

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2617

Wednesday, January 4, 2012, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell		Alberty	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Huntsinger	Swiney, Legal
Edwards		Matthews	
Leighty		Sansone	
Liotta			
Midget			
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 29, 2011 at 10:24 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Leighty reported that this will be his last meeting as the Chair of the Planning Commission. He personally thanked the Planning Commissioners and the staff for their cooperation and support during the year. He will continue to serve on the Planning Commission to serve out his term. It is time to turn the reins over to one of our talented members and there will be an election at the end of today's agenda.

Work Session Report:

None.

Director's Report:

Mr. Alberty reported that there is nothing to report on the City Council agenda or the Board of County Commissioners' agenda. Staff has advertised for the amendments for Title 42-B (Form-Based Code) for the 1/18/2012 meeting. The proposed language will be available for the public and TMAPC members prior to the January 18, 2012 meeting.

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Minutes:

Approval of the minutes of December 21, 2011 Meeting No. 2616

On **MOTION** of **CARNES**, the TMAPC voted 8-0-2 (Carnes, Dix, Edwards, Leighty, Midget, Perkins, Stirling, Walker "aye"; no "nays"; Cantrell, Shivel "abstaining"; Liotta "absent") to **APPROVE** the minutes of the meeting of December 21, 2011, Meeting No. 2616.

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AGENDA:

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- 2. **LC-373** - (Lot-Combination) (CD-4), Location: Southwest corner of South Birmingham Place and East 11th Street South
- 3. **LS-20485** - (Lot-Split) (CD-6), Location: North of the northwest corner of East 131st Street South and South 177th East Avenue
- 4. **PUD-411-D-3 – John Trinder/Bill Knight Ford**, Location: Southeast corner of Memorial Drive and The Creek Turnpike, Requesting a **Minor Amendment** to extend the time limit for a temporary trailer on an automobile dealership lot for a period of 18 months, **CO**, (CD-7)
- 5. **PUD-397-C-1 – Sack & Associates/Mark Capron/TFCU**, Location: Southwest corner of East 61st Street South and South 90th East Avenue, Requesting a **Minor Amendment** to permit an additional wall sign to identify ATM banking facilities, **RM-1**, (CD-7)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

PUBLIC HEARINGS:

- 6. **Z-7190 – Sajid S. Salimi**, Location: South of southwest corner of South 33rd West Avenue and West Skelly Drive, Requesting rezoning from **RS-3 to CS**, (CD-2)

OTHER BUSINESS

- 7. **Election of TMAPC Officers for 2012**
- 8. **Commissioners' Comments**

ADJOURN

Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

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

MINUTES:

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- 2. **LC-373** - (Lot-Combination) (CD-4), Location: Southwest corner of South Birmingham Place and East 11th Street South
- 3. **LS-20485** - (Lot-Split) (CD-6), Location: North of the northwest corner of East 131st Street South and South 177th East Avenue
- 4. **PUD-411-D-3 – John Trinder/Bill Knight Ford**, Location: Southeast corner of Memorial Drive and The Creek Turnpike, Requesting a **Minor Amendment** to extend the time limit for a temporary trailer on an automobile dealership lot for a period of 18 months, **CO**, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to extend the time limit for a temporary trailer on an automobile dealership lot for a period of 18 months. The existing temporary trailer serves as an office for Bill Knight Ford Fleet Sales Division, while a permanent office is being constructed.

On September 7, 2010 in case number PUD-411-D-2, the Planning Commission approved the use of the existing temporary trailer for a period of one year. That approval expired in September 2011. The applicant cites market conditions relating to financing for new construction and the fact that it took until April 2011 to secure the permit for the trailer as necessitating the need for the extension.

The trailer does not occupy any required parking, meets the minimum setback requirements and floor area allocation of the PUD. The applicant is asking that the trailer be permitted from January 4, 2012 to June 30, 2013.

Since the request is temporary in nature, does not affect any surrounding property, is within permitted floor area allocation, and does not occupy any required parking, staff can support the request as minor in nature. Staff contends the proposal does not substantially alter the character of the PUD or the intent of the PUD Chapter of the Zoning Code.

Staff recommends **APPROVAL** of minor amendment PUD-411-D-3 allowing a temporary trailer for a period of 18 months dating from 1/4/12 to 6/30/13.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

5. **PUD-397-C-1 – Sack & Associates/Mark Capron/TFCU**, Location: Southwest corner of East 61st Street South and South 90th East Avenue, Requesting a **Minor Amendment** to permit an additional wall sign to identify ATM banking facilities, **RM-1**, (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a PUD Minor Amendment to permit an additional wall sign to identify ATM banking facilities. Referring to the attached exhibit the ATM wall sign would be 7.5 feet in display surface area.

The PUD permits one sign per street frontage per the OL Chapter of the Zoning Code. There has been one ground sign and one wall sign approved for the bank which is primarily a drive through facility with six lanes of capacity plus the ATM location. The sign would help motorists identify the location of the ATM and is a small sign at 7.5 square feet in display area.

On December 13, 2011 in case number BOA-21359, the Board of Adjustment approved a variance to permit the additional sign. Staff

contains the additional 7.5 square foot sign will not substantially alter the size, location, number, and character (type) of signs permitted in the PUD and therefore recommends **APPROVAL** of minor amendment PUD-397-C-1.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CARNES**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the consent agenda Items 2 through 5 per staff recommendation.

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PUBLIC HEARING

6. **Z-7190 – Sajid S. Salimi**, Location: South of southwest corner of South 33rd West Avenue and West Skelly Drive, Requesting rezoning from **RS-3 to CS**, (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11821 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7076 December 2007: All concurred in approval of a request for rezoning a 1.5± acre tract of land from RS-2 to CS for financial services and commercial shopping, on property located southeast of the southeast corner of South 33rd West Avenue and West Skelly Drive.

Z-7073 September 2007: All concurred in approval of rezoning a 2± acre tract of land from RS-2 to CS for a financial services and commercial shopping center, on property located south of the southeast corner of South 33rd West Avenue and West Skelly Drive.

Z-6321 October 1991: All concurred in approval of a request for rezoning a tract of land from RS-3 to CS/PK on property located on the southwest corner of West Skelly Drive and South 33rd West Avenue and abutting north of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 12,600± square feet in size and is located south of southwest corner of South 33rd West Avenue and West Skelly Drive. The property appears to be used residentially and is zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by a commercial business (bank), zoned CS; on the north by a commercial use and its parking lot, zoned CS and PK; on the south by residential uses, zoned RS-3; and on the west by residential uses, zoned RS-3.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates 33rd West Avenue south of West Skelly Drive (I-44) as a secondary arterial. The Comprehensive Plan encourages multiple modes of transportation, offering the public a choice in means of travel, from automobile to bus to bicycling and pedestrian.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33rd West Avenue	Secondary arterial	100'	4

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this property as an Existing Neighborhood and an area of Stability. Both of these designations seem erroneous, since the CS/PK lots adjacent to the north are also shown as Existing Neighborhood. That zoning has been in place since 1991. The convenience store itself is designated as a Growth Area, but the parking lot south of it is not. Similarly, the properties east of the subject property, across South 33rd West Avenue, are designated as Employment areas and Areas of Growth. It seems poor planning to expect single-family residential use to continue adjacent to these uses. The proposed CS zoning **is not in accord** with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff believes this is another case in which the Comprehensive Plan is in error. This area should be examined when another small area plan is contemplated. Staff can support the requested CS zoning, pointing out that screening will be required where it abuts R zoned properties and the developer must meet or exceed the landscaping requirements of the Zoning Code. The requested CS zoning on the subject tract would align with the CS zoning on the east of the tract at 33rd West Avenue. Therefore, this is a logical extension of the CS/PK zoning and

development to the north and staff recommends **APPROVAL** of CS zoning for Z-7190.

TMAPC COMMENTS:

Mr. Dix stated that the request to leave the PK zoning between the two CS zoning's is odd.

Ms. Cantrell stated that PK tends to be a transition downward and it seems that this request for CS is an odd step up from PK. Ms. Matthews stated that staff is comfortable with the request and there may be some joint parking arrangements with the existing CS and the prospective CS zoning. The applicant is present and can answer any questions. Ms. Cantrell asked if this would be new development. In response, Ms. Matthews stated that she understands that it is a separate development. Ms. Cantrell asked Ms. Matthews if she believes that a CS district would be an appropriate transition from growth to stability. In response, Ms. Matthews stated that she believes that the whole area has been in transition for some time. Ms. Cantrell asked Ms. Matthews if she believes that the subject area shouldn't have been in the stability category. Ms. Matthews stated that she believes that is correct, but it would be a guess on her part.

Applicant's Comments:

Jason Smith, 12419 South Date Place, Jenks, Oklahoma 74037.

TMAPC COMMENTS:

Ms. Cantrell asked the applicant what he planned to put on the subject property. Mr. Smith indicated that he would like to rezone the subject property to commercial. He explained that he didn't want to change the PK zoning until they could determine if they would be granted the CS zoning on the subject property. Mr. Smith indicated that initially he looked into building onto the existing gas station and starting another commercial business in conjunction with the convenience store. Due to easements that run south of the existing convenience store it was not possible to do an extension. Ms. Cantrell asked the applicant if he owned the property to the north as well. Mr. Smith answered affirmatively. He explained that he purchased additional land for additional parking for the convenience store and is now looking to add on to the land to have an additional business.

Mr. Dix asked Mr. Smith what easements are encroaching on the convenience store property. Mr. Smith stated that it is a stormwater easement.

Mr. Perkins asked if the convenience store overhang is partially on the PK property. Mr. Smith stated that it probably is partially on the PK property.

INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, Tulsa, OK 74107, stated that she is representing the neighborhood. Ms. Price indicated that she spoke with the applicant and she was informed that his plans were to add a diesel tank and pump to the existing gas station. Ms. Price stated that she informed the applicant that she hadn't met with the neighborhood yet and she didn't think it was a good use for the subject property. She further stated that she expressed concerns that the applicant was pulling the subject parcel out strictly for commercial development and not tying to the existing gas station. The applicant needs to amend his application and tie the two lots together, and if he did that she didn't feel there would be as much concern. After visiting with the neighborhood she learned that it was not the applicant's intent to add a diesel pump and to simply pull the lot out and rezone it to a commercial parcel. Ms. Price commented that the subject neighborhood is a stable residential area that has been there for 40 years. The homes are affordable and in a working-class neighborhood. The neighborhood didn't want the bank across the street for exactly what is happening right now. This application is not appropriate as Ms. Cantrell stated because the PK zoning serves as a step-down into this stable neighborhood. Ms. Price stated that the only reason the bank is appropriate is because it sits on a node that abuts I-44 and everything to the east of it is commercial. It is inappropriate to use the bank as a tool to bring the commercial farther into this neighborhood. It is poor planning and not appropriate. Ms. Price commented that the Comprehensive Plan didn't err in her opinion for designating this subject area as stable. Most of the homes are owner/occupied and the neighborhood is in opposition to this proposal. Ms. Price submitted a petition with 16 signatures (Exhibit A-1) and two letters in opposition (Exhibit A-2) to this proposal. Ms. Price requested that the subject application be denied. Ms. Price cited other sites within the subject area that serve sandwiches and lunches and explained that another deli on the subject property isn't needed. The subject area is all houses, except for a church at the end of the subject street that has been there forever. Ms. Price cited other subject areas that could use a small area plan and is ripe for redevelopment. She further cited that there is new residential development in the subject area.

Applicant's Rebuttal:

Mr. Leighty asked Mr. Smith if Ms. Price misunderstood him when they discussed the proposal. In response, Mr. Smith stated that he didn't talk with Ms. Price. Mr. Smith stated that he is representing the applicant. Mr. Smith stated that he did walk around the neighborhood and talked to several owners adjacent to the subject property and to ease any worries that they might have. Intentions sometimes change day-to-day and year-to-year. Mr. Smith stated that the subject property, compared to the bank property, wouldn't be going as far south as the bank property is currently. On the other side of the expressway, where the interchange is located, all

of the properties on the corners are developed commercially. The proposal isn't anything out of the ordinary for an intersection like this.

Mr. Leighty asked Mr. Smith what he planned to develop on the subject property. In response, Mr. Smith stated that he wanted to create synergy for a business. Mr. Smith cited several commercial uses that could be developed. In response to Mr. Dix, Mr. Smith stated that the use is not defined at this time.

Mr. Midget asked if his client would be consider moving the PK zoning on the subject property and the commercial use where the PK is currently. This would step the use down and protect the neighborhood. Mr. Smith stated that the reason he didn't reverse it was because he didn't know if the commercial zoning would be granted. He said it is possible that his client would consider it, but it would depend on how the properties lay out and where the easements are located. Mr. Midget stated that it seems to him that the applicant could have come in with that request to begin with and then he wouldn't have had to worry about whether or not he would get the CS zoning. Mr. Smith stated that the property came to him very quickly and he had a short time to deal with it before it was sold to another individual. Mr. Smith indicated that the subject property is under contract. Mr. Midget asked Mr. Smith he would be willing to revise his request. Mr. Midget stated that it is a nice neighborhood and he understands their concerns. Mr. Smith stated that it would be something he would consider, but it would depend on the easements and how it could be developed with another business and possibly shared parking.

Further discussion ensued and there was discussion of possibly applying for a PUD. After the discussion and various suggestions, the applicant requested a continuance to February 1, 2012 to determine what other options he has and whether or not he should file for a PUD.

TMAPC Action; 11 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** case Z-7190 to February 1, 2012.

TMAPC COMMENTS:

Mr. Midget suggested that Mr. Smith meet with the neighborhood before the next meeting. Mr. Smith stated that he walked the neighborhood and talked with several of the residents. Mr. Dix stated that he believes Mr. Midget is asking the applicant to meet with the neighborhood in an organized manner so that they all will have a chance to discuss this application.

OTHER BUSINESS:

7. Election of TMAPC Officers for 2012

TMAPC COMMENTS:

Ms. Cantrell nominated Mr. Joshua Walker for Chairman of the Planning Commission.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, "aye"; no "nays"; Walker "abstaining"; none "absent") to **APPROVE** Joshua Walker as Chair of the Planning Commission.

Ms. Cantrell nominated Mr. Brandon Perkins for 1st Vice Chair of the Planning Commission.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; Perkins "abstaining"; none "absent") to **APPROVE** Brandon Perkins as First Vice Chair of the Planning Commission.

Ms. Cantrell nominated Mr. Gene Edwards for 2nd Vice Chair of the Planning Commission. Mr. Edwards stated that he would like to be 2nd Vice Chair, but he will decline due to health issues.

Ms. Cantrell nominated Mr. Ryon Stirling for 2nd Vice Chair of the Planning Commission.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-1** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Walker "aye"; no "nays"; Stirling "abstaining"; none "absent") to **APPROVE** Ryon Stirling for Second Vice Chair for the Planning Commission.

Ms. Cantrell stated that Mr. Dix has done a good job as Secretary for the Planning Commission and would like to nominate him for Secretary.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** John Dix for Secretary for the Planning Commission.

2012 TMAPC Officers:

Joshua Walker, Chair
Brandon Perkins, 1st Vice Chair
Ryon Stirling, 2nd Vice Chair
John Dix, Secretary

8. Commissioners' Comments

None.

TMAPC Action; 11 members present:

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting No. 2617.

There being no further business, the Chair declared the meeting adjourned at 2:13 p.m.

Date Approved:

January 18, 2012

John A. Welch

Chairman

ATTEST:

[Signature]
Secretary