

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2209

Wednesday, June 23, 1999, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Dick	Dunlap	Swiney, Legal
Carnes		Huntsinger	Counsel
Harmon		Stump	
Hill			
Horner			
Jackson			
Ledford			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 21, 1999 at 8:55 a.m., posted in the Office of the City Clerk at 8:48 a.m., as well as in the office of the County Clerk at 8:45 a.m.

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

Minutes:

Approval of the minutes of June 9, 1999, Meeting No. 2207

On **MOTION** of **WESTERVELT** the TMAPC voted **7-0-0** (Boyle, Carnes, Hill, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Harmon, Jackson, Midget "absent") to **APPROVE** the minutes of the meeting of June 9, 1999 Meeting No. 2207.

REPORTS:

Director's Report:

Mr. Stump reported that there are two subdivision plats on the City Council agenda for Thursday June 24, 1999.

Mr. Jackson in at 1:31 p.m.

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

Mr. Midget in at 1:37 p.m.

ZONING PUBLIC HEARING

Application No.: Z-6703/PUD-613

RS-2 to OL/PUD

Applicant: Charles Norman

(PD-18) (CD-9)

Location: Southeast corner East 53rd Street and South Lewis Avenue

STAFF RECOMMENDATION Z-6703:

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as a Low Intensity Linear Development Area. Plan text provisions (items 3.2.1 and following) encourage the use of PUDs to minimize impacts of proposed uses on adjacent low intensity residential uses and screening of parking facilities from abutting residential properties, among other things.

According to the Zoning Matrix the requested OL zoning **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1.04 acres in size and is located on the southeast corner of East 53rd Street South and South Lewis Avenue. The property is gently sloping, partially wooded, contains a residential dwelling, and is zoned RS-2.

Surrounding Area Analysis: The subject tract is abutted on the north by a vacant lot, zoned OL/PUD-502; to the east by a single-family dwelling, zoned RS-2; to the south by an office complex, zoned OL; and to the west across South Lewis are single-family homes, zoned RS-3.

Zoning and BOA Historical Summary: The history of this area indicates an active transition from residential zoning to office zoning on tracts that front South Lewis. A Planned Unit Development was approved on the property that is north of the subject tract in 1993, which allowed for office development.

Conclusion: Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of Z-6703, provided that the accompanying PUD-613 or some version of it is approved as well.

AND

STAFF RECOMMENDATION FOR PUD-613:

The PUD proposes office use on a .87-acre tract located at the southeast corner of East 53rd Street South and South Lewis Avenue. An older two-story residential dwelling is located on the property.

The property owner intends to preserve and renovate the two-story residence as an office if economically feasible under present protective codes and to add additional office structures under the PUD standards and restrictions. If renovation of the residential building is not feasible, it is proposed that the tract be developed for two-story office uses. The subject tract is currently zoned RS-2. Concurrently an application has been filed (Z-6703) to rezone the tract from single-family to office light. The tract is abutted on the east by a single-family dwelling, zoned RS-2 and to the south by office uses, zoned OL. There is a single-family dwelling, zoned RS-3, to the west of the tract, across South Lewis Avenue and office uses zoned OL to the northeast. There is a vacant tract to the north, across East 53rd Street South, zoned OL/PUD-502, which has been approved for office uses.

If Z-6703 is approved as recommended by staff, 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-613, 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-613 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:	0.87 Acres	38,000 SF
Gross:	1.04 Acres	45,485 SF

Permitted Uses:

Offices and studios as permitted in Use Unit 11, and uses customarily accessory to permitted principal uses.

Maximum Building Floor Area: 15,000 SF

Maximum Building Height:

Two stories not exceeding: 35 FT

Minimum Building Setbacks:

From the centerline of South Lewis Avenue	100 FT
From the centerline of East 53 rd Street	50 FT
From the south boundary	10 FT
From the east boundary	
One story	20 FT
Two stories	50 FT

Minimum Parking Area Setback:

From the west, east and south boundaries	5 FT
Within 50' of the east boundary of the PUD all parking areas shall be set back at least 50' from the centerline of 53rd Street South.	

Off-Street Parking:

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

Maximum Access Points onto East 53 rd Street South (No access shall be within 23' of east boundary of PUD)	<u>4</u>
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Maximum Access Points onto South Lewis Avenue	0
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Landscaped Area and Screening:

A minimum of 15% 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. A six-foot solid screening fence with masonry columns shall be required along the east boundary of the subject property to screen the residential areas.

Signage:

As permitted in the OL – Office Light zoning district, except no sign shall be within ~~150'~~ 75' of the east boundary of the PUD.

Lighting:

Exterior light standards or building-mounted lights shall be hooded and the light directed downward and away from the east boundary of the property. Light standards or building-mounted lights shall not exceed ten feet in height within the east 150 feet of the property, eight feet within the east 50 feet and there shall be no light standard or building mounted lights within the east 20 feet of the property.

~~*One access point may be permitted if approved by Traffic Engineering and TMAPC at Detail Site Plan approval.~~

~~3. Any new office building, or addition to the existing dwelling, shall be of a residential architectural style, similar to office developments permitted to the north and south.~~

4. No Zoning Clearance Permit shall be issued for a lot within the PUD until a Detail Site Plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
5. A Detail Landscape Plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
6. No sign permits shall be issued for erection of a sign on a lot within the PUD until a Detail Sign Plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit on that lot.
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 that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during Detail Site Plan review or the subdivision platting process.

APPLICANT'S COMMENTS:

Charles Norman, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, submitted photos of the subject property (Exhibit A-1) and stated that the property across the street to the north is a vacant tract that was approved in 1993 as a PUD for two-story office buildings and it was the model on which he prepared his application. There is an older two-story residential structure existing on the subject property and his client plans to convert the existing structure into an office building if it is economically feasible to do

so. The concept plan was drawn with the assumption that the existing structure would be converted to an office.

Mr. Norman stated that his disagreement with staff's recommendation is important because if the subject property should be renovated for professional use, then parking becomes a real issue. He commented that he disagrees with staff's recommendation requiring the east boundary of the PUD's minimum parking area be set back 50' from the centerline of 53rd Street South. He stated that the house immediately to the east has a garage on the west side facing 53rd Street and has an additional structure on the property line. He commented that requiring the subject corner area to be preserved will not serve a useful purpose in planning the property, particularly when there is a requirement for a screening fence along the entire common boundary.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman if the Planning Commission were to adopt his proposal, would he like the provision that within 50' of the east boundary of the PUD all parking areas shall be set back at least 50' from the centerline of 53rd Street South. In response, Mr. Norman agreed with the deletion and maintenance of the provision requiring 5' of landscaped area from the property line as required on the other corner. Mr. Norman stated that the setback requirement is one that was set forth in the parking chapter of Section 1302 by the Zoning Code, but the PUD chapter of the Code specifically states that Section 1302 does not apply in PUD's.

Mr. Norman stated that the second issue is in regard to the access points to 53rd Street. The staff is recommending only one access point in the 254' of frontage and he suggested that there could be a point of access on South Lewis if approved by the Traffic Engineer. He stated that his concept is based on two points of access within the 254' of frontage and he would like it to retain two points of access with the understanding that they will be one of the major areas of concern during detail site plan review. If there should be a point of access from Lewis, then it would not be necessary to have two points of access onto 53rd Street. He commented that the distance is more than enough to accommodate two access points. The topography slopes sharply from the east toward Lewis Avenue so it is probable that the parking areas will be separated by some elevation change, as indicated on the concept illustration. He commented that access to 53rd Street is safer than trying to have an access drive onto Lewis.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman if the Planning Commission approved the two access points on 53rd Street then would he agree to have no access from Lewis. In response, Mr. Norman answered affirmatively.

Mr. Norman addressed the issue regarding signage. He requested that the setback for signage along 53rd Street along the east boundary be moved back to 75' instead of the 150' setback suggested by staff. If there should be an office building, as shown in the concept illustration, he would like to have the means of identifying the tenants and the name of the building.

In response to Mr. Boyle, Mr. Norman stated that he would like to have a sign in the proximity of the easternmost building.

Mr. Norman stated that his other concern is the staff's recommendation that any new office building shall be of a residential architectural style. The building immediately south of the subject property is a contemporary two-story office building and south of that building is another two-story office building at 55th Street. Unless there is a compelling reason, he generally has major concerns with the Planning Commission specifying architectural style. He requested that number three of the staff recommendation be deleted and if there is any concern regarding compatibility, it can be reviewed when there is a specific design standard.

Mr. Norman stated that he is against the staff recommendation that masonry columns be installed with the solid screening fence.

Mr. Norman concluded that he would request that the Planning Commission to approve the modifications and to look at the submitted photographs to better understand his concerns.

INTERESTED PARTIES COMMENTS:

Mary Gold, 5306 South Lewis Place, Tulsa, Oklahoma 74105, stated that her property abuts the subject property. She explained that she is the only property owner who is affected by the proposal.

Ms. Gold expressed concerns with increased traffic if the second access on 53rd is granted. She stated that vehicles cut through her neighborhood to miss the light at 51st and Lewis. She commented that she is concerned about the possibility of her property deteriorating if there is any grading or cutting away of the land. She questioned if the applicant will be installing a screening fence or barrier between her property and the subject property.

Ms. Gold asked if the applicant does not restore the existing building would he be able to build a multi-level building.

Mr. Stump stated that the two-story building is limited to 35' in height. He further explained that the one-story building will have to be 20 feet from the east boundary and two-story buildings will have to be 50 feet from the east boundary.

Ms. Gold asked if the privacy fence will go to 53rd Street. In response, Mr. Boyle answered affirmatively.

Applicant's Rebuttal:

Mr. Norman stated that the east 50 feet of the subject property couldn't have two-story buildings. He described the subject property as being flat on the eastern portion and then sloping off sharply toward Lewis Avenue. The concept illustration indicates the 50-

foot building line. He indicated that there will be no reason to disturb the grade because it is too great to cut into the hill. He explained that the existing building will be restored or new buildings will be stair-stepped down the grade.

TMAPC COMMENTS:

Mr. Boyle asked Mr. Norman if he knew of any grading that will take place on the subject property. In response, Mr. Norman stated that the only grading could possibly be in the west two-thirds of the property.

Mr. Norman stated that the drainage on the subject property can all be directed to 53rd Street and to Lewis Avenue. None of the drainage will be allowed to go to the east. He explained that the subject property has never been platted and all of the drainage issues will be resolved during the platting process.

Mr. Norman stated that he wanted the interested parties to understand that there is not a commitment to maintain the existing building at this time. He explained that his client would like to make every effort to maintain the existing building, but only if he can accomplish occupancy with the fire codes in a two-story building for office purposes. He commented that it may be too expensive to accomplish this goal.

Ms. Pace asked Mr. Norman if the existing building cannot be maintained, will his client add the same amount of square footage in a new building. In response, Mr. Norman stated that there will be two buildings, one at the upper level and one at the lower level. He explained that whether the new building would equal the amount of square footage as the existing building would depend on how the parking is arranged. Mr. Norman stated that under this application there is a maximum floor area ratio of less than 35%. Mr. Norman stated that if the existing building is removed it would likely be that there will be two buildings on the north and south axes. He explained that a two-story building is not allowed within 50 feet of the east boundary. Mr. Norman concluded that his client will have to come before the Planning Commission with a detail site plan.

On **MOTION** of **WESTERVELT** to recommend **APPROVAL** of the OL zoning for Z-6703 and recommend **APPROVAL** for PUD-613

TMAPC COMMENTS:

Mr. Carnes stated that he would like the screening fence to have some flexibility regarding it being extended to 53rd Street. He explained that it could be dangerous for ingress/egress traffic having the fence coming out to the street. He requested that the screening fence extension be flexible for the detail site plan.

TMAPC Action; 9 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Dick, Midget "absent") to recommend **APPROVAL** of the OL zoning for Z-6703 and recommend **APPROVAL** for PUD-613 with requested modifications deleting the 50-foot setback for the minimum parking area; two access points allowed on 53rd Street; 75-foot

setback for the easternmost sign requested; delete the requirement for residential architectural style; subject to masonry columns installed within the solid screening fence, and review screening fence being extended to 53rd Street during the detail site plan review. (Language in the staff recommendation which was deleted by TMAPC is shown as ~~strikeout~~, language added or substituted by TMAPC is underlined.)

Legal Description for Z-6703/PUD-613:

A tract of land in the NW/4, Section 32, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, being more particularly described as follows, to-wit: Beginning at a point 1,153.87' North of the Southwest corner of the NW/4; thence E 304'; thence N 149.62'; thence W 304'; thence S 149.62' to the Point of Beginning.

Application No.: PUD-179-X

CS,OL,PUD-179-V to CS, OL, PUD-179-X

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

**Location: East of southeast corner East 73rd Street and South Memorial
(Major Amendment)**

STAFF RECOMMENDATION:

The property, which is the subject of this amendment to PUD-179-V, consists of 36,426 SF of land situated on the south side of East 73rd Street South approximately 475 feet east of South Memorial Drive.

The property is a platted lot having 105 feet of frontage on East 73rd Street South and extending south from 73rd Street an average distance of 283 feet. Properties to the north across 73rd Street South are predominantly retail commercial uses; properties abutting to the east and west are developed for office uses; and the property to the south is vacant, but approved for retail commercial.

PUD-179-V was approved in 1995 for retail use (Use Units 11, 13, and 14), or a dry cleaning/laundry facility not to exceed 9000 SF of floor area. Subsequently the property was developed as a dry cleaning/laundry facility consisting of a one-story building containing 6000 SF, which is now vacant. This proposed major amendment to PUD-179-V would permit the use of the existing building for motorcycle sales and service and the retailing of clothing and related accessories.

Staff finds the uses and intensities of development proposed to be too great for this area. The noise, traffic, test drives and outdoor display of motorcycles would adversely affect the office uses to the east and west.

Therefore, staff recommends **DENIAL** of PUD-179-X.

Mr. Dunlap stated that the applicant submitted an outline development standard and it was included in the agenda packets.

APPLICANT'S COMMENTS:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, representing Iron Lightning Motorcycles, stated that his client will be one of the distributors of the Indian Chief Motorcycles that are making a comeback. He indicated that this will be a small family business.

Mr. Johnsen stated that he viewed the present location in Broken Arrow and found it to be a clean operation. He indicated that his client has outgrown his current location. Mr. Johnsen submitted photographs (Exhibit B-1) of the existing business in Broken Arrow.

Mr. Johnsen cited the zoning history for the subject property, which is included in the agenda packets. He stated that the existing building is 6,000 SF and his client estimates that 25% of the floor area will be dedicated to servicing motorcycles. He commented that 10% of the revenue is service-related. He explained that the proposal will sell motorcycles, clothing, accessories and memorabilia.

Mr. Johnsen stated that he is proposing similar development standards that were used for the application of the new Harley-Davidson dealership located at 71st and Garnett. He explained that the proposed motorcycle sales are very expensive, averaging approximately \$24,000 each and he prefers to keep the motorcycles indoors.

Mr. Johnsen commented that he suggested his to client discuss the proposal with the three owners of the surrounding properties. He indicated that Dr. Schmitz and Pro-Chemical are in support of this application. He stated that his client was unable to contact the third owner, but left messages on their voice mail. Mr. Johnsen concluded that to his knowledge there are no objections to this proposal.

Mr. Johnsen stated that he feels this type of use can be done in a proper manner and this is an appropriate location.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Johnsen if there would be any storage outside or sales conducted outside. In response, Mr. Johnsen stated that there would not be any outside storage or sales.

Mr. Stump stated that outdoor sales are difficult to regulate. He explained that there are many areas in Tulsa where this is restricted and yet it continues to go on unabated. If the applicant chose to ignore the outdoor storage and sales restriction, it could take well over two years to bring them into compliance. Mr. Stump stated this is a very mobile type of business, which would make it very easy to roll the motorcycles out in the daytime and roll back in that evening.

APPLICANT'S OUTLINE DEVELOPMENT STANDARDS

INDIAN MOTORCYCLES OF TULSA

East of the SE/C of 73rd Street and South Memorial Drive

PLANNED UNIT DEVELOPMENT NO. 179-X

TEXT

May 13, 1999

TABLE OF CONTENTS

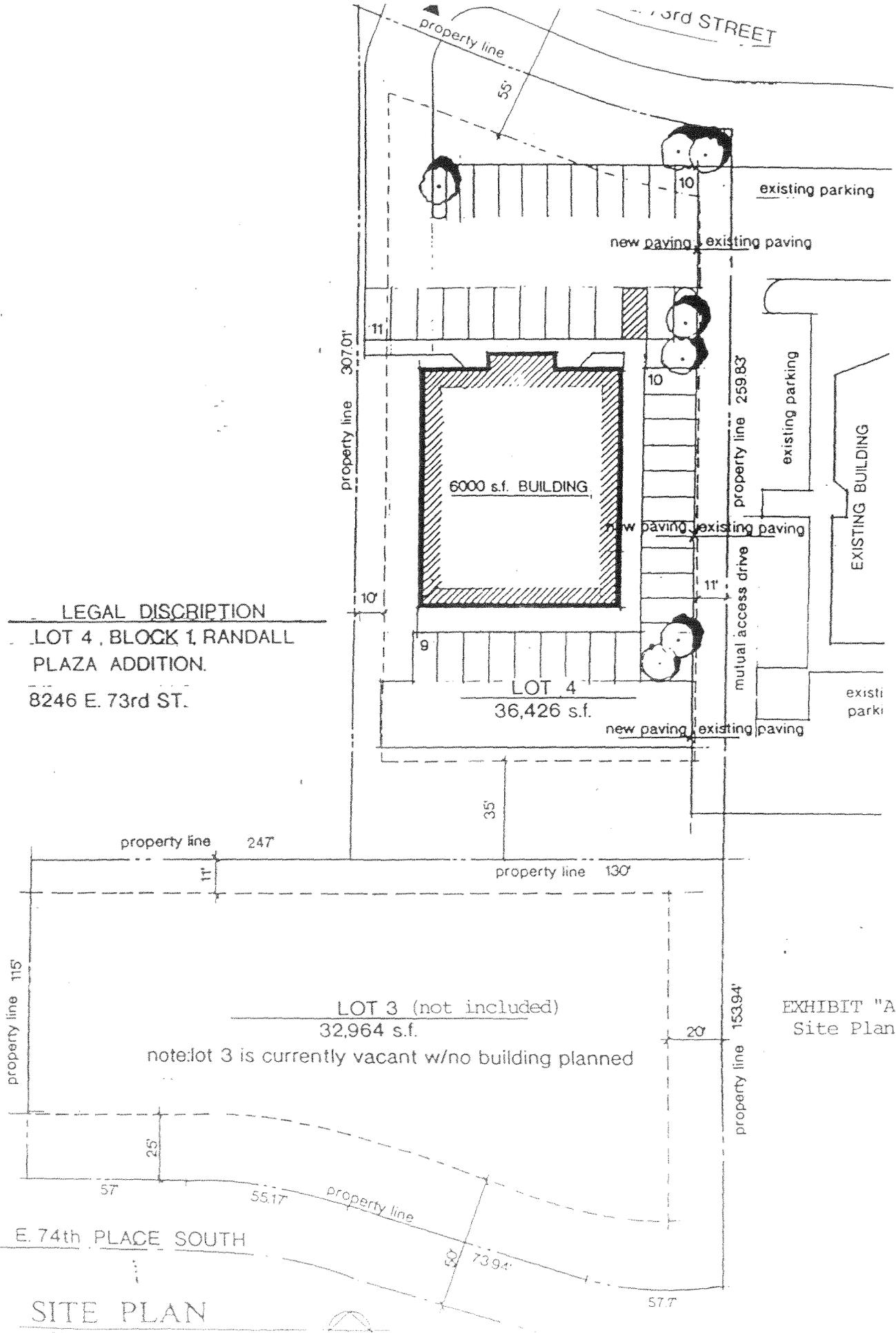
	<u>Page</u>
Development Concept	1
Exhibit A - Conceptual Site Plan	
Development Standards	2
Site Plan Review	3
Platting Requirement	3
Expected Schedule of Development	3
Exhibit B - Legal Description	

I. Development Concept

The property which is the subject of this amendment to Planned Unit Development No. 179-V consists of 36,426 square feet of land situated on the south side of East 73rd Street South approximately 825 feet east of South Memorial Drive in the City of Tulsa, Oklahoma and is hereinafter referred to as the "Property" or as the "Site".

The Property is a platted lot having 275 feet of frontage on East 91st Street South and extends south from 91st Street an average distance of 283 feet. Properties to the north and south are predominantly retail commercial uses which were developed as a part of the El Paseo shopping complex, but properties abutting to the east and west are developed for office uses.

The Property was included within PUD No. 179-V and approved in 1995 for retail use (Use Units 11, 13 and 14) and approved for a dry cleaning/ laundry facility, not to exceed 9000 square feet of floor area. Subsequently the Property was developed as the Petty's dry cleaning/laundry facility consisting of a one story building containing 6000 square feet which is now vacant. This proposed major amendment to PUD No. 179-V would permit the use of the existing building for Indian Motorcycles of Tulsa which would include motorcycle sales and service and the retailing of clothing and related accessories.



LEGAL DISCRPTION
LOT 4, BLOCK 1, RANDALL
PLAZA ADDITION.
 8246 E. 73rd ST.

EXHIBIT "A"
 Site Plan

SITE PLAN

II. Development Standards

Net Land Area: 36, 426 square feet

Permitted Uses: The uses included within Use Units 11, 13, 14 and motorcycle sales, service and retailing of related clothing and accessories.

Development standards applicable to motorcycle sales, service, and related retail:

- a) Motorcycle sales and services shall be conducted within the existing building.
- b) Outdoor display, sale, service or storage of motorcycles shall be prohibited.
- c) The area of the building utilized for the service of motorcycles shall not exceed 25% of the gross floor area of the building.
- d) The maximum number of motorcycles displayed for sale at any one time shall not exceed 20.
- e) The exterior facade of the existing building shall not be substantially altered, excepting signage and the enclosure of the existing glass areas at the north end of the west wall, unless approved by the TMAPC pursuant to detail site plan review.
- f) The maximum floor area shall not exceed 6000 sq. ft.

Development standards applicable to all uses:

Maximum Floor Area:	9,000 sq. ft.*
Maximum Building Height	One story not to exceed 22 ft.
Minimum Building Setbacks:	
From west boundary	10 ft.
From south boundary	35 ft.
From east boundary	11 ft.
From centerline of 73 rd Street	55 ft.
Parking Ratio:	As provided within the applicable use unit
Minimum Landscaped Area:	10% of net lot area

*Uses other than uses included within Use Unit 11 shall be limited to 6000 square feet.

IV. Site Plan Review

No building permit shall issue for new construction of buildings or exterior alteration of the existing building until a detailed site plan (including landscaping) of the proposed improvements has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the development concept and the development standards. No certificate of occupancy shall issue for a building until landscaping has been installed in accordance with a landscaping plan submitted to and approved by the Tulsa Metropolitan Area Planning Commission.

V. Platting Requirement

The Property has been platted pursuant to PUD No. 179-V and it is proposed that the existing plat (Randall Plaza, Plat # 4740) shall constitute the required plat and that restrictive covenants implementing revised development standards be set forth within a separate instrument approved by the TMAPC and duly filed of record.

VI. Expected Schedule of Development

Interior alteration of the existing building is expected to commence within 6 months and to be completed within 6 months thereafter.

Exhibit B
Legal Description

Lot Four (4), Block One (1), Randall Plaza, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

RANDALL PLAZA

A RESUBDIVISION OF LOTS 1 AND 2, BLOCK 1 AND VACATED EAST 74th PLACE SOUTH OF CENTURY TOWER.

AND

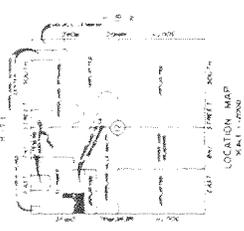
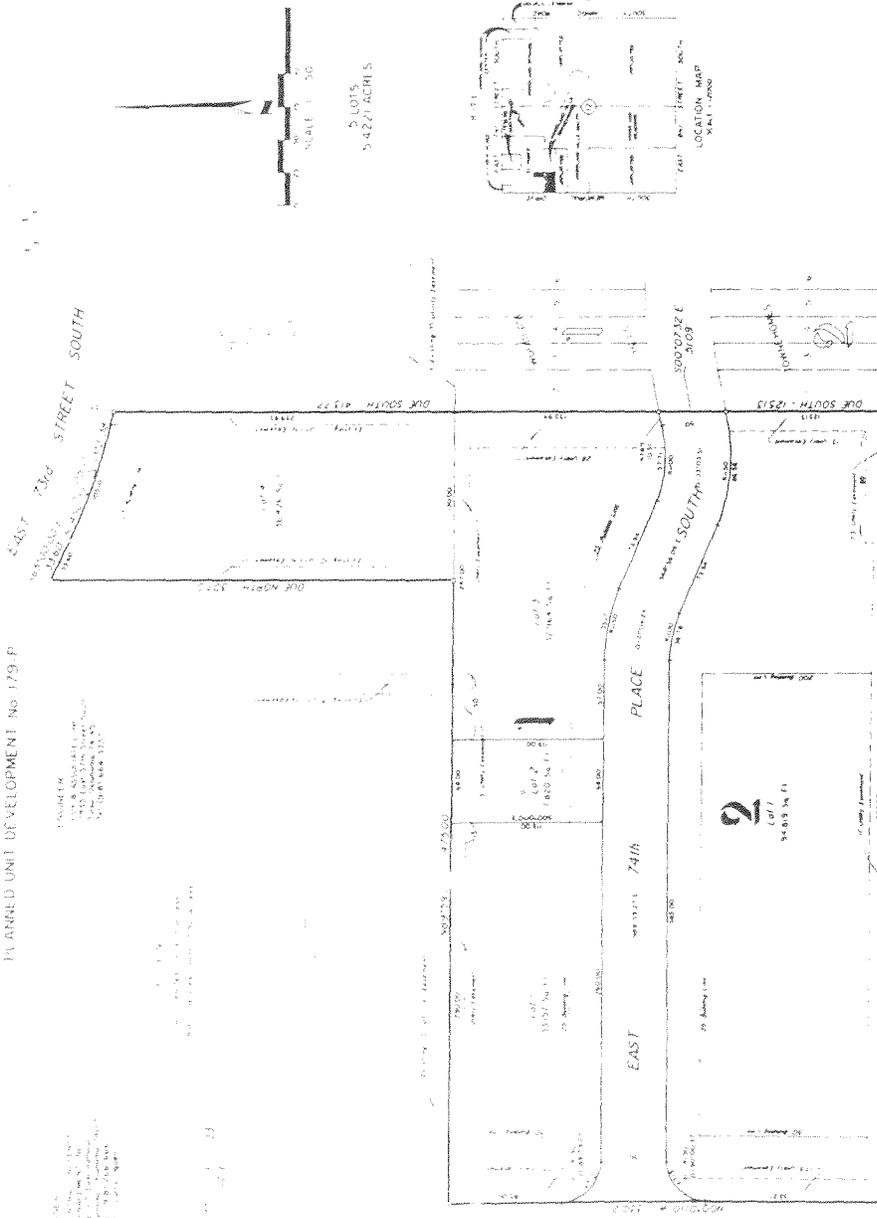
PART OF LOT 1, BLOCK 2 OF WOODLAND HILLS TOWNHOMES.

ALL IN THE

NW/4 OF SECTION 12, T 18 N, R 13 E IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA.

PLANNED UNIT DEVELOPMENT NO. 179-P

OWNER
CENTURY TOWER
1430 EAST 17th STREET
TULSA, OKLAHOMA 74104



SHOW ALL LOTS BY THIS INSTRUMENT.
THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVED IT FOR RECORD.
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THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVED IT FOR RECORD.

DATE: 11/11

SOUTH MEMORIAL DRIVE

Mr. Johnsen stated that there are some motorcycle dealers who sell Seadoos, but this will be strictly motorcycles. The building will accommodate the storage and sales being confined to indoors.

Mr. Ledford stated that the Harley-Davidson dealership on Peoria is located in a CH district and did not require PUD or site plan approval. The dealership does abut residential on the south and the west, but everything is kept inside the dealership. He explained that because motorcycles are easily mobile, one would not park a \$24,000 bike where it could be stolen. He agreed that the sales should be kept inside and no outside storage should be allowed.

Mr. Stump stated that this not an approval for an Indian Chief Motorcycle shop or franchise, but it is an approval for any type of motorcycle the owner wishes to sell. He reminded the Planning Commission that it cannot regulate that only the Indian Chief Motorcycles be sold on the subject property. Staff had to evaluate this application as if it were any type of motorcycle shop.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to recommend **APPROVAL** of the Major Amendment for PUD-179-X subject to the applicant's outlined development standards.

Legal Description for PUD-179-X:

Lot 4, Block 1, Randall Plaza, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Application No.: Z-6704
Applicant: John W. Moody
Location: 5801 East 41st Street

OM to CS
(PD-6) (CD-7)

STAFF RECOMMENDATION:

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity-No Specific Land Use.

According to the Zoning Matrix the requested CS zoning **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 3.9 acres in size and is located east of the northeast corner of East 41st Street South and South Hudson Avenue. The property is flat, non-wooded, contains an office complex, and is zoned OM/PUD-276.

SURROUNDING AREA: The subject tract is abutted on the north by Bishop Kelley High School, zoned RS-2; on the southeast by Skelly Drive, zoned RS-2; on the west by the Harmon Science Center, zoned OM and PUD 276-A; and on the south across East 41st Street by a commercial strip, zoned CS.

Zoning and BOA Historical Summary: Approval was granted in 1992 to allow commercial uses in Development Area A except no commercial uses would be allowed on the north 250' of the PUD. The development standards were also amended for setback requirements. Development Area A abuts the subject tract to the west.

Conclusion: Based on the Comprehensive Plan, existing development and trends in the area, staff recommends **APPROVAL** of Z-6704 for CS zoning.

APPLICANT'S COMMENTS:

John W. Moody, 7146 South Canton Avenue, Tulsa, Oklahoma 74136, representing Local Oklahoma Bank, stated that the subject application is to simply change the existing signs on the subject building. He explained that his client recently changed the name of the bank and the existing signs are not large enough to change to the new name and be visible. He stated that the OM district does not permit the display area needed to change the signs, but the CS zoning would allow a larger display surface area on the signs.

Mr. Moody stated that the uses will not change and the rezoning is in order to change the signs. He indicated that the sign facing the Bishop Kelly property will not change. The only signs changing is the signs located on the south, east and west side of the building.

Mr. Stump stated that the rezoning application does not change the PUD conditions. The rezoning does give the applicant the ability to have larger signage. He explained that during the Minor Amendment, the Planning Commission can place certain restrictions on the signage if needed.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to recommend **APPROVAL** of the CS zoning for Z-6704 as recommended by staff.

Legal Description for Z-6704:

Lot 2, Block 1, Mid-America Office Park, Amended, and in the City of Tulsa, Oklahoma.

Application No.: PUD-276-E

Applicant: John W. Moody

(PD-6) (CD-7)

Location: 5801 East 41st
(Minor Amendment)

STAFF RECOMMENDATION:

Staff requests a continuance to July 21, 1999.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **CONTINUE** PUD-276-3 to July 21, 1999 at 1:30 p.m.

Application No.: PUD-432-D

Applicant: Stephen Schuller

(PD-4) (CD-4)

Location: Southeast corner East 11th and Utica and 12th Street and Utica
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to divide Development Areas A and C into sub-areas with a corresponding allocation of floor area (based on the existing buildings within the northern or southern portion of each development area), signage and parking within each sub-area. The allocation of floor area, signage and parking requested is based on existing PUD development standards and does not represent any increase or modification of those standards.

Staff has examined the request and finds the division of Development Areas A and C maintains the character and intent of the original approval and conforms to the approved PUD-432-D specifications.

Staff, therefore, recommends **APPROVAL** of Minor Amendment PUD-432-D-2 as submitted modifying the Development Areas as follows:

Development Area A modified to:

Development Area A-1 (north area) **and** Development Area A-2 (south area):

Maximum Building Floor Area: 72,468 SF each sub-area
Off-Street Parking (each sub-area): As required for the applicable Use Unit in the Tulsa Zoning Code. Required Off-Street Parking for Area A-1 and A-2 may be provided in Areas B, D and G.
Maximum Signage (each sub-area): (1) One ground sign not to exceed 8' in height and 48 SF of display surface area and consistent with other medical center signage.
(2) One 55 SF wall sign and one 16 SF logo facing, both signs on west facing building walls only.

Development Area C modified to:

Development Area C-1 (north area):

Maximum Building Floor Area: 76,877
Off-Street Parking: As required by the applicable Use Unit of the Tulsa Zoning Code. Required Off-Street Parking may be provided in Areas B and D.
Maximum Signage: (1) One pedestal identification sign not to exceed 12 feet in height or 96 SF of surface display area and shall be consistent in design with other medical center signage.
(2) Building identification wall signs shall be permitted as provided in the Planned Unit Development Chapter of the Tulsa Zoning Code.

Development Area C-2 (south area):

Maximum Building Floor Area: 176,816 SF
Off-Street Parking: As required by the applicable Use Unit of the Tulsa Zoning Code. Required Off-Street Parking may be provided in Areas B and D.
Maximum Signage: (1) One pedestal identification sign not to exceed 12 feet in height or 96 SF of surface display area and shall be consistent in design with other medical center signage.

(2) Building identification wall signs shall be permitted as provided in the Planned Unit Development Chapter of the Tulsa Zoning Code.

All other Development Standards for PUD-432-D-2 remain unchanged including permitted uses, building height, building setback and internal landscaped open space.

APPLICANT'S COMMENTS:

Stephen Schuller, 100 West 5th Street, Suite 500, Tulsa, Oklahoma 74103, stated that he found some items that need correcting in the staff's recommendation. He explained that the off-street parking for Development Area A –1 and A-2 may be provided in Area B and D. He stated that the same area is providing parking for Development Areas C-1 and C-2.

Mr. Schuller stated that Areas B and D are parking and Areas A and C are buildings. He explained that he is segregating the buildings in Areas A and C into separate sub-areas, but the parking remains the same. There are no physical changes being made to the buildings.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Minor Amendment for PUD-432-D-2 subject to modifications made by applicant.

Application No.: PUD-405-D-4

Applicant: B. D. Jones

(PD-18) (CD-8)

Location: 9340 South Memorial
(Minor Amendment)

STAFF RECOMMENDATION:

The applicant is requesting Minor Amendment approval to modify the maximum permitted floor area ratio (FAR) from .25 to .287, an increase of 14.8% of permitted building floor area. A floor area ratio of .25 allows 8,379 SF on the 33,516 SF lot. The applicant wishes to increase the building floor area to 9,625 SF.

Staff has examined the request and finds the requested increase in building floor area is below the 15% maximum increase in nonresidential floor area categorized as a minor amendment allowed in the PUD Chapter of the Zoning Code. The parking requirements

for Use Unit 14 and the landscape area standards can be met with the increase in building floor area and corresponding increase in building coverage. Staff believes the increase in the permitted FAR does not significantly alter the intent of the original approval or the character of the PUD.

Staff, therefore, recommends **APPROVAL** of PUD-405-D-4 increasing the maximum permitted building floor area for Lot 3, Block 4 to 9,625 SF.

NOTE: Minor Amendment approval does not constitute Detail Site Plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Minor Amendment for PUD-405-D-4 increasing the maximum permitted building floor area for Lot 3, Block 4 to 9,625 SF as recommended by staff.

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OTHER BUSINESS:

Application No.: PUD-405-D

Applicant: Rob Coday

(PD-18) (CD-8)

Location: 9340 South Memorial
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for 9,625 SF single-story retail building on a 33,516 SF lot (net).

Staff has examined the request and finds the site plan conforms to height, parking, screening, access, mutual access and total landscaped area standards of PUD-405-D. The proposed building square footage, however, exceeds the maximum .25 FAR allowed.

In a related proposal the applicant is requesting Minor Amendment approval to increase the allowed floor area from 8,379 SF to 9,625 SF or a 14.8% increase in maximum floor area. The increased floor area represents a 28.7 FAR. Staff notes that mutual access drive-cuts match existing development to the north and south. Staff also notes that the 28-foot architectural element on the northeast corner of the building contains no usable floor area.

Staff, therefore, finding conformance to the PUD-405-D Area 3 Development Standards recommends **APPROVAL** of the Detail Site Plan as submitted subject to the following condition:

Approval of Minor Amendment 405-D-4 allowing a 14.8% increase in building floor area to 9,626 SF.

NOTE: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-405-D subject to conditions as recommended by staff.

Application No.: PUD-587

Applicant: Glenn Gregory

(PD-18) (CD-8)

Location: Southwest corner East 81st Street and South Yale Avenue
(Detail Site Plan)

STAFF RECOMMENDATION:

The applicant is requesting Detail Site Plan approval for a 239-unit senior housing facility on 12.35 net acres constituting all of Development Area B.

Staff has examined the Detail Site Plan and finds conformance to all approved development specifications including building area and height, setback, interior accessory use area maximum square footage, livability space, parking, access, screening/buffering from abutting residential uses, parking lot lighting and parking setback and total landscaped area standards.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan for PUD-587 Development Area B as submitted.

Note: Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

The applicant indicated his agreement with staff's recommendation.

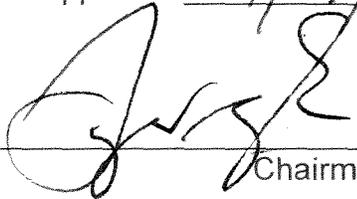
There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

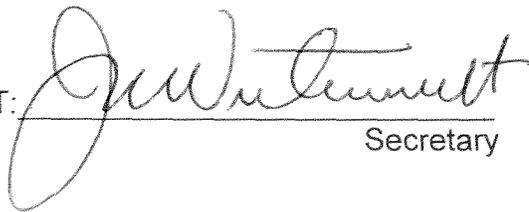
On **MOTION** of **HARMON**, the TMAPC voted **8-0-0** (Carnes, Harmon, Hill, Horner, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Boyle, Dick, Midget "absent") to **APPROVE** the Detail Site Plan for PUD-587 for Development Area B as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:30 p.m.

Date approved: 07/08/99



Chairman

ATTEST: 

Secretary