

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2693

Wednesday, March 4, 2015, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Carnes	Huntsinger	VanValkenburgh, Legal
Fretz	Dix	Miller	Bishop, Consultant
Liotta	Millikin	White	Warlick, COT
Midget	Shivel	Wilkerson	
Reeds			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, 26, 2015 at 3:37 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 Covey called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Chairman's Report:**

#### **Director's Report:**

Ms. Miller reported on the City Council and Board County Commissioner's agenda items and actions.

Ms. Miller introduced Mr. Kirk Bishop, Consultant for the City of Tulsa Zoning Code update.

#### **Report from Consultant/Zoning Code Update:**

Mr. Bishop reported on the various meetings he has attended to introduce the Zoning Code updates. Mr. Bishop indicated that there has been good feedback and attendance.

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1. **Minutes:**

**Approval of the minutes of February 18, 2015 Meeting No. 2692**

On **MOTION** of **STIRLING**, the TMAPC voted 7-0-0 (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker “aye”; no “nays”; none “abstaining”; Carnes, Dix, Millikin, Shivel “absent”) to **APPROVE** the minutes of the meeting of February 18, 2015, Meeting No. 2692.

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**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. **LS-20760** (Lot-Split) (CD-2) – Location: Northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue
3. **LS-20761** (Lot-Split) (CD-7) – Location: Northeast corner of East 81<sup>st</sup> Street South and South Mingo Road
4. **LC-645** (Lot-Combination) (CD-1) – Location: Northwest corner of East Admiral Boulevard and North Peoria Avenue
5. **LS-20762** (Lot-Split) (CD-6) – Location: North of the northeast corner of East 61<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue
6. **LC-646** (Lot-Combination) (CD-3) – Location: West of the southwest corner of East Apache Street and North 129<sup>th</sup> East Avenue
7. **LS-20763** (Lot-Split) (CD-8) – Location: South and west of the southwest corner of East 101<sup>st</sup> St South and South Louisville Avenue
8. **PUD-531-A-1/Z-6034-SP-3a – Roy Johnsen**, Location: Northeast corner of East 81<sup>st</sup> Street South and South Mingo Road, requesting a **PUD/CO Minor Amendment** to divide Development Area B into two tracts, B-1 and B-2 and to modify the Development Standards to allocate floor area and modify building height restrictions for B-2, **CO/CS/PUD-531-A**, (CD-7)

**STAFF RECOMMENDATION:**

Amendment Request: To divide Development Area B into to Development Areas, B-1 and B-2 as well as modify the Development Standards to allocate floor area for B-1 and B-2 and modify the building height restrictions for B-2.

See Applicant’s Minor Amendment Exhibit for specific proposed changes.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.1 PUD Section of the City of Tulsa Zoning Code.

*“Adjustment of internal development area boundaries provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”*

As well as Section 1107.H.9

*“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-531-A/Z-6034-SP-3 shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to divide Development Area B into to Development Areas, B-1 and B-2 as well as modify the Development Standards to allocate floor area for B-1 and B-2 and modify the building height restrictions for B-2.

9. **PUD-539-2 – Branch Communications**, Location: Northeast corner of East 11<sup>th</sup> Street South and South 123<sup>rd</sup> East Avenue, requesting a **PUD Minor Amendment** to allow Use Unit 4 for cell tower use only, **CS/OL/PUD-539**, (CD-6)

**STAFF RECOMMENDATION:**

Amendment Request: Modify allowed uses to include Use Unit 4 to allow construction of a Cell Tower.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.15 PUD Section of the City of Tulsa Zoning Code.

*“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the development standards in the PUD.
- 2) All remaining development standards defined in PUD-539 and PUD-539-1 shall remain in effect.

Staff recommends **APPROVAL** of the minor amendment to allow use Unit 4 but limited to a Cell Tower.

10. **PUD-539 - Branch Communications**, Location: Northeast corner of East 11<sup>th</sup> Street South and South 123<sup>rd</sup> East Avenue, requesting a **PUD Detail Site Plan** for a new cell tower within the PUD, **CS/OL/PUD-539**, (CD-6)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 10.7 Acre site in a Planned Unit Development for a cell tower.

**PERMITTED USES:**

Currently only Mini-storage/boat storage and repair are permitted, however the applicant has also applied for a minor amendment (PUD-539-2) to allow cell towers – Use Unit 4. If the minor amendment is approved, then the cell tower proposed for this project would be allowed by right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new cell tower meets all applicable guidelines in the Planned Unit Development.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

Cell towers are not required to provide off street parking.

**LIGHTING:**

Tower lighting will be required to comply with Section 1204.3.d of the City of Tulsa Zoning Code.

**SIGNAGE:**

Per Section 1204.3.e of the Zoning Code, the use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

Due to the nature of this tower, no pedestrian access is required or shown.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-539**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed Cell Tower.

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

11. **PUD-405-24 – John W. Moody**, Location: Southwest corner of East 92<sup>nd</sup> Street South and South 78<sup>th</sup> East Avenue, requesting a **PUD Minor Amendment** to add Use Unit 17 – Automotive and Allied Activities to allowable uses, **CO/PUD-405**, (CD-8)

**STAFF RECOMMENDATION:**

**Amendment Request:** Modify the PUD to add Use Unit 17 – Automotive and Allied Activities to allowable uses.

The current permitted uses for Development Area 1-D are those uses permitted as a matter of right in Use Unit 11 and accessory uses including barber and beauty shops, eating establishments, other than drive-ins, and private clubs, provided such accessory uses shall not exceed more than 5% of the gross floor area of the building in which located.

The applicant has stated that they intend to use the existing rear parking area of the site to park cars that will be repaired on an adjacent lot. The lot will be screened behind a six foot high solid screening fence.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.15 PUD Section of the City of Tulsa Zoning Code.*

*“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility with the present and future use of the proximate properties.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-405 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to add Use Unit 17 – Automotive and Allied Activities to allowable uses.

12. **PUD-803-1 – Tanner Consulting, LLC/Ricky Jones**, Location: South and east of the southeast corner of East 121<sup>st</sup> Street and South Yale Avenue, requesting a **PUD Minor Amendment** to increase the number of lots and decrease the minimum lot width and lot size, **RS-3/PUD-803**, (CD-8)

**STAFF RECOMMENDATION:**

Amendment Request: Modify the PUD to increase the number of lots and decrease the minimum lot width and lot size.

Please refer to the Minor Amendment Text Submitted by the applicant for the specific changes requested.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.

*“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-803 shall remain in effect.
- 3) The minor amendment does not affect the possible alignment of 125<sup>th</sup> street that was illustrated in the original PUD.

With considerations listed above, staff recommends **approval** of the minor amendment defined in the applicant text request to increase the number of lots and decrease the minimum lot width and lot size.

13. **PUD-575-B – Kevin Vanover, PE**, Location: East of the southeast corner of South 97<sup>th</sup> East Avenue and South 79<sup>th</sup> Street, requesting a **PUD Detail Site Plan** for a new dental office within the PUD, **CO/PUD-575-B**, (CD-7)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 1 Acre site in a Planned Unit Development for a new Dental Office including one, one story building.

**PERMITTED USES:**

Multifamily dwellings including assisted living facility and uses customarily accessory thereto Community Service and Similar Uses including childcare/school; Offices, Studios and Support Services. The Dental Office proposed for this project is allowed by right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the

previously approved Planned Unit Development are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Planned Unit Development.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

**LIGHTING:**

Site lighting plans not provided. All parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No light standard nor building-mounted light shall exceed 25 feet in height if within 150 feet of any existing or planned residential area and all such lights shall be set back at least 25 feet from such residential areas abutting the PUD.

**SIGNAGE:**

The site plan illustrates wall signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays pedestrian access to the existing sidewalk along East 79<sup>th</sup> Street South. Pedestrian paths adjacent to the proposed building are also shown.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-575-B**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with



the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new Dental Office.

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

14. **PUD-819-1 – AAB Engineering, LLC**, Location: Northeast corner of South Garnett Road and East 11<sup>th</sup> Street South, requesting a **PUD Minor Amendment** to revise landscape requirements for all Development Areas; reduce on site signage in Development Area A; increase square footage of display surface area of an off-site sign, **CS/PUD-819**, (CD-3)

**STAFF RECOMMENDATION:**

**Amendment Request:** Modify the PUD to revise landscape requirements for all Development Areas; Reduce on site signage in Development Area A; Increase square footage of display surface area of an off-site sign.

Please refer to the Minor Amendment Text Submitted by the applicant for the specific changes requested to landscape requirements and signage.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.12 PUD Section of the City of Tulsa Zoning Code.*

*“Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.”*

*As well as Section 1107.H.13*

*“Modification to approved screening and landscaping plans, provided modification is not a substantial deviation from the original approved plan.”*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-819 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise landscape requirements for all Development Areas; Reduce on site signage in Development Area A; Increase square footage of display surface area of an off-site sign.

- 15. AC-135 – Ken Alexander**, Location: Between Osage Drive and the Tisdale Expressway, South of Gilcrease Parkway, requesting an **Alternative Compliance Landscape Plan** in lieu of the requirement for all parking spaces to be placed within 75 feet of a landscaped area with a tree, IL, (CD-1)

**STAFF RECOMMENDATION:**  
**SECTION I:**

The applicant is requesting TMAPC approval for an Alternative Compliance Landscape Plan for a new manufacturing plant (Fin Tube) located south of the Gilcrease Parkway between Osage Drive and Tisdale Expressway.

The landscape plan submitted does not meet the technical requirements of Chapter 10 of the code for the following reasons:

- 1) The parking area east of the production building does not meet the minimum standards defined in section 1001.B.2 requiring an irrigated landscaped area within 75 feet of any parking space.
- 2) The required 5' green space between the property line and the west edge of the parking north of the main entrance was approved through the building permit office and constructed in violation of the requirement in 1002.A.2.

In exchange for site development that would meet the provisions of the Landscape Chapter of the Tulsa Zoning Code noted above, the applicant has voluntarily agreed to provide the required street trees on the Osage Drive frontage and include the full landscape plan around the administration building as a part of the alternative compliance landscape plan consideration. The significant landscaping that is shown on page LS2 is part of the corporate image that has been developed for this new facility.

Staff contends the applicant has met the requirement that the submitted Alternative Compliance Landscape Plan “be equivalent or better than” the technical requirements of Chapter 10 of the code and recommends **APPROVAL** of Alternative Compliance Landscape Plan AC-135.

**SECTION II:** Applicants text and landscape plan (pages LS-1 and LS-2) are included as attachments.

16. **Z-7008-SP-1 – Kyle Anz**, Location: North of the northwest corner of West 81<sup>st</sup> Street and South Olympia Avenue, requesting a **Detail Site Plan** for a new restaurant in a Corridor District, **CO/Z-7008-SP-1**, (CD-2)

**STAFF RECOMMENDATION:**

**CONCEPT STATEMENT:**

The applicant is requesting detail site plan approval on a 0.46 Acre site in a Corridor District for a new restaurant, including one, one story building.

**PERMITTED USES:**

Uses permitted as a matter of right; Use Unit 10, Off-Street Parking; Use Unit 11, Offices and Studios, including drive-thru banking facilities; Use Unit 12, Entertainment and Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; Use Unit 19, Hotel/Motel and Recreational Facilities – hotel and motel only; stormwater drainage and detention facilities; and uses customarily accessory to permitted uses. The restaurant proposed for this project is allowed by right.

**DIMENSIONAL REQUIREMENTS:**

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Corridor Development Plan are required for approval of this site plan.

**ARCHITECTURAL GUIDELINES:**

The new building meets all applicable architectural guidelines in the Corridor Development Plan.

**OFF-STREET PARKING AND VEHICULAR CIRCULATION:**

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Corridor Development Plan.

**LIGHTING:**

Site lighting plans are provided. Light standards within all Development Areas, whether pole or building mounted, shall not exceed 35 feet in height. The light fixtures shall be arranged so as to shield and direct the light away from surrounding residential areas and shielding of such light shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to persons within surrounding residential areas. Compliance must qualify per application of the

Kennebunkport Formula. Calculations must include consideration of topography.

**SIGNAGE:**

The site plan illustrates wall sign locations. Any new signage will require a separate permit. All signage will be required to meet the Corridor Development Plan Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

**SITE SCREENING AND LANDSCAPING:**

The open space, landscape area and screening are consistent with the Corridor Development Plan requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

**PEDESTRIAN ACCESS AND CIRCULATION:**

The plan displays sidewalks along South Olympia Avenue as well as internal pedestrian paths adjacent to the proposed building.

**MISCELLANEOUS SITE CONSIDERATIONS:**

There are no concerns regarding the development of this area.

**SUMMARY:**

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **Z-7008-SP-1**. The site plan submittal meets or exceeds the minimum requirements of the Corridor Development Plan. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Corridor Development Plan, and the stated purposes of the Corridor Development Plan section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new restaurant.

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

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") to **APPROVE** the consent agenda, Items 2 through 16 per staff recommendation.

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

**PUBLIC HEARINGS:**

**17. PUD-826 – AAB Engineering/CBC Builds**, Location: Northeast corner of East 23<sup>rd</sup> Street and South Delaware Place, requesting a **PUD**, (CD-4) **(Applicant is requesting a continuance to March 18, 2015.)**

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") to **CONTINUE** PUD-826 to March 18, 2015.

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**18. CZ-440 – Roy Johnsen**, Location: South of southeast corner of East 133<sup>rd</sup> Street and South Garnett Road, requesting rezoning from **AG to RE**, (County) **(Staff is requesting a continuance to March 18, 2015.)** (Related to PUD-827/Oak Estates Preliminary Plat)

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") **CONTINUE** CZ-440 to March 18, 2015.

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**19. PUD-827 – Roy Johnsen**, Location: South of southeast corner of East 133<sup>rd</sup> Street and South Garnett Road, requesting PUD, **AG to RE/PUD**, (County) **(Staff is requesting a continuance to March 18, 2015.)** (Related to CZ-440/Oak Estates Preliminary Plat)

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") PUD-827 to March 18, 2015.

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20. **Oak Estates – Preliminary Plat**, Location: South of southeast corner of East 133<sup>rd</sup> Street and South Garnett Road, (County) (**Staff is requesting a continuance until March 18, 2015 so that the PUD standards and other issues can be determined.**) (Related to CZ-440/PUD-827)

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") **CONTINUE** the preliminary plat for Oak Estates to March 18, 2015.

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**OTHER BUSINESS**

21. **LS-20759 – Request for refund** of \$100.00. Development Services and City legal determined that a lot-split on this tract would not be necessary.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") to **APPROVE** the refund of \$100.00 for LS-20759.

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22. **Commissioners' Comments: None.**

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**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Fretz, Liotta, Midget, Reeds, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Millikin, Shivel "absent") to **ADJOURN** TMAPC meeting 2693.

**ADJOURN**

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

Date Approved:

03-18-2015

  
Chairman

ATTEST:

  
Secretary