

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2422

Wednesday, August 24, 2005, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Horner	Alberty	Boulden, Legal
Bayles		Chronister	
Bernard		Fernandez	
Cantees		Huntsinger	
Carnes		Matthews	
Dick			
Harmon			
Hill			
Jackson			
Midget			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 19, 2005 at 1:05 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

Minutes:

Approval of the minutes of August 3, 2005, Meeting No. 2420

On **MOTION** of **HILL**, the TMAPC voted 8-0-1 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Dick "abstaining"; Cantees, Horner "absent") to **APPROVE** the minutes of the meeting of August 3, 2005, Meeting No. 2420.

Minutes:

Approval of the minutes of August 17, 2005, Meeting No. 2421

On **MOTION** of **HILL**, the TMAPC voted 8-0-1 (Ard, Bayles, Bernard, Carnes, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Dick "abstaining"; Cantees, Horner "absent") to **APPROVE** the minutes of the meeting of August 17, 2005, Meeting No. 2421.

REPORTS:

Worksession Report:

Ms. Bayles reported that there will be a worksession immediately following today's TMAPC meeting.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agenda items.

Ms. Cantees in at 1:32 p.m.

SUBDIVISIONS:

PLAT WAIVERS:

Christ the King Catholic Church – BOA 20106 – (9307) (PD 6) (CD 7)
1519 South Quincy (West of Quincy and North of East 16th Street South)

Ms. Bayles announced that she would be abstaining from this application.

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA-20106 for the expanded church use.

Staff provides the following information from TAC at their August 4, 2005 meeting:

ZONING:

TMAPC staff: The plat waiver is for property zoned RM-2.

STREETS:

The legal appears to be inaccurate with possibly three omissions. Waiver of right-of-way dedication of the intersection radius is required. Plat waiver is not recommended unless legal is satisfactorily described. (West side of property may not be adequately described by platted properties due to the complex and unplatted breakup of the vacated street right-of-way).

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff will have a recommendation for the plat waiver at the meeting as the Board of Adjustment case will be heard on August 23, 2005.

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

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

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X

- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Mrs. Fernandez stated that she has received an ALTA Survey and the legal description is correct and adequate for staff purposes. She indicated that the BOA did approve this application on Wednesday, August 23, 2005.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 9-0-1 (Ard, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; Bayles "abstaining"; Horner "absent") to **APPROVE** the plat waiver for Christ the King Catholic Church per staff recommendation.

ZONING PUBLIC HEARING

Application No.: PUD-405-K-5

MINOR AMENDMENT

Applicant: Capron Construction

(PD-18) (CD-8)

Location: 9318 South 73rd East Place

Applicant withdrew this application.

Application No.: PUD-405-19

MINOR AMENDMENT

Applicant: Matthew Cooper

(PD-18) (CD-8)

Location: 7322 East 91st Street

Stricken for renoticing.

Application No.: PUD-312-A-6

MINOR AMENDMENT

Applicant: Sisemore Weisz

(PD-18) (CD-5)

Location: Northwest corner of East 48th Street and South 109th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting the creation of two new subareas and reallocation of building floor area allowances within Development Subarea B-1-A of PUD 312-A-5; and amendment of the 10' building setback requirement between development area boundaries to 0' between new development subareas 'B-1-A-1' and B-1-A-2'; and establishment of two separate parcels of record (along the boundary lines of proposed development subareas 'B-1-A-1' and 'B-1-A-2') through filing and processing of a lot split application concurrent with PUD 312-A-6; and allowing 0' frontage for development subarea 'B-1-A-2' contingent upon filing of a Mutual Access Easement providing full access from South 109th East Avenue to the new lot contained within 'B-1-A-2'. Development Area B-1-B is to remain unchanged. Underlying zoning is PUD 312-A and IL.

The proposed division of Development Area B-1-A into two new subareas is for the purposes of constructing two new buildings on the property site. The Physical Therapy/ Health Club facility will be constructed on the existing Development Area B-1-B, and the new Ambulatory Surgery Center will be constructed on the new subarea B-1-A-2. The existing two-story medical clinic will be contained within the new subarea B-1-A-2. Each of the two new buildings will adjoin the existing medical clinic. New parking lot areas will be constructed to support the additional parking space requirements resulting from construction of the two new buildings upon the site. A new 'Declaration of Mutual Access and Parking Easement' will be filed to provide cross-parking (so that individual lot/subarea parking requirements are met) and mutual access amongst the PUD development subarea tracts, including subarea B-1-B.

The total land area for B-1-A is 5.739 acres. The applicant is proposing the following development standards.

DEVELOPMENT AREA 'B-1-B'

LAND AREA (NET): 2.836 acres

Development Standards are unchanged (see PUD 312-A-5).

DEVELOPMENT AREA 'B-1-A-1'

LAND AREA (GROSS): 3.989 acres

LAND AREA (NET): 3.971 acres

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14, 16 and 17: 45,977 SF
Uses permitted in Use Units 11, 19 and 22: 172,873 SF

MAXIMUM LOT FRONTAGE

(MEASURED AT BUILDING SETBACK LINE): 50 FT

MAXIMUM BUILDING HEIGHT: No building height restrictions.

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From the centerline of S 109th E. Ave. 55 FT
From (existing) Development Area 'B-1-B' boundary 0 FT
From (proposed) Development Area 'B-1-A-2' boundary 0 FT

From the detention facility
access easement (20 foot wide easement) 0 FT

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

DEVELOPMENT AREA 'B-1-A-2'

LAND AREA (NET): 1.768 acres

PERMITTED USES:

Uses permitted in Use Unit 11, Offices, Studios and Support Services; 12, Eating Establishments Other than Drive-Ins; 13, Convenience Goods and Services; 14, Shopping Goods and Services; 17, Automotive and Allied Activities (Vehicle Repair and Service Only); 19, Hotel, Motel and Recreation Facilities; 21, Business Signs and Outdoor Advertising; 22, Scientific Research and Development, and uses customarily accessory to permitted principal uses.

MAXIMUM BUILDING FLOOR AREA:

Uses permitted in Use Units 12, 13, 14, 16 and 17: 20,470 SF
Uses permitted in Use Units 11, 19 and 22: 76,970 SF

MINIMUM LOT FRONTAGE (MEASURED AT BUILDING SETBACK LINE): 0 Feet

MAXIMUM BUILDING HEIGHT: No building height restrictions.

OFF-STREET PARKING:

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

MINIMUM BUILDING SETBACKS:

From southernmost boundary of Development Area 'B-1-A-2' 200 ft
From (proposed) Development Area 'B-1-A-1' boundary 0 ft
From (proposed) Development Area 'B-1-A-2' eastern boundary 10 ft
From the detention facility access easement (20 foot wide easement) 0 ft

MINIMUM LANDSCAPED OPEN SPACE:

As required by Section 1104.E of the Tulsa Zoning Code.

SIGNS:

All business signs, whether wall or ground, shall meet the requirements of Section 1103.B.2 of the Tulsa Zoning Code.

Staff can support the requested minor amendment and recommends **APPROVAL** subject to the following conditions:

1. Filing of a new "Declaration of Mutual Access and Parking Easement" providing cross-parking and mutual access among the PUD development sub-area tracts within Development Area 'B-1-A-1', 'B-1-A-2' and 'B-1-B'.
2. Compliance of all tracts with Chapter 10, Landscape Requirements, of the Tulsa Zoning Code.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the minor amendment for PUD-312-A-6, subject to 1) Filing of a new "Declaration of Mutual Access and Parking Easement" providing cross-parking and mutual access among the PUD development sub-area tracts within Development Area 'B-1-A-1', 'B-1-A-2' and 'B-1-B', 2) Compliance of all tracts with Chapter 10, Landscape Requirements, of the Tulsa Zoning Code per staff recommendation.

RELATED ITEM:

Application No.: PUD-312-A

DETAIL SITE PLAN

Applicant: Sisemore Weisz

(PD-18) (CD-5)

Location: Northwest corner of East 48th Street and South 109th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a medical office building and Health Club/ Physical Therapy building to be located one on each side of the existing Tulsa Bone & Joint Clinic. The proposed uses, Use Unit 11, Offices, Studios and Support Services and Uses Customarily Accessory to Permitted Principal Uses, are in conformance with Development Standards upon approval of PUD 312-A-6.

Upon approval of PUD 312-A-6, the proposed buildings are within maximum permitted floor area and meet building setback and height requirements. Proposed parking and landscaped area are also in conformance with development standards upon approval of PUD 312-A-6. No new pole-mounted parking lot lights are proposed, however, new wall-mount lighting and decorative lighting is proposed. The applicant must verify that wall-mount lights will not create glare in adjacent residential areas.

A Mutual Access and Shared Parking Easement is required/ proposed to provide access to the proposed development sub-area "B-1-A-2" per Minor Amendment request PUD 312-A-6 and to provide non-exclusive reciprocal access to all parking for each development sub-area.

Staff recommends **APPROVAL** of **PUD 312-A Detail Site Plan** contingent upon (1) TMAPC approval of PUD 312-A-6; (2) of the filing of a Mutual Access and Parking Easement connecting proposed development area "B-1-A-2" to South 109th East Avenue; and (3) verification that proposed wall-mount lights will not create glare in adjacent residential areas.

(Note: Detail site plan approval does not constitute sign or landscape plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **HARMON**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the detail site plan for PUD-312-A, subject to (1) TMAPC approval of PUD 312-A-6; (2) of the filing of a Mutual Access and Parking Easement connecting proposed development area "B-1-A-2" to South 109th East Avenue; and (3) verification that proposed wall-mount lights will not create glare in adjacent residential areas per staff recommendation.

Application No.: PUD-141-5

MINOR AMENDMENT

Applicant: Barbara Grogg

(PD-6) (CD-9)

Location: 4520 South Birmingham Place

STAFF RECOMMENDATION:

This request is for a minor amendment to reduce the rear setback from 20' to 15' for the purposes of building a garage extension on Lot 2, Block 1, Birmingham Terrace. No utility easements are affected and the site will remain in compliance with other Development Standards and bulk and area requirements.

Staff finds the request to be minor in nature and recommends **APPROVAL** of PUD 141-5.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the minor amendment for PUD-141-5 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-713

**DETAIL SITE PLAN and
LANDSCAPE PLAN**

Applicant: Sack & Associates

(PD-26) (CD-8)

Location: 6020 East 116th Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for a gated entry and screening walls. The proposed development is in conformance with development standards.

The gated entry has been approved by the Fire Marshall and Traffic Engineer. The eight foot masonry screening wall and landscaping along East 116th Street South are in substantial compliance with the PUD Landscape and Screening Concept Plan and PUD text as required by development standards.

Staff recommends **APPROVAL** of PUD-713 detail site and landscape plan as proposed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of HARMON, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the detail site plan and landscape plan for PUD-713 per staff recommendation.

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Application No.: PUD-680-3

CLARIFICATION OF MOTION

Applicant: Roy D. Johnsen

(PD-6) (CD-9)

Location: Southeast corner of East 22nd Street and South Utica Avenue

STAFF RECOMMENDATION:

Ms. Matthews stated that Mr. Johnsen requested a clarification of the motion for PUD-680-3. She explained that he requested that the motion indicate that the proposed building will be ten stories and 160 feet in height as he had suggested in the April 20, 2005 hearing as indicated below from the April 20, 2005 minutes:

Applicant's Comments:

Roy D. Johnsen, 201 West 5th, Suite 501, Tulsa, Oklahoma 74103, stated that originally the building was approved for nine stories at 160 feet in height. There is a mezzanine, and under the Zoning Code, it is considered a story, but under the Building Code it is not. The height of the building will remain the same (160 feet), but he is changing the original text from nine stories to ten stories. He suggested that the text change should be mentioned in the approval of the minor amendment.

TMAPC COMMENTS:

Mr. Harmon stated that he recalls that it was discussed at length and he thought it had been clarified. Ms. Matthews stated that it wasn't in the motion.

Mr. Alberty stated that the original PUD had 160 feet of building height and stated that it had nine stories. When the architect computed the stories he indicated there were nine stories and actually there are ten stories because the mezzanine has to be counted as a story. What staff is requesting today is that the Planning Commission's motion include the ten stories within the 160 feet of building height.

Mr. Alberty assured the Planning Commission that nothing has actually changed in the building height or the approved setbacks. It is simply a clarification on the motion to include the language that states there are ten stories within the 160 feet of building height as the applicant had requested. If the Planning Commission understood that the presentation was to include the ten stories within the 160 feet of building height, then there is no problem and it can be handled with a simple correction to the minutes.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted 10-0-0 (Ard, Bayles, Bernard, Cantees, Carnes, Dick, Harmon, Hill, Jackson, Midget "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the correction to the April 20, 2005 minutes for PUD-680-3 to include language that the proposed building will be ten stories and measure 160 feet in height as recommended by applicant.

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Commissioners' Comments:

Mr. Carnes stated that years ago when there was a lot of work to be done, the Planning Commission had five meetings a month, then dropped it to four meetings per month. After experiencing short meetings, it was dropped to three meetings per month. State law only requires two meetings per month and he would like everyone to consider dropping the meetings to two a month. He suggested that this be discussed at the next Planning Commission meeting.

Ms. Bayles asked Mr. Carnes if he would like this to be on the next worksession. In response, Mr. Carnes recommended that it be placed on the next worksession.

Mr. Carnes stated that the budget continues to shrink and this proposal would save on mailing and give staff more time for preparation. This proposal would also cut down on the Planning Commission's travel expenses considerably.

Mr. Midget suggested that this be discussed at the next worksession.

Ms. Bayles stated that it is her hope that the declining development trend will reverse and there will be more than enough to tackle at subsequent meetings.

Mr. Carnes stated that if the elected officials learn that the Planning Commission is cutting down to two meetings per month and the development community puts pressure on them, then maybe they would improve the budget to continue having three meetings per month.

There being no further business, the Chair declared the meeting adjourned at 1:45 p.m.

Date Approved:

9/7/05

Mary E. Hill
1st Vice Chair Chairman

ATTEST:

[Signature]

Secretary

