

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1867  
Wednesday, January 15, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Draughon	Gardner	Linker, Legal
Carnes	Neely	Hester	Counsel
Doherty, 1st Vice Chairman	Selph	Stump	
Broussard,			
Horner			
Midget, Mayor's Designee			
Parmeale, Chairman			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, January 14, 1992 at 11:57 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:32 p.m.

**REPORTS:**

**Chairman's Report**

Chairman Parmele welcomed Steve Broussard, the new city appointee, as a new member of the Planning Commission attending his first meeting. He added that Robin Buerge, the new county appointee, is in the audience and will be seated on the Planning Commission next week.

**Committee Reports**

Mr. Gardner announced the public hearing on amendments to the Zoning Code relating to parking standards was addressed last week and advised this request can be struck from the agenda.

**ZONING PUBLIC HEARING**

**Application No.:** Z-6344

**Applicant:** Cannon

**Location:** East side of 107th E. Avenue, south of 61st Street South

**Date of Hearing:** January 15, 1992

**Present Zoning:** AG

**Proposed Zoning:** CO

**Z-6344**

**Relationship to the Comprehensive Plan:**

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity and Corridor

According to the Zoning Matrix the requested CO District may be found in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 10 acres in size and is located on the east side of 107th E. Avenue, south of 61st Street South. It is partially wooded, flat, contains a single-family dwelling and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant land zoned AG and IL; on the east by vacant land zoned CO; on the south by apartments zoned CO; and on the west by apartments zoned CO.

**Zoning and BOA Historical Summary:** All the land surrounding this tract south of 61st Street has been rezoned to corridor in recent years.

**Conclusion:** Corridor is appropriate zoning for this tract.

Therefore, Staff recommends **APPROVAL** of Z-6344 for CO zoning on the entire tract.

**Staff Comments**

Mr. Gardner advised this is a two step process; any specific development on this tract will require a site plan and advertising. He declared that corridor zoning is appropriate, but not all of those uses that might be considered under the Zoning Code would be appropriate for this area based on surrounding land use. Mr. Gardner pointed out this is only the first step of a two step process and the parcel cannot be used for anything until it has gone through another public hearing for a specific use approval.

The applicant was not present, nor were there any interested parties in attendance wishing to speak.

**TMAPC Comments**

Mr. Doherty commented that although he is voting for CO zoning does not necessarily indicate he would be supportive of certain uses, such as outside storage in a residential area. He asked that staff relay this comment to the applicant. Mr. Doherty feels the applicant deserves notice that just because CO zoning is granted he does not have unrestricted use of the property.



**Site Analysis:** The subject tract is approximately 0.5 acres in size and is located south of the southeast corner of Lewis Avenue and East 51st Street South. It is wooded, gently sloping, vacant and is zoned OL and PUD 373.

**Surrounding Area Analysis:** The tract is abutted on the north by a shopping center zoned CS; on the east by an apartment complex zoned RM-1; on the south by a vacant property zoned OL and PUD 373; and on the west across Lewis Avenue by apartments zoned RM-1.

**Zoning and BOA Historical Summary:** In 1985 this tract was approved for OL and PUD 373 zoning. Other OL zoning exists along Lewis away from the nodes between 51st and 61st Streets.

**Conclusion:** Since OMH is contrary to the Comprehensive Plan staff cannot support this zoning except as part of the PUD 482 proposed.

Therefore, Staff recommends **APPROVAL** of Z-6346 conditioned upon the approval of PUD 482.

**PUD 482 - South of the southeast corner of Lewis Avenue and East 51st Street**

The applicant is proposing to abandon existing PUD 373, rezone the north one-half acre of the tract OMH (Z-6346), and impose a new PUD in order to allow development of a motel complex. The motel buildings are proposed to be of a residential architectural style. A main building is to contain the motel lobby, offices, a small restaurant/kitchen area, living quarters for the manager, a conference area, and seven (7) guest units. In addition, four (4) guest houses containing eight (8) guest units each, and a pool house are proposed. All the buildings are to be built to resemble Tudor style residences.

The Comprehensive Plan designates the western 330' of the PUD as Low Intensity-Linear Development Area and the remainder Low Intensity-Residential. The proposed motel use is not in accordance with the Comprehensive Plan. The restriction on the number of units, the amount of open space, and the style of the buildings does, however, significantly lessen the intensity and incompatibility of the use. Therefore, staff feels that they can support the proposal with the conditions listed below, if the Comprehensive Plan is subsequently amended to allow Medium Intensity-Linear Development at the north 132' of the existing linear development area.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-482 to be: (1) consistent with the Comprehensive Plan, if amended; (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 482 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 (Gross)** 5.376 acres

**Permitted Uses:** Motel and customary accessory uses, i.e. restaurant serving only guests, living quarters for the manager, meeting rooms for the guests

**Maximum Floor Area** 42,800 SF

**Maximum Guest Units** 39

**Maximum Number of Guest Units per Building** 8

**Maximum Building Height** 3 stories

**Minimum Building Setbacks:**

From centerline of Lewis Avenue 175'  
From north property line 30'  
From east property lines 60'  
From south property line  
Less than 330' from centerline of Lewis Ave. 60'  
Greater than 330' from centerline of Lewis Ave. 30'  
From any other exterior boundary 30'

**Minimum Off-Street Parking** As required by Tulsa Zoning Code

**Minimum Off-Street Parking Space Setback**

From centerline of Lewis Avenue 70'  
From the north property line  
Less than 330' from centerline of Lewis Ave. 5'  
Greater than 330' from centerline of Lewis Ave. 30'  
From the east property line 100'  
From the south property line  
Less than 330' from centerline of Lewis Ave. 30'  
Greater than 330' from centerline

of Lewis Ave. 90'  
From any other exterior boundary 10'

**Minimum Internal Landscaped Open Space** 40% net

**Minimum Spacing Between Buildings** 25'

2. Signage is limited to one ground identification sign along Lewis Avenue, not exceeding 8' in height nor 32 SF of display surface area and illumination, if any, will be by constant light.
3. A screening fence, meeting the requirements of Section 212 of the Tulsa Zoning Code, shall be provided on all boundaries of the PUD where it abuts an R zone.
4. No access shall be allowed to 52nd Street.
5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. 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 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.
7. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 12' feet.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.

11. No Building Permit shall be issued until the requirements of Section 1107 E of the Zoning Code has 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, making the City beneficiary to said Covenants.
12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff Comments

In response to a question from Mr. Carnes, Mr. Stump explained OMH zoning is being requested because this is the lowest zoning that will allow motel use, which is the use being proposed in the PUD.

Mr. Gardner added this is a unique application. The applicant is calling this facility a Bed and Breakfast although the buildings do not exist. Normally an existing large single-family residential structure is converted to a Bed and Breakfast. This structure, however, is being built anew. Because of its uniqueness staff can be supportive of a small amount of OMH, which under the Zoning Codes allows consideration of this use. Therefore, the recommendation is very specific in allowing this use with a small amount of OMH zoning, but under no circumstances would commercial zoning be considered on this site.

In response to a question from Chairman Parmele Mr. Gardner responded, PUD 373 allowed for professional offices; there were several buildings involved covering this site with a height of three stories. The proposed structure will be consistent height wise. It is less intense in terms of coverage and probably use.

Mr. Gardner pointed out the size of the tract, with the previously approved office, would have generated more traffic than the Bed and Breakfast will. It will have more green space and open areas and natural preserved areas. It is, under our Ordinance, considered commercial. There is no Bed and Breakfast category at present, only motel. If not for the PUD staff would not be supporting this request because it could not be conditioned upon what the applicant is seeking. Mr. Gardner indicated the proposed structure appears residential in nature and this is a condition of approval.

Applicant's Comments

**Robert Nichols**

**111 W. 5th Street**

Mr. Nichols exhibited renderings of the site plan and the sign of the proposed structure. He acknowledged support of and acceptance of conditions imposed by staff recommendation. He advised PUD-373 is zoned for light office, up to three story buildings, with up to 93,500 SF of office space and 302 parking spaces. The proposed project will allow a maximum of 42,800 SF and 64 parking spaces. Mr. Nichols noted this is a significant reduction in intensity and land cover by impervious surfaces. The renderings submitted have been made part of the application and are being imposed on this project from an architectural standpoint, as well as a site plan

stand point. Local residents have been contacted and their comments have been addressed. The proposed site plan shows an emergency exit onto 52nd Street; staff recommendation is that there should be no access onto 52nd Street. Mr. Nichols expressed agreement with staff. Mr. Nichols stated he is prepared to impose the following conditions requested by residents. The swimming pool, shown on the site plan as being approximately 90' from the east property line, area residents want it not closer than 120' from the east boundary line, and fencing to be at least 10' high along the eastern boundary.

In regard to the emergency access to 52nd street being proposed by the applicant, Mr. Doherty stated understanding of why staff wants to restrict access to the neighborhood on a regular basis. In the interest of safety, however, he asked why the emergency access is being recommended for deletion.

Mr. Gardner explained staff was referring to access from the project into the area, or from the area into the project. An emergency gate would be acceptable, and could be addressed on site plan review. The idea was to restrict traffic from entering and exiting 52nd Street.

#### Interested Parties

##### **Keith McNeil**

Mr. McNeil advised he owned three acres south of the proposed project. Mr. McNeil voiced support of the project, but voiced concerns of increased drainage problems. Mr. McNeil reported on current problems with drainage he is experiencing.

Mr. Parmele explained one of the conditions of approval staff has imposed addresses drainage issues. He added that drainage plans will be submitted with the plat. Mr. Parmele advised that Storm Water Management would approve any plans and make known to the developer what would need to be done to meet requirements.

##### **Loren E. Beaver**

**5205 S. Atlanta Ave. 74105**

Mr. Beaver expressed concern with the traffic on Atlanta Avenue. He stated concern over access to the property. Currently on record is a plat on the north side of this property indicating a 16' designated emergency lane. He advised the fire hydrant is on the north side of the property being discussed. Mr. Beaver reported the emergency lane empties onto 52nd Street. He stated the developers could make an access gate from their property to property on the north side, which has the 16' emergency lane designated. He addressed fencing and feels the 10' fence would be acceptable. He asked the fence continue to the fire hydrant. Mr. Beaver expressed support of the project and also voiced concern with the drainage problem. He feels the project would be an asset to the neighborhood. Mr. Beaver gave a lengthy description of the drainage problems.

**Xymena Kulsrud**

**5220 S. Atlanta 74105**

Ms. Kulsrud expressed support for the 10' fence.

Mr. Stump addressed the maximum fence height and advised since this is an office zoned area there is no limitation of fence height.

**George Fikes**

**5127 s. Lewis 74105**

Mr. Fikes expressed concern over fencing on the north end of the property. He voiced concerns over increased traffic flow in the area the proposed structure may create.

Mr. Parmele advised there is no screening requirement on the north boundary. Traffic access will be to Lewis, but with only 39 units traffic will be significantly less than what it could have been had the office complex been built.

Mr. Fikes declared because of an already existing shortage of parking at his business he is concerned that the proposed project may cause parking overflow.

Mr. Parmele assured Mr. Fikes there is no direct access from the proposed project to Mr. Fikes' property. He advised this area is a proposed open space.

**Mildred Parker**

**5226 S. Atlanta 74105**

Ms. Parker advised her questions have been addressed.

**R.D. Woods**

**2447 E. 53rd St. 74105**

Mr. Woods voiced concern that the proposed project may cause more drainage onto his property. He detailed the problems with drainage he is currently experiencing.

Mr. Parmele advised the Department of Public Works requirements are that a new project cannot add to water that is already being discharged. This must be handled internally by providing on-site detention so it will not create a problem. TMAPC relies on their recommendation on what restrictions and controls may be imposed on the developer. They do a good job and hopefully they will impose enough conditions and restrictions that run-off will not be increased. Whether it will help the existing problem cannot be answered. Mr. Parmele advised drainage concerns will be addressed at the platting stage with the various city departments.

#### Applicant's Rebuttal

Mr. Nichols agreed the fence to the east would be 10' in height, the swimming pool will be relocated to at least 120' from the east property line. He also requested early transmittal.

#### TMAPC Comments

Ms. Wilson asked Mr. Nichols to address Mr. Fikes concerns in regarding fencing and asked Mr. Nichols to verbalize the concept plan as far as what is proposed and parking overflow.

Mr. Nichols advised the property adjacent to Fikes shopping center would be open space under this plan. No fencing between Mr. Fikes' property and the project is planned since this is primarily a residential type use being established. There may be some fencing for the purpose of protecting their residential use from the commercial use, but it is not part of the application. Mr. Nichols noted it does not appear any of their clientele would have opportunity for their parking to spill onto Fikes.

TMAPC Review Session

Mr. Doherty advised it is rare that a majority of a neighborhood is in support of a project.

Chairman Parmele noted this is an opportunity for a reduction in density. The neighborhood is well served by a proposal for development of this type.

Ms. Wilson commented the applicant has done a good job in meeting with the neighborhood, and the neighborhood has done a good job in having their issues addressed. She feels this will be an excellent addition to the city of Tulsa.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Neely, Selph "absent") to recommend **APPROVAL** of Z-6346 for OMH zoning and PUD 482 subject to conditions recommended by staff and the following amendments:

1. The screening fence along the east boundary shall be at least 10' high.
2. The swimming pool shall be set back at least 120' from the east boundary.
3. Amend staff condition #4 to add, "except emergency vehicle access."

**Legal Description Z-6346**

A tract of land being a part of the Southwest Quarter of Northwest Quarter of Northwest Quarter (SW/4 NW/4 NW/4) and a part of the Northwest Quarter of Northwest Quarter of Northwest Quarter (NW/4 NW/4 NW/4) of Section Thirty-Two (32), Township Nineteen (19) North, Range Thirteen (13) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, being described by metes and bounds as follows: Commencing at the Northwest (NW) corner of Section 32, Township 19 North, Range 13 East, said point being the center line of the intersection of East 51st Street and South Lewis Avenue; thence South 0° 08' 35" West along the West line of Section 32 and the center line of South Lewis Avenue, a distance of 527.35 feet to the point of beginning; thence South 89° 58' 46" East, a distance of 329.39 feet to a point on the West line of Lot 1, Block 1, SPANISH GARDENS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence South 0° 00' 36" West along the West line of said Lot 1, Block 1, SPANISH GARDENS ADDITION, a distance of 65 feet to a point on the West line of said Lot 1, Block 1, SPANISH GARDENS ADDITION; thence North 89° 58' 46" West, a distance of 329.39 feet to a point on the West line of Section 32, Township 19 North, Range 13 East; thence North 0° 08' 35" East along the West line of said Section 32 and the center line of South Lewis Avenue, a distance of 65 feet to the point of beginning, and containing 21,410 square feet, more or less.

Legal Description PUD 482

A tract of land being a part of the SW/4 of the NW/4 of the NW/4 and a part of the NW/4 of the NW/4 of the NW/4, Section 32, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma being described by metes and bounds as follows, to wit:

Commencing at the NW corner of Section 32, Township 19 North, Range 13 East; Said Point being the centerline of the intersection of East 51st Street South and South Lewis Avenue; thence South  $0^{\circ}-08'-35''$  West along the West line of Section 32 and the centerline of South Lewis Avenue a distance of 527.35 feet to the POINT OF BEGINNING; thence South  $89^{\circ}-58'-46''$  East a distance of 329.39 feet to a Point on the West line of Lot 1, Block 1, SPANISH GARDENS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence South  $0^{\circ}-00'-36''$  West along the West line of Said Lot 1, Block 1, SPANISH GARDENS ADDITION a distance of 132.00 feet to the Southwest corner of Said Lot 1, Block 1, SPANISH GARDENS ADDITION; thence South  $89^{\circ}-58'-45''$  East along the South line of Lot 1, Block 1, SPANISH GARDENS ADDITION a distance of 329.54 feet to a Point, Said Point being the Southeast corner of Lot 1, Block 1, SPANISH GARDENS ADDITION and on the West line of the RESUBDIVISION OF COLUMBIA TERRACE 2ND ADDITION an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Said Point being on the centerline of East 52nd Street South; thence South  $0^{\circ}-03'-47''$  West along the West line of the RESUBDIVISION of COLUMBIA TERRACE 2ND ADDITION, a distance of 329.75 feet; thence North  $89^{\circ}-58'-26''$  West a distance of 329.77'; thence North  $0^{\circ}-08'-35''$  East a distance of 81.00 feet; thence North  $89^{\circ}-58'-26''$  West a distance of 329.77 feet to a Point on the West line of Section 32, Township 19 North, Range 13 East; thence North  $0^{\circ}-08'-35''$  East along the West line of Said Section and the centerline of South Lewis Avenue a distance of 380.69 feet to the POINT OF BEGINNING, and containing 234,184.91 square feet or 5.378 acres, more or less.

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TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Neely, Selph "absent") to APPROVE early transmittal.

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**PUD 373 ABANDONMENT** - South of the southeast corner of East 51st Street South and South Lewis Avenue

Since Staff has recommended approval of PUD 482 for this same tract, staff recommends **APPROVAL** of abandonment of PUD 373 if PUD 482 is approved.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Neely, Selph "absent") to **ABANDON** PUD-373

**Legal Description**

A tract of land being a part of the SW/4 of the NW/4 of the NW/4 and a part of the NW/4 of the NW/4 of the NW/4, Section 32, Township 19 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma being described by metes and bounds as follows, to wit:

Commencing at the NW corner of Section 32, Township 19 North, Range 13 East; Said Point being the centerline of the intersection of East 51st Street South and South Lewis Avenue; thence South  $0^{\circ}-08'-35''$  West along the West line of Section 32 and the centerline of South Lewis Avenue a distance of 527.35 feet to the POINT OF BEGINNING; thence South  $89^{\circ}-58'-46''$  East a distance of 329.39 feet to a Point on the West line of Lot 1, Block 1, SPANISH GARDENS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma; thence South  $0^{\circ}-00'-36''$  West along the West line of Said Lot 1, Block 1, SPANISH GARDENS ADDITION a distance of 132.00 feet to the Southwest corner of Said Lot 1, Block 1, SPANISH GARDENS ADDITION; thence South  $89^{\circ}-58'-45''$  East along the South line of Lot 1, Block 1, SPANISH GARDENS ADDITION a distance of 329.54 feet to a Point, Said Point being the Southeast corner of Lot 1, Block 1, SPANISH GARDENS ADDITION and on the West line of the RESUBDIVISION OF COLUMBIA TERRACE 2ND ADDITION an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, Said Point being on the centerline of East 52nd Street South; thence South  $0^{\circ}-03'-47''$  West along the West line of the RESUBDIVISION of COLUMBIA TERRACE 2ND ADDITION, a distance of 329.75 feet; thence North  $89^{\circ}-58'-26''$  West a distance of 329.77; thence North  $0^{\circ}-08'-35''$  East a distance of 81.00 feet; thence North  $89^{\circ}-58'-26''$  West a distance of 329.77 feet to a Point on the West line of Section 32, Township 19 North, Range 13 East; thence North  $0^{\circ}-08'-35''$  East along the West line of Said Section and the centerline of South Lewis Avenue a distance of 380.69 feet to the POINT OF BEGINNING, and containing 234,664.91 square feet or 5.376 acres, more or less.

**OTHER BUSINESS**

**PUD 470**            Detail Sign Plan for Area B - southeast corner of Memorial Drive and East 66th Street South

Staff has reviewed plans for a ground sign on Memorial Drive and a wall sign on the west side of Romano's restaurant and finds that both meet the requirements of the PUD. Therefore, staff recommends **APPROVAL** of the Detail Sign Plan for Area B in PUD 470.

**TMAPC Action; 8 members present:**

On **MOTION** of , **MIDGET** the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Neely, Selph "absent") to **APPROVE** PUD-470 Detail Sign Plan for Romano's Restaurant in Area B.

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**PUD 278:** Detail Site Plan for Lot 8 of Pecan Tree Park. Located west of the southwest corner of East 55th Street South and South Lewis Avenue.

Lots 7 and 8, which includes the subject tract, received detail site plan approval subject to conditions on August 28, 1991. The applicant is now requesting detail site plan approval for only lot 8, which would release lot 7 from some of the previous conditions including screening. It should also be noted that the existing construction on lot 8 does not exactly match the detail site plan approved by the TMAPC.

After review of the applicant's submitted site plan, staff finds the request to be in substantial compliance with the original PUD. The detail site plan for lot 8 does not meet the off-street parking requirements for a 4,986 square feet psychologist's office which is 20 spaces (plan shows 14). The additional parking spaces on lot 7 would be required to meet off-street parking requirements for lot 8 and thus the need for the screening fence on lot 7.

Staff recommends **DENIAL** of the detail site plan for lot 8, as submitted, which would leave the original detail site plan approval for lots 7 and 8 in effect.

**Applicant's Comments**

**Willard C. Thompson**

Mr. Thompson, the builder, advised one individual owns both lots 7 and 8. He advised the site plan was submitted by the owner. The drawings for the building were prepared by the architect who also drew the plan. The entire building is constructed on lot 8. Mr.

Thompson advised there is open parking on the lot, but the inspector required that parking be striped. Mr. Thompson then striped the parking according to owners desires with 10' wide parking places. Fifteen parking spaces were created on lot 8; requirements were to have 17 spaces. Mr. Thompson advised he can restripe to have the required spaces. The owner gave direction to install a curb on the east side of lot 7, which was done and this created additional parking. This parking will be used for the building and also for other buildings in the area.

Mr. Thompson addressed the issue of screening fence on the north side of the property, which is required in the PUD. He has constructed a new fence of 71' on lot 8, and 89 1/2' on lot 7. The fence extends to the center of the common parking area. The owner does not wish to build a fence along the north side because of concerns this may create a sight hazard for traffic ingressing and egressing from 55th Street. The owner is requesting they not be required to build a fence on the north side until a building is constructed on lot 7. The parking situation on lot 7 can be addressed when the building is constructed. They feel a much smaller building is all that will ever be built on lot 7, approximately 2,000 SF, which will only require 7 or 8 parking spaces.

Mr. Doherty questioned why Mr. Thompson is asking for relief in not building the screening fence on the north boundary and why he needed action in regard to parking.

Mr. Thompson stated the building permit states a fence must be in place on the north property.

There was discussion as to the amount of parking that would be left on lot 7.

Mr. Thompson is asking parking be addressed when construction has taken place on lot 7.

Mr. Stump advised an addition of site plan approval by TMAPC made condition of building screening fence along the northern side. TMAPC could amend site plan approval conditions to state the screening fence will be built whenever any building is placed on lot 7.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Neely, Selph "absent") to **AMEND** the conditions of the previous site plan approval to require construction of the screening fence on the north side of Lot 7 only after a building is placed on lot 7, all other parking requirements must be met.

\* \* \* \* \*

PUD 261-A: Amended Detail Site Plan to permit temporary office ( Located east of the northeast corner of East 71st Street South and South Riverside

The applicant is requesting Detail Site Plan approval to permit a 10' x 48' temporary tax office to be placed in the Wal-mart parking lot. The building will be located approximately 350' from the centerline of East 71st Street South and will be in place from January 23, 1992 to May 10, 1992. The structure will not occupy required off-street parking and should not be inconsistent with existing development.

Staff recommends **APPROVAL** of the Detail Site Plan amendment for a temporary tax office, subject to the conditions listed above with the additional condition that the hours of operation be between 8:00 a.m. and 10:00 p.m.

TMAPC Discussion

Mr. Carnes voiced concern that other parking lots may wish to have temporary buildings placed in them. He pointed out the Planning Commission spends much time on proper requirements as to parking, landscaping, and are attempting to get parking lots landscaped and to place a temporary building on one defeats that purpose

Mr. Parmele suggested imposing additional landscaping restrictions around the temporary building.

Mr. Doherty advised this falls in the same area as Christmas tree lots and have not balked on that. The nature of a temporary building can be more obtrusive and can negate what has been done in trying to beautify the area with landscaping, etc. in the PUD without elevation, etc. the Planning Commission does not know the particulars of the building and shares Mr. Carnes hesitancy. This is the first one to come before the Planning Commission and if it is profitable it will not be the last.

Mr. Parmele suggested a continuance and advise the applicant the Planning Commission would like to see more of what the temporary building looks like.

Mr. Stump advised there is adequate off-street parking since Wal-Mart builds to a higher rate of parking per square foot than the Planning Commission requires.

Mr. Doherty stated he would like a more detailed description than *temporary building*; he feels this is vague.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughton, Neely, Selph "absent") to **CONTINUE** PUD-261 to January 22, 1992.

\* \* \* \* \*

Chairman Parmele announced a continuance request for PUD-480, Jewel-Osco, has been received. Mr. Norman has advised of mailing out notice to 100 people that request for continuance has been issued and the TMAPC as a matter of policy normally does grant the continuance.

Reconsideration of TMAPC action on Lot-split L-17455

Ms. Wilson advised she would like to see reconsideration of this item. She stated her concern last week was with the flag lot situation that was created. She was concerned that even though the Planning Commission was told it met the subdivision regulations she was not confident that it really did since it set up an unusual shaped lot, which in the past the Planning Commission has tried to not have odd shaped lots. Since last week she has made inquiries and discovered that as far as the flagged lot situation if the flagged lot was on the front parcel a 30' wide frontage would have been acceptable with the city and how the city viewed the rear flagged 10' is acceptable and based on this information she feels it would behoove the TMAPC to reconsider the lot split.

Mr. Midget asked that all involved parties be given notification and the reason this is being brought reconsidered.

There was discussion on length of notification.

**TMAPC Action; 8 members present:**

On ~~MOTION~~ of ~~MIDGET~~, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Draughton, Neely, Selph "absent") to **RECONSIDER** action on Lot-split L-17455 on January 29, 1992 .

\* \* \* \* \*

Chairman Parmele advised of his conversation with Councilor Bartlett, last Thursday, and would like to set a meeting with Councilor Bartlett, Mr. Doherty and staff to consider amending the present lot split policy.

Ms. Wilson requested better wording be in order. The earlier agenda stated *lot split for discussion*. Technically this is not what it was, she feel appropriate wording when notification is given, especially on the agenda it should state perhaps *lot split meeting subdivision regulations and requiring TMAPC approval*. When a lot split is for discussion they entertain different view points.

Mr. Doherty added what is being considered is a determination is whether or not they meet subdivision regulations. The posting on

the agenda should reflect that rather than whether they are approving the lot split. He suggested bringing that up in Rules and Regs.

There being no further business, the Chairman declared the meeting adjourned at 2:47 p.m.

Date Approved: 1-29-92

James R. Deke  
Chairman

ATTEST:

Marilyn A. Nelson  
Secretary