behind the building.

Mr. James stated the parking lot, which faces Memorial Drive, is used for the complex itself, other business owners and self-parking. He proposed utilizing the parking lot at the back of the building or the west side of the complex. There are numerous parking spaces in this lot. He stated no one from the complex parks in the rear. The vehicles for rental purposes would be stored in the rear along with the employees' vehicles.

Mr. James explained the employees exit the rear of the building to access the vehicles. The rental vehicles are then driven around to the front of the building for the customer. After use, the customer returns the vehicle to the front of the building where an employee immediately returns the vehicle to the back lot. Therefore no rental vehicles are parked or stored in the front lot to avoid obstruction of other vehicle movement.

TMAPC Comments:

Chairman Doherty asked whether Mr. James would object to a condition that limits the number of cars that can be parked in front of the building. Mr. James replied in the negative.

Mr. Gardner stated, based on Mr. Stump's calculation, that all the parking spaces for the complex, whether in front or behind the buildings, are required to meet the parking requirement of the complex. The requirement has to be met. If the Commission approves the request, it should be subject to the review of the site plan and finding it conformance with the parking requirement.

Chairman Doherty stated this was not a good design for the complex. He feels the spaces behind the center are not used.

Mr. Ledford explained the open space behind the center was for a ten-story office building/parking garage. The parking behind the building was for the office building/parking garage. The office building/parking garage was never constructed. Chairman Doherty stated in that case there should be adequate parking. Mr. Ledford agreed since the back parking lot was constructed with the office building/garage in mind.

Mr. Gardner questioned if the parking lot in the back is on the same lot. Mr. Ledford replied he was not sure. Mr. Gardner stated Mr. Stump indicated the parking may be on a separate lot.

Mr. Gardner reminded the Commission that required parking cannot be used for some other use without a variance or special exception granted by the Board of Adjustment. Therefore, staff's recommendation was as long as the applicant can meet the parking requirement standards then staff would support the request, but it is up to the applicant to meet the requirement.

Chairman Doherty stated it appears functionally the use will work very well. Mr. Gardner reminded him that if the applicant is using required parking for the storage of the rental vehicles then it will require a Board of Adjustment variance. He pointed out an item in the ordinance that states required parking cannot be used for another use and the storage of rental vehicles is considered another use.

Mr. Gardner stated as long as the applicant meets the parking requirements, staff can support the use.

Ms. Pace questioned, if approved, whether approval should be subject to detail site plan providing the adequate parking and adding the condition that no more than three cars be parked in front at any given time.

Chairman Doherty agreed, stating the condition will keep the applicant or his successors from stacking storage cars in required parking in front of the center.

TMAPC Action; 8 members present:

On **MOTION** of **PACE**, the TMAPC voted **8-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to recommend **APPROVAL** of Major Amendment PUD-343-A, subject to the detail site plan providing the required parking and that no more than three vehicles may be parked in front of the center at any given time.

Legal Description for PUD-343-A:

Lot 2, Block 1, of ECHELON CENTRE AND a tract of land in part of Lot 3, Block 1 of Echelon Centre being more particularly described as follows: Beginning at the Northeast corner of Lot 3, Block 1, of ECHELON CENTRE an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the official recorded plat thereof; thence S 0° 04' 10" W along the East line of said Lot 3 a distance of 105.21 feet to a point; thence S 89° 59' 50" W a distance of 50.00 feet to a point; thence N 39°38' 08" W a distance 78.18 feet to a point; thence N 0° 00' 10" W a distance of 45.00 feet to a point on the North line of said Lot 3; thence N 89° 59' 50" E along the North Line of said Lot 3 a distance of 100.00 feet to the point of beginning, and located on the southwest corner of East 81st Street South and South Memorial Drive, Tulsa, Oklahoma.

Other Business:

AC-018 C. Dwayne Wilkerson (PD-18) (CD-8)
East of northeast corner East 61st Street and South Mingo Road
(*Alternative Landscape Compliance.*)

Staff Recommendation:

The applicant is requesting Alternative Landscape Compliance to eliminate the required underground sprinkler system to irrigate newly-sodded areas along East 61st Street. The site contains 31 existing medium-to-large-caliper trees averaging over 10" in diameter. There are six street yard trees ranging in size from 6" to 24"; only three street yard trees are required. The application indicates that installation of an underground irrigation system within the required street yard would damage the root systems of six established trees. The applicant proposes to irrigate the sodded areas abutting East 61st Street with a hose bib.

Staff has reviewed the planting, grading and paving plans submitted with the application and finds that site paving will greatly reduce the pervious areas under the drip line of existing trees in the street yard. The paving will also increase heat load to these trees which will likely cause sufficient stress to severely damage or kill. The additional water provided by an underground irrigation system will help the existing trees to survive.

Staff, therefore, recommends **DENIAL** of the Alternative landscape Compliance as submitted.

The applicant was not present.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to **DENY** the Alternative Landscape Compliance AC-018 as recommended by staff.

AC-019 Buck Rudd (Tulsa County)

(PD-2) (CD-1)

Northwest corner of West Edison Street and North Cheyenne Avenue
(*Alternative Landscape Compliance.*)

Staff Recommendation:

Tulsa County is proposing to construct a 1,000 SF storage building on a 100' x 158' lot at the northwest corner of West Edison Street and North Cheyenne Avenue. The tract is zoned CH so there is no tree requirement in street yards, but the one required parking space produces a requirement for one tree. In addition, a five-foot grassed strip along Edison Street and Cheyenne Avenue is required to be irrigated.

The County will not have water service to the building, so providing irrigation will be difficult. The County proposes to preserve ten mature trees on the site as well as the five-foot grassed strips along the street frontage but does not propose any irrigation. Staff recommends **APPROVAL** of the proposal for the following reasons:

1. Ten mature trees are better than one new tree.
2. These mature trees can and have survived without irrigation.
3. The proposed building and paved area is far from the trees and will not affect their root system or produce added heat.

TMAPC Action; 8 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-0** (Doherty, Gray, Horner, Jackson Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to **APPROVE** the Alternative Landscape Compliance AC-019 as recommended by staff.

Request for Reconsideration of AC-017 Gale Plummer (Hollywood Video)

7418 East Admiral Place
(*Alternative Landscape Compliance.*)

Staff Recommendation:

The applicant has revised the original submission requesting Alternative Compliance reviewed by the Planning Commission on June 4. The revision includes the provision of a ten-foot landscape strip along the entire south edge of the property and the addition of two landscape areas and one tree in front of the building. The two landscaped areas and one tree bring parking spaces that front on Admiral Place within 50 feet of a landscaped area as required by the Landscape Chapter of the Zoning Code. The revised application also indicates the relocation of the trash container area and the provision of a concrete enclosure ten feet to the north of the fence abutting a residential district.

Staff recommends **APPROVAL** of the revised application for Alternative Compliance in that the proposed alternatives are equivalent to or better than the requirements of the Landscape Chapter of the Zoning Code.

TMAPC Comments:

Ms. Pace asked where the additional 12' x 25' landscaped area would be located. Mr. Gardner stated there are three proposed in the front instead of the two. There is also landscaping around the drop-off unit.

Ms. Pace asked if there is a reason that Admiral is not redeveloping like the rest of the City with curbing and ingress/egress. Mr. Gardner replied in the areas of the City that do not have curb, those are not considered high-priority projects by the City if the street is physically functioning. He stated he is not aware of any plans for curbing and guttering in this general area.

Ms. Pace asked when an arterial street develops is that the expense of the developer or the City. Mr. Gardner replied it is the expense of the City. Normally, when streets are widened, the City will have curbs and storm drains per their standards, but when dealing with an existing situation, the City does not consider it a high priority.

Mr. Ledford stated when curbing and guttering are installed in an existing development, the storm sewers also have to be modified.

Ms. Pace asked how the two facilities abutting the subject site managed to be modified and install curbing and guttering. She feels it is a strange-looking development and is completely unsafe for any pedestrian traffic. Mr. Gardner replied the City has sole jurisdiction within their right-of-way, so if any curbs are installed, the City would be the one to install them. He stated he is not familiar with the procedures in obtaining curbing and guttering.

Ms. Pace feels the alternative landscape compliance is not a fair trade-off. She does not find it equivalent to or better than the standards.

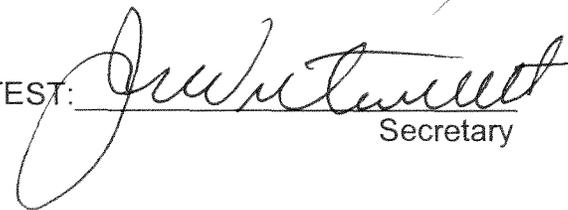
TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-1-0** (Doherty, Gray, Horner, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Carnes, Dick "absent") to **RECONSIDER** and **APPROVE** the revised Alternative Landscape Compliance AC-017 as recommended by staff, finding that the proposed alternatives are equivalent to or better than the requirements of the Landscape Chapter of the Zoning Code.

There being no further business, the Chairman declared the meeting adjourned at 2:10 p.m.

Date Approved: 6/25/97


Chairman

ATTEST: 
Secretary