

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1871
Wednesday, February 12, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Buerge	Gardner	Linker, Legal
Broussard	Wilson	Hester	Counsel
Carnes		Stump	
Doherty, 1st Vice Chairman			
Horner			
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmeale, Chairman			
Selph			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 11, 1992 at 11:09 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 1:38 p.m.

Minutes:

Approval of the minutes of January 29, 1992, Meeting No. 1869:
On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Wilson "absent") to **APPROVE** the minutes of the meeting of January 29, 1992 Meeting No. 1869.

REPORTS:

Comprehensive Plan Committee

Mr. Neely announced there was a meeting last Wednesday to review the District 26 Comprehensive Plan. The next District 26 Comprehensive Plan meeting scheduled for February 19, has been rescheduled to March 18.

Mr. Parmele disclosed the District 26 Chairman will be out of town on February 19, and asked the meeting be deferred until he could be in attendance. The Comprehensive Plan Committee meeting will be March 18, at 11:30 A.M. in the INCOG large conference room. The Public Hearing scheduled for March 11, will be continued until April. Mr. Parmele asked that interested parties be notified.

Mr. Neely advised the CIP will also be on the March 18, agenda.

Rules and Regulations

Mr. Doherty reported he met with the Sign Advisory Board and is pleased with the direction they are taking and interest being shown. He expects proposed changes to the sign provisions of the zoning code to be presented to the City Council by late March.

Budget and Work Program

In Ms. Wilson's absence Mr. Parmele announced the Budget and Work Program met today to review the proposed work projects for inclusion in next fiscal year's budget. He advised a recommendation to the Planning Commission will be included in Friday's packets for consideration the following Wednesday. The budget proposal will be forwarded to City Council this Friday, subject to approval of the Planning Commission.

Director's Report:

Mr. Gardner reported the TMAPC Progress Report is scheduled Thursday, February 20, for City Council. On February 13, the City Council will review subdivision plats and one rezoning ordinance. Also on the agenda is a request to extend the moratorium on transmission towers for 60 days. Mr. Gardner advised the committee is continuing work on the regulation of transmission towers and will be reporting to the city at the conclusion of their study.

ZONING PUBLIC HEARING

Application No.: **Z-6348**
Applicant: Haggard
Location: 5728 S. 33rd West Avenue
Date of Hearing: February 12, 1992
Presentation to TMAPC:

Present Zoning: RS-3
Proposed Zoning: CG

Chairman Parmele announced the applicant has requested a continuance to March 11, 1992. The continuance is for further revision of the PUD to include the proposed garage.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Wilson "absent") to **CONTINUE** Z-6348 to March 11, 1992.

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ZONING PUBLIC HEARING

Application No.: CZ-196
Applicant: Haggard
Location: 5728 S. 33rd W. Avenue
Date of Hearing: February 12, 1992
Presentation to TMAPC:

Present Zoning: RS
Proposed Zoning: CS

Chairman Parmele announced the applicant has requested a continuance to March 11, 1992.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Wilson "absent") to CONTINUE CZ-196 to March 11, 1992.

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ZONING PUBLIC HEARING

Application No.: PUD 483
Applicant: Haggard
Location: 5728 S. 33rd West Avenue
Date of Hearing: February 12, 1992
Presentation to TMAPC:

Present Zoning: RS-3 & RS

Chairman Parmele announced the applicant has requested a continuance to March 11, 1992. The continuance is for further revision of the PUD to include the proposed garage.

There were no interested parties present.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Wilson "absent") to CONTINUE PUD 483 to March 11, 1992.

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PUD 484 Southeast corner of East 11th Street and South Delaware Place

Staff Recommendation

The applicant is proposing a commercial PUD which does not require any change in the underlying zoning which is CH, OL, and RS-3. The PUD proposes a single commercial building (6,500 SF) containing a restaurant and photo copy operation. The south 60' of the PUD would be landscaped open space to protect adjacent residences and all parking would be between the building and 11th Street.

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 484 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 484 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)	44,726 SF
Permitted Uses	Use Units 10, 11, 13, 14, and 12 except excluding Entertainment and/or Drinking Establishments
Maximum Building Floor Area	6,500 SF
Maximum Building Height	24'
Minimum Building Setbacks	
From centerline of 11th Street	160'
From centerline of Delaware Place	55'
From south boundary of PUD	60'
From east boundary of PUD	10'
Minimum Off-street Parking Setback:	
From centerline of 11th Street	50'
From centerline of Delaware Place	28'
From south boundary of PUD	150'
From east boundary of PUD	0'

Minimum Off-street Parking: As required for the applicable Use Units by the Tulsa Zoning Code.

Minimum Trash Receptacle Setback
From centerline of Delaware 40'
From south boundary of PUD 100'

Minimum Landscaped Open Space 25%

Signs:

One ground sign is permitted on the 11th Street frontage with a maximum height of 25' and a maximum display surface area of 150 SF.

Wall signs are only permitted on the north face of the building and shall not exceed a total display surface area of 2 SF per foot of building wall to which they are attached.

3. No drive-in windows shall be allowed within the PUD.
4. No business shall be open between the hours of 12 a.m. and 7 a.m.
5. No building exits or entrances, except emergency exits, or windows shall be allowed on the south side of the building.
6. No vehicular access to Delaware Place shall be allowed within 170' of the south boundary of the PUD.
7. The south 60' of the PUD shall be landscaped in a manner to provide a buffer between the commercial building and the residences to the south.
8. The exterior building facade materials shall be similar on all four sides.
9. 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.
10. 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.

11. 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.

12. All trash, mechanical and equipment areas shall be screened from public view.

13. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 20 feet.

14. 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.

15. 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.

16. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff Comments

Mr. Gardner mentioned this is not a zoning change in terms of underlying zoning; however, it is a zoning change in terms of an overlay district to accommodate the specific proposal.

Mr. Gardner explained each of the uses allowed within Use Units 10, 11, 13, 14 and limited uses under 12.

Applicant's Comments

Mr. William Jones, representing the applicants Mr. and Mrs. Paul W. Marshall, gave a detailed overview of the property and surrounding area. He distributed copies of the PUD proposal to the Planning Commission. Mr. Jones reminded the Planning Commission no change in the zoning is being sought, but to apply a PUD and spread the use over the six (6) tracts involved. Mr. Jones displayed a map and reviewed zoning uses of surrounding properties. He then displayed a drawing of the detailed site plan and asked the site plan also be approved today. Mr. Jones gave a detailed description of the duplicating company which would occupy the proposed building. He reported this company is a national concern and has other locations in the City of Tulsa where they operate 24 hours a day to accommodate college students and business concerns required copying needs. Mr. Jones reported the proposed restaurant facility will have no cooking on premises, only bread baking. The reason

for this is the copy company has indicated they will probably expand into the remainder of the building in the future.

Mr. Jones explained the applicant wishes to have a positive impact on the neighborhood. With this in mind the property is oriented to the arterial streets by having the parking between the building and 11th Street, all main entrances are proposed to do likewise. To protect residences a brick wall is proposed for the west side of the building and a 60' greenbelt to be landscaped and planted by a landscape architect devised to meet the nearby neighbors' criteria. All mechanical equipment is enclosed as will be the trash receptacle. Mr. Jones pointed out this PUD area has 32% landscaped area.

In regard to staff recommendations Mr. Jones voiced objection to the 50' setback for off-street parking setback from centerline of 11th Street and to the 100' setback for the trash receptacle setback from the south boundary of the PUD. Mr. Jones advised the main objection is limitation on the hours of business. The business' heavy work is during night-time hours. Mr. Jones has been in contact with the University of Tulsa and advises they are in favor of this plan.

Concerns were expressed as to how much elevation change would be made in the proposed landscaped area.

In response to a question from Mr. Parmele, Mr. Jones explained why the waiver of a screening requirement on the east and south sides has been requested. Mr. Jones advised conversations with nearby residents indicate they prefer landscaping and desire input on the type of vegetation to be planted.

Mr. Gardner advised the issue on setback is code requirement. Staff would support the applicant moving the parking toward 11th Street; however, this would require a variance from the Board of Adjustment.

Interested Parties

Fran Pace

1326 South Florence 74104

Ms. Pace gave background of the Marshall property on the south side of 11th Street. The Marshalls own the entire block from 11th to 12th Street. Approximately 8 years ago they leased property to Taco Bueno. Mrs. Pace read the following statement: *Neighbors wanted the south-most curb-cut of Taco Bueno moved north so that traffic would exit opposite the commercially zoned property. They would not do it. Staff assured property owners, at Board of Adjustment, District Court, during discussions with Bama Pie representatives, and City of Tulsa representatives, that only residential buildings would be built there.*

It is her understanding a PUD is a tool to allow custom zoning, an arrangement to allow both the developer and the neighborhood to be pleased with the result. Interested parties have held several meetings and have failed to please the immediate neighbors. As a

neighborhood volunteer, acting as Chairman of District 4 Planning, she is not pleased with the size and land use combination of this development. INCOG staff have stated that this will not cause a change of zoning 5 or 6 lots deep along 11th Street. (Because this PUD does not change the actual underlying zoning.). INCOG staff has repeatedly assured her and others in District 4 that the two southern residential lots in this PUD would not be developed for anything other than residential. Now they say the physical facts of the subject tracts have changed. When this development goes in and lots adjacent are cleared, the physical facts will again change.

Ms. Pace advised she is not trying to block this development - those in District 4 need quality commercial development. It is the size and intensity of land use that she is concerned with. Ms. Pace would like the Planning Commission to ask the applicant to drop square footage of the building to approximately 6,000 or less so the building can be moved forward and does not entrap the residential neighbors to the east of this development.

Ms. Pace submitted two maps one indicating a smaller site coverage and would eliminate Use Unit 12.

Ms. Pace referred to negotiations with Taco Bell and their willingness to work with the neighborhood. Taco Bell stayed within two lots and she acknowledged it was costly to them. She stated the Planning Commission's job is not to determine economics, as long as development is allowed to go forward. The neighborhood is not hampering the use of the property. She acknowledges this is a radical departure, but it does save the neighborhood and accommodate the applicant's development.

Ms. Pace pointed out the proposed building would entirely block off Mr. Brown's air flow. With the first alternative proposed this would free him up. The second alternative would move the building to cover only half of his house. This second alternative would accommodate Uses 11, 12, 13 and 14 with the exceptions the neighbors are requesting.

Ms. Pace requested the blood plasma collection use unit be eliminated, the exact elevation of the building relative to Mr. Brown's property on Evanston and Mr. Chalupsky's property adjacent on the south be considered, where the retaining wall would be located, should one be necessary, and no future addition to the building on lot 5 be allowed. Ms. Pace voiced concerns over the large size of the development. She commented that Mr. Marshall has no reservations about going to court; he went to the Oklahoma Supreme Court to keep the curb cut at Taco Bueno from being moved forward. The neighborhood wanted it kept away from RS zoned property. This was the only request neighbors made of that development. The neighbors expect that Mr. Marshall will be before the Planning Commission again to amend this development. She feels it is unreasonable to expect, having so much green space, to not utilize it later.

Robin Green
Wayne Green
L.K. Chalupsky
Phyllis Halbrook

1120 S. Evanston 74104
1120 S. Evanston 74104
1125 S. Delaware Pl. 74104
1125 S. Delaware Pl. 74104

The above listed individuals addressed the Planning Commission and voiced the following opinions.

After careful consideration it is believed the proposal of the green space is friendly to the neighborhood.

The business being proposed will thrive and be noninvasive.

Some of the interested parties mentioned that they use the copy business being proposed and are comfortable with the type of people it attracts.

The project will be nonintrusive into the neighborhood because of the green space.

No fencing is preferred because of the proposed landscaping; it would be an esthetically pleasing view from nearby homeowners' backyards.

Assurances have been received that there are no other plans for development in the green space.

Property owners expressed approval of the proposed project on this site.

Agreement was expressed for proposed parking on 11th Street side.

Approval was declared for of 24 hour operation of duplication business.

Claire Baber 1208 S. Delaware Pl. 74104

Ms. Baber read the contents of a petition containing 54 signatures. *By and with this petition we the undersigned on this simple petition hereby by virtue of our signatures do petition that:*

1. *Any waiver of the requirement for a PRIVACY FENCE be denied.*
 - 1a. *Privacy Fence: Privacy fence is to be provided along East property line.*
 - 1b. *Due to slope of the south area it is requested that in order to help control water flow and permanancy of the privacy fence a low retaining wall with a privacy fence on top be provided along the south property line.*
 - 2a. *Water runoff from the paved parking areas is to be carried directly to the storm sewer by utilization of onsite drainage rather than flow into the street to the street storm sewer access opening.*

2b. A berm is to be provided on the south side of the building running east and west along the middle of the south sixty-two (62) feet of the property to direct water flow to the storm sewer for that area of the property.

3. All parking surfaces are to be "A-NUMBER-ONE" concrete. Asphalt paving will not be acceptable.

4. Do not make additional curb cuts on the Delaware Place property line.

5. Landscaping is to include two large growing trees on the area south of the building.

6. There will not be an ALL-NIGHT ADMITTANCE to the public-- (services will be closed to public admittance between 1:00 a.m. and 5:00 a.m.).

7. There will be no provision for encouraged eating and/or loitering on the PUD#484 property. There will be no DRIVE-THROUGH services. There will be no OUTSIDE PUBLIC ADDRESS SYSTEM installations.

8. USE UNITS:

SECTION 1210. USE UNIT 10. OFF-STREET PARKING AREAS.

The parking surface areas will be CONCRETE. The parking surface areas will not be ASPHALT.

SECTION 1221. USE UNIT 11. OFFICES AND STUDIOS.

The following Uses will be excluded from those permitted for the PUD #484:

BROADCASTING OR RECORDING STUDIOS

DENTAL OFFICES, CLINICS, LABORATORIES AND RELATED RESEARCH FACILITIES.

EMPLOYMENT AGENCY

FUNERAL HOME

MEDICAL OFFICES, CLINICS, LABORATORIES AND RELATED RESEARCH FACILITIES

OPTICIAN OR OPTICAL LABORATORIES

PRESCRIPTION PHARMACY, PROVIDED THAT NO SUNDRY OR OTHER MERCHANDISE IS SOLD OR OFFERED FOR SALE. (NOTE: NONE--WITH OR WITHOUT THESE SALES!)

STUDIO OR SCHOOL FOR TEACHING BALLET, DANCE, DRAMA, FINE ARTS, MUSIC, LANGUAGE, BUSINESS OR MODELING

SECTION 12. USE UNIT 12. ENTERTAINMENT ESTABLISHMENTS AND EATING ESTABLISHMENTS OTHER THAN DRIVE-INS.

The following Uses will be excluded from those permitted for this PUD#484:

CAFETERIA, BAR, DANCE HALL, MOTION PICTURE THEATER (ENCLOSED).
NOTE: NOR OPEN!, NIGHT CLUB, TAVERN, NOTE: PRIVATE CLUBS IN ANY SENSE ARE TO BE EXCLUDED.

SECTION 1213. USE UNIT 13. CONVENIENCE GOODS AND SERVICES.

The following Uses will be excluded from those permitted for this PUD#484:

LIQUOR STORE, TOBACCO STORE

SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES

The following Uses will be excluded from those permitted for this PUD#484:

ART GALLERY, COMMERCIAL (NOTE: NEITHER COMMERCIAL NOR OTHERWISE),
AUTOMOBILE PARTS AND ACCESSORIES STORE, BOOK STORE, PAWN SHOP,
CATERER, SELF SERVICE LAUNDROMAT, COIN OPERATED, (NOR W/O COINS!),
VETERINARIAN CLINIC, EXCLUDING OUTSIDE ANIMAL RUNS. (NOTE: NONE WITH OR WITHOUT ANIMAL RUNS!)

Dolores Gulley	1136 S. Evanston Ave.	74104
Gracie Cary	1147 S. Evanston Ave.	74104
Frank Cary	1147 S. Evanston Ave.	74104
Austin Bacher	2610 S. Evanston Ave.	74104

The above listed individuals addressed the Planning Commission and voiced the following opinions.

Opposition to encroachment into residential neighborhoods.

At the time of the Taco Bueno intrusion into the neighborhood assurances were given that the two residential lots in question today would not be zoned for business.

A history of Signal Addition was given and revealed that a citizens petition was accepted by the City of Tulsa on April 25, 1924 with an ordinance (#2623) that read: A citizens petition was accepted by the City as a part thereof which says: There as a petition in writing has been presented to the Mayor and the Board of Commissioners of the City of Tulsa, OK. This was signed by over a majority of the property owners of said tract of land known as Signal Addition for residential purposes.

Should the PUD be approved residents need the protection of a breaker between residential and commercial property.

The integrity of the neighborhood needs to be preserved.

Mr. Bacher, formerly of 1141 S. Delaware Pl and owning property at 12th & Delaware Pl. and 1132 S. Delaware Pl., advised the neighborhood began deteriorating when a duplex was built at 12th & Delaware Pl. He declared Taco Bueno has caused further deterioration.

Ms. Pace advised there is no use unit covering plasma collection and neighbors are adamant this not be allowed. She also asked zoning protection from sexually oriented businesses.

Mr. Gardner reported Building Inspections advises plasma collection is Use Unit 11; therefore, it should be excluded.

Applicant's Rebuttal

Mr. Jones advised the applicant would have no objections to excluding plasma collection, adult book stores, bars, and taverns. He addressed not being able to relate to the history of this area, and advised this project is attempting to comply with zoning standards. Mr. Jones pointed out neighbors to the south and southeast desire landscaping rather than fencing. A detailed landscape plan has not yet been submitted since the applicant wants to meet with residents to allow input as to what they wish to have planted. He advised a screening fence is to protect against an undesirable view; in this instance there is nothing to hide from view. Mr. Jones gave assurances that the greenbelt would continue to serve as a greenbelt, and the applicant will install an underground sprinkling system to maintain the area. In regard to parking Mr. Jones advised the proposed plan is efficient and orients all commercial activity toward 11th Street. Mr. Jones declared this PUD is being used to the residents' advantage.

TMAPC Review Session

Mr. Doherty explained he is the District 4 liaison and met with interested parties at Fran Pace's request.

Mr. Midget advised after reviewing the project he does not find it objectionable and feels considerable consideration should be given to residents immediately adjacent to the property. He appreciates concerns over the curb cut and intrusion of commercial property into a residential district. Mr. Midget feels this project affords an opportunity to provide an esthetically pleasing development for the neighborhood.

Mr. Carnes declared support of the project and commented favorably on the unusually large green space.

Chairman Parmele commented it was unusual to have an application of this size coming in on 11th Street. He noted not many owners have the opportunity to have over an acre presented to the Planning

Commission in an application. Mr. Parmele advised it is innovative to have an applicant restrict 60' to only landscaping and not attempting to develop the entire tract.

Mr. Gardner communicated understanding of concerns the planning team and interested parties have over increasing the depth of commercial encroachment into this area. He differed with this project setting a precedent because the physical facts have nothing to do with what happens east of the project. To the east is non-residential zoning to a depth of three (3) lots. There may be precedent for taking the fourth lot and making a park out of it. Mr. Gardner pointed there are five (5) lots zoned commercial or office west of this project. There are six lots in this project and the applicant was advised the 6th lot had to be made an open space greenbelt. Now there are five lots opposite five lots that are non-residential then you look at what is an appropriate land use. Mr. Gardner does not want the record to reflect that the approval of this application would in any way increase that three (3) lot depth of nonresidential further east. Mr. Gardner advised, from a staff standpoint they would recommend denial of anything that goes beyond three lots deep east of here.

Commissioner Selph disclosed his concerns over what he perceives to be some encroachment into the residential neighborhood. He declared this is an interesting concept and is pleased with it. If this Commission approves the application he will be reviewing the detailed landscape plan very closely.

In response to a question from Commission Selph, Mr. Doherty agreed the petition presented is very well thought out. He acknowledged there are a number of items that need to be addressed. Mr. Doherty advised he cannot support the PUD without modifications. Mr. Doherty then addressed each item of the petition by line item.

1. **Waiver of requirement of privacy fence** - This Commission has always gone with the wishes of the property owners most affected. The neighbors most affected wish the open space to remain without a screening fence.
2. **Water flow to storm sewer** - This is beyond the authority of this Commission. Storm Water Management in their approval of the drainage plan will address this. Mr. Doherty noted the berm being requested on the south side could be a function of the landscaping plan and in that regard the Planning Commission does have authority and will address that.
2. **Parking lot to be concrete rather than asphalt** - this has never been done in a PUD. Reasonable standards of asphaltic concrete and construction under the building code should address this.
3. **Additional curb cuts on Delaware Place** - there are to be none.

4. **Landscaping to include 2 large growing trees** - Mr. Doherty advised he would hate to have this limited to only two, he believes more can be planted.
5. **All-night services** - hours of operation is a definite concern in this PUD. Mr. Doherty shares concerns that there are businesses which should not operate all night that would cause traffic noise in the neighborhood, slamming doors, etc. The proposed copy operation should not be a problem. Mr. Doherty advised handling this by allowing staff condition of no business shall be opened between the hours of 12:00 a.m. and 7:00 a.m. **except** for copy services and **providing** that additional hours of operation may be granted by other business upon minor amendment of this PUD.
6. **No drive through service** - has been addressed by the limitation of use units.
7. **No outside public address system** - should be included as a condition in this PUD.
8. **Specific uses to exclude** exclude blood or plasma collection centers as a condition of the PUD.
9. **Funeral Home** - exclude
10. **Ballet school** - exclude
11. **Bars, dancehalls, motion picture theaters, night clubs, taverns, etc** - already excluded in the text of the PUD.
12. **Liquor store** - exclude
13. **Bookstore** - protected by current ordinance of sexually oriented businesses.
14. **Parking setback** - 35' setback from centerline of 11th Street.
15. **Trash receptacle** - extension of brick wall to screen from the neighborhood and move the minimum trash receptacle setback from 120' to 60'.
16. **Ensure limit of encroachment** - by restricting the drive-in operation should make this infeasible at this location.

Ms. Pace expressed concern over the lack of a screening fence for Mr. Brown's property, 1118 S. Evanston, since he expressed wanting a fence. She voiced concerns over the elevation of the property to ensure his view of the building will be obstructed by the fence. Ms. Pace voiced concern over reforestation and named specific trees residents want planted.

Chairman Parmele advised these issues will be addressed in the landscape plan.

Joe Adwon

P.O. Box 52099

Advised the grade of the property is not a major issue and they have not wanted to enter into that expense of a grading plan until after approval of the PUD was granted. A fence on the east side can be handled in review of the landscaping plan.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson "absent") to **APPROVE** PUD 484 with the following amendments:

1. **Waiver of requirement of privacy fence** - This will be at addressed at landscape review.
2. **Additional curb cuts on Delaware Place** - there are to be none.
3. **All-night services** - No business shall be opened between the hours of 12:00 a.m. and 7:00 a.m. **except** for copy services and **providing** that additional hours of operation may be granted by other business upon minor amendment of this PUD.
4. **Additional uses to be excluded** - blood or plasma collection center, funeral home, liquor store and ballet school.
5. **Parking setback** - 35' setback from centerline of 11th Street.
6. **Trash receptacle** - extension of brick wall to screen from the neighborhood and move the minimum trash receptacle setback from 120' to 60' from the southern boundary of the PUD.
7. **No outside public address system shall be allowed.**

Legal Description for PUD 484

Lots Nineteen (19) through Twenty-four (24), inclusive, Block Two (2) less south 10' of Lot Nineteen (19), Block Two (2), SIGNAL ADDITION, and Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

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PUD 484 Detail Site Plan
Southeast corner of East 11th Street and south Delaware
Place

Chairman Parmele asked if a screening fence or lack of same should be imposed at the time the landscape plan is approved.

Mr. Jones advised the landscape plan will depict the structure with and without the screening fence.

It was decided the screening fence issue can best be addressed at the detail landscape plan stage.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Ballard Buerge, Wilson "absent") to **APPROVE** the Detail Site Plan for PUD 484.

Chairman Parmele asked staff to notify all interested parties when the landscape plan for PUD 484 is to come before the Planning Commission.

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PUD-473 Detail Site Plan for Tracts A & B -- south of the southwest corner of E. 27th Street and south Boston Ave.

Mr. Stump advised the applicant informed staff the drainage plan has not been completed and reviewed by the neighborhood and are requesting a continuance to February 19.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Wilson "absent") to **CONTINUE** Detail Site Plan for PUD 473 to February 19, 1992.

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PUD 275-1 Minor Amendment to change the permitted use from multifamily residential to single-family residential -northwest corner of south Yale Avenue and the Creek Turnpike

Applicant requested the application be continued to allow the potential purchaser to close on the property.

Allyene McIntyre

Ms. McIntyre, president of Benchmark HOA, advised the item they wish to have considered is that there be no requirement by Benchmark for a screening fence.

Chairman Parmele informed Ms. McIntyre there is no requirement for a screening fence between R districts. If the developer wants a screening fence it would be up to him to pay for the fence.

Ms. McIntyre asked the excavation pit near the property be looked into.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Horner, Wilson "absent") to **CONTINUE** PUD 275-1 to February 26, 1992.

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PUD 474 Detail Site Plan for additions to existing structure and driveway - 1325 E. 35th Place South

The applicant is proposing to replace the existing residential bathroom with new restroom facilities which will meet the handicapped accessibility standards required for office buildings. This will require the enlargement of the building on the east side. The exterior of the new portion will be built to match the existing exterior. In addition, they are proposing an enlargement of the existing driveway on the west side of the lot to provide the necessary off-street parking.

Staff feels the addition to the building is very minor in nature and will not make the building appear less residential in character. The enlargement of the driveway in front of the building setback line will, however, alter the residential appearance if constructed as proposed. Staff suggests that only a small amount of widening in front of the building will provide adequate access to the required off-street parking spaces. With that modification, staff recommends **APPROVAL** of the Detail Site Plan and that no Detail Landscape Plan nor screening fence be required at this time as provided for in condition 10 of the PUD.


[PUD 474 Condition 10. The existing dwelling may be used as an office without complying with PUD conditions 3, 4, and 8, nor the screening requirement, so long as there are no additions to the existing building, nor any new buildings, structures, or parking areas are constructed, other than minor improvements to the parking area in the northwest portion of the PUD.]

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Midget, Neely, Parmele, Selph "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Horner Wilson "absent") to **APPROVE** the Detail Site Plan for PUD 474 as recommended by staff.

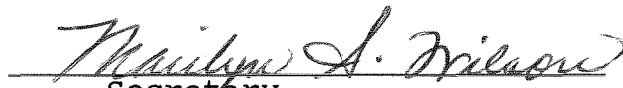
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There being no further business, the Chairman declared the meeting adjourned at 3:58 p.m.

Date Approved: 3-4-92


Chairman

ATTEST:



Secretary