

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1872
Wednesday, February 19, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 18, 1992 at 11:30 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 1:33 p.m.

Minutes:

Approval of the minutes of February 5, 1992, Meeting No. 1870:
On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Broussard, Buerge, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to **APPROVE** the minutes of the meeting of February 5, 1992 Meeting No. 1870.

REPORTS:

Reports of Receipts and Deposits:

Mr. Gardner presented the Report of Receipts and Deposits and advised that all items were in order.

TMAPC Action; 7 members present:

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Broussard, Buerge, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to **APPROVE** the Report of Receipts and Deposits for the month ended January 31, 1992.

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Committee Reports:

Budget and Work Program Committee

Ms. Wilson referred to the 1993 draft of the TMAPC Work Program which indicates a total budget of \$681,220; this is the same amount as designated last year. Ms. Wilson advised page 2 shows a breakdown of the planning program. She asked a correction be made under Zoning/Code Amendments Business Signs; this should read *Business and Outdoor Advertising Signs*. With this correction Ms. Wilson submitted the budget for approval by the Planning Commission.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Broussard, Buerge, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to **APPROVE** the TMAPC Planning Work Program and Budget Recommendations for FY-1993 Program.

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SUBDIVISIONS:

REVISED SKETCH PLAT APPROVAL:

Southern Pointe Third (PD-18) (CD-8)

(RS-3)

E. 91st Street and South Hudson Avenue

Chairman Parmele announced this is the fourth continuance being requested. Staff recommends the item be struck from the agenda and new notice mailed when a firm date can be set for review of this application. He added if there are no objections the item will be struck from the agenda.

There were no objections.

Mr. Wilmoth added he had talked with the applicant and they voiced no objection to the item being struck from the agenda.

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PRELIMINARY PLAT APPROVAL:

True Life Tabernacle (PD-21) (County)

NW/c of West 181st Street & U.S. Highway #75

Mr. Wilmoth advised it was staff's intent to recommend a continuance; however, staff is now recommending this be struck from the agenda since the property failed the percolation tests and must

now work with the Health Department. The applicant has agreed to resubmit the application when the property is ready.

Chairman Parmele announced this item will be struck from the agenda if there are no objections.

There were none.

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PRELIMINARY PLAT

Food Lion/East 31st Street Addition (1694) (PD-17) (CD-6)
NE/c E. 31st Street and S. 129th East Avenue (CS)

This plat is being filed to satisfy the remaining portion of Z-3814 (Ordinance # 12010) on the unplatted tract. Lot 2, Silverstone Commercial I is not subject to platting, but is being included with this tract to consolidate the unplatted and platted lot into one ownership. This is not a PUD.

The Staff presented the plat with the applicant represented by Michael Clark.

Fire department was not present, but advised Staff that applicant should verify hydrant locations and fire protection needs with that Department. (Advisory)

There was some brief discussion regarding the drainage requirements and the access points. Also, the possibility of creating an additional lot east of the supermarket site. The specifics are listed in the conditions.

On MOTION of MILLER, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Food Lion/East 31st Street Addition, subject to the following conditions:

1. Under title on plat include the following:
"A re-subdivision of Lot 2, Block 1, Silverstone Commercial I and a subdivision of a portion of the S/2 of Section 16, T-19-N, R-14-E, City of Tulsa, Tulsa County, Oklahoma."
2. Correct legal description to include the platted lot then describe as metes and bounds. (See Staff suggestion)
3. Omit separate dedication for street right-of-way. (Covered by Paragraph 1, SECTION I)
4. Paragraph 1, Section I of covenants: Add the following sentence: "No building, structure, or other above or

below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."

5. Outer boundary of plat should be a heavy dark line, including the street right-of-way line.
6. Omit Paragraph 1.5 (Landscape/pavement) from covenants. (Covered in Paragraph 1 of SECTION I.)
7. On location map, extend shaded area to include all that is being platted.
8. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
9. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
10. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. PFPI will be required. Fee-in-lieu-of detention will be allowed.
11. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
12. Limits of Access or (LNA) as applicable shall be by the Department of Public Works (Traffic). (Move east access point approximately 125' west. Coordinate with Traffic Engineering for exact location relative to S. 103rd East Place.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.

15. All other Subdivision Regulations shall be met prior to release of final plat.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Broussard, Buerge, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to recommend **APPROVAL** of the Preliminary Plat of Food Lion/East 31st Street Addition, subject to staff recommendation.

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Food Lion/Sheridan Road Addition (PUD 206-9)(2283)(PD-18)(CD-8)
9200 Block S. Sheridan Road (RM-1)

This is the first phase of the commercial portion of this PUD which although zoned both CS and RM-1, spreads the commercial uses on all of the remaining unplatted land. Applicant has advised Staff that the north line of this plat has been adjusted to run perpendicular to Sheridan. the amended site plan reflects this change and the plat is being reviewed on the basis of the new boundaries.

The Staff presented the plat with the applicant represented by Michael Clark.

Fire Department was not present, but applicant is advised to verify location of nearby fire hydrants and other fire protection, if needed. (Advisory)

Although not a part of this plat, the access to 91st Street was discussed in some detail. Traffic Engineer recommended realigning further west away from the 91st and Sheridan intersection. Since location of that access will have considerable bearing on how the remainder of the tract will develop, Traffic Engineering was advising that it would be a good time to establish these locations now. This will not show on the plat since it is "off-site" but is mentioned here so developers may coordinate this with the Traffic Engineer. Other items discussed are included in the conditions listed.

On **MOTION** of **HILL**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Food Lion/Sheridan Road Addition, subject to the following conditions:

1. If name is being shown on actual drawing of plat, be sure it is consistently the same. (It isn't necessary to put the name on the drawing since the title is at the top of the page.)
2. Omit separate dedication for street right-of-way. (Covered by Paragraph 1, Section I)

3. Paragraph 1, Section I of covenants: Add the following sentence: *"No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."*
4. The outer boundary of the plat should be a heavy dark line, including the street right-of-way line.
5. Omit paragraph 1.5 (Landscape/pavement) from covenants. (Covered in Paragraph 1 of SECTION I.)
6. Up-date or show other subdivisions on vicinity/location map. (See Staff for example).
7. Under title of plat add: "Planned Unit Development 206-9"
8. Covenants need to be expanded to include a separate section for the PUD conditions and restrictions. (Can be added as SECTION II, then re-number the TERM as SECTION III) See Staff for example or help.
9. All conditions of PUD 206-9 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code, in the covenants.
10. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. (Recommend the 17-1/2' utility easement along the south, parallel the property line instead of the pipeline right-of-way.)
11. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
12. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. PFPI required. Fee-in-lieu-of on-site detention may be paid. Drainage will need to be piped across tract and sized accordingly.

13. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
14. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
15. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic). (Coordinate off-site access to 91st Street with Traffic Engineer.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
17. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
18. All other Subdivision Regulations shall be met prior to release of final plat.

PUD-206-9-- Minor Amendment To Maximum Building Height And Proportionate Allocation Of Required Open Space In Development Area "A" -- south of the southwest corner of East 91st Street and South Sheridan Road.

The proposed 37,560 SF grocery store in Development Area "A" will exceed the maximum permitted building height by 2' at the front of the building. Since this area will be over 200' from a residential area, staff can support the requested amendment.

Also, the applicant wishes to clarify the amount of open space required on his portion of Area "A" [Food Lion]. *The total amount of open space required is 10% of the net area or 17,770 SF.*

Staff recommends **APPROVAL** of the minor amendment in development Area "A" of PUD 206 subject to the following conditions:

Maximum Building Height:

Within 100' of a residential area	26'
Greater than 100' from a residential area	28'

PUD 206 -- Detail Site Plan For Food Lion/South Sheridan Store

The applicants site plan for a 37,560 SF Food Lion grocery store is generally in conformance with the PUD conditions, if minor amendment PUD 206-9 is approved. Staff does, however, recommend relocating the loading docks from the rear of the store to the south or preferably north side of the store. In addition, a masonry wall at least 10' in height should be constructed to screen the loading dock and dumpster area from nearby residences to the west. All dumpsters **shall** be screened from public view. With the above changes, staff recommends **APPROVAL** of the Detail Site Plan for Food Lion Grocer in PUD 206.

After learning there was not a PUD condition already in place recommending roof mounted mechanical equipment be screened from public view Ms. Wilson urged that such screening be made a condition of approval.

In response to a question from Mr. Neely, Mr. Stump advised there is a substantial amount of open space immediately north of the building and there is approximately a 15' to 20' strip on the south and west. Mr. Stump reported having conversations with the applicant in regard to plantings; however, he revealed that a 15 year old PUD, such as this, has no specific landscaping requirements. He advised the Planning Commission may wish to address this concern on the site plan; therefore when the applicant submits the landscaping plan the Planning Commission can insure there will be landscaping in the parking lot.

Applicant's Comments

Scott McCrary

Artech Design Group

Mr. McCrary advised it would be impossible to locate the dock on the north side of the building because of the store's design. However, on the south side it would be possible to comply with a design similar to the other store's arrangement. He advised this is a restricted location, between two pipe line areas and if no problems are found with the paving over the pipelines and paving onto their easements they would be agreeable to the redesign and relocating the dock.

Mr. Doherty noted the lay-out of the West Pine and North Union store appears to have a portion of the building which in itself has a screening effect on that dock. Mr. Doherty asked if the dock is on the side would truck circulation be needed behind the building.

Mr. McCrary replied if there is no truck circulation behind the building they are required to provide a 110' diameter turn-around at the south side of the building. This will cause encroachment on the pipeline area and over the easement. He suggested if they are allowed to maintain an access drive behind the building they provide an 8' high masonry screen wall between the drive and the residential property.

In response to a question from Mr. Parmele, Mr. McCrary acknowledged basic agreement with conditions as recommended by staff. He advised 10-11 trucks per week is the expected truck traffic. All roof mounted mechanical equipment will be screened on three sides.

Interested Parties

City Councilor Richard Polishuk, District 8, reported meeting with nearby residents and that a lot of discussion was presented as to why there was a need for a grocery store. He explained to the residents that property rights and economics do not figure into whether or not an individual will locate a grocery store on a particular location. Residents then decided they should be part of the Planning Commission process in helping to place the store in such a way that it does not negatively impact those residents who abut it. Councilor Polishuk advised these residents are present today to present their opinions on what they would like to see done. He then highlighted some of the areas discussed.

Rod Coulter	9304 South Norwood	74137
Jann Stafford	9229 S. Norwood	74137
Russell Sellers	6407 E. 93rd St.	74137
Beverly Sellers	6407 E. 93rd Pl.	74137
Bethany Vaughn	9225 S. Norwood	74137
Danny Mitchell	9134 S. Norwood	74137
Joe Eischew	6411 E. 93rd. Pl.	74137

The above listed individuals addressed the Planning Commission and voiced the following comments and concerns:

New development is a welcome and prosperous addition to the entire area and residents asked the Planning Commission to take into consideration the personal and financial interest of the residents.

The area originally was planned for multifamily housing and is now single-family housing units and has destroyed the planned buffer in the area.

Concerns were expressed over location of the building and selected areas for certain operations in relation to nearby residences.

Ensure a greenbelt buffer, and landscaping for practicality and overall area, building included is aesthetically pleasing and architecturally compliments the entire area.

Improvement of existing drainage problems.

References were made to the Village IGA at 101st and Sheridan, in relation to lighting, trash receptacle containers, fencing, and signage which residents feel is a well maintained, well planned part of the neighborhood.

Relocation of loading areas to the north side of the building and extending a maximum of 85 feet from building face with a maximum depth of 30 feet.

Eliminate rear access to loading areas and replace with a 26 foot wide all-weather surface for emergency vehicles only.

Dumpsters and any other form of trash receptacle be located within the loading dock area and within the store itself so as not to expose them to the neighborhood. The Village IGA has such a setup.

The entire building be placed 100 feet from all residential property lines.

Residents are in agreement with INCOG's staff's proposal that the loading dock area be enclosed with a solid masonry wall. Residents ask that a 12' high masonry wall be erected.

Building not to be issued certificate of occupancy until all left turn lighting is erected and functioning at the intersection of 91st Street and Sheridan Road.

Store hours of operation be no longer than from 7:00 a.m. to 11:00 p.m.

Unloading and truck traffic hours be limited to 6:00 a.m. to 10:00 p.m.

Concerns with water run-off were voiced. Residents requested that a liaison be assigned between Food Lion store and HOA president, Rod Coulter, to notify residents on decisions made 30 days prior to remittance of plans to the Commission.

Lighting to be shielded and not to be directed into the neighborhood.

Sign to be on the building and blend in.

Surface of the building's outside wall to be a smooth or brick surface, no cinderblock. Color to be compatible with the neighborhood, prefer an earthtone color. The front of the building to be consistent with the back.

Screen mechanical or electrical equipment.

All utilities be placed within the building.

Attractive, solid wall screening ten (10) feet in height and 1 foot deep, with an inner core of sound absorptive material. This wall to be built 5 feet east and north of property owner's lot lines.

1. Subsequent 5' crossuse easement to be dedicated to each adjacent homeowner
2. Barrier to be built before construction of Food Lion store begins.

3. Maintenance of said barrier tied to ownership of the building for as long as the building stands.

Landscaping to include 30' wide greenbelt running east and north of barrier wall, west and south of Food Lion

- a. mature plantings
- b. 3-4' hedge running length of wall

Bermed, mulched and maintained by store owner.

Screening fence not be brick, prefer masonry edifice.

The remaining undeveloped land 163' to the south are easements on the south and north of the property that will never have a building on them, therefore, the visual impact of the proposed development will always be seen from the neighborhood. The original PUD required pedestrian access from the commercial area to residential area be provided and for circulation within the area to the city park. Residents are asking the green belt development across the west side of the site is to extend to the north and south along those areas of easement that will never be built on to tie this development into the landscaped walkways that run throughout the subdivision and provide access throughout that was requested and required in the original PUD.

Pictures were presented of the Food Lion store located in Charlotte, North Carolina.

Residents advised of their availability to meet with the developer to discuss how to best resolve the issues addressed.

TMAPC Comments

In response to a question from Mr. Parmele, Ms. Stafford advised at the time her home was purchased she was told property to the east was zoned RM-1. She was told to expect some type of multi-family housing and possibly single family housing.

Chairman Parmele advised interested parties will be notified as the Planning Commission proceeds through the platting stage, site plan and landscape review, of any hearings held. He mentioned the storm water problem is properly addressed during the platting stage. Department of Public Works will review the preliminary plat and impose any conditions on the developer that they deem necessary. Staff advised that notices were also mailed regarding platting and that the plat is being processed along with the site plan review this date.

In regard to the request of the 30 day notification Mr. Doherty advised there is a statutory notice period that is not even close to the 30 days. He advised staff is responsible for handling notification procedures.

Chairman Parmele advised drainage plans will be submitted by the developer to the Department of Public Works for review prior to coming before the Planning Commission for final plat.

There was discussion as to the height of fence requested. Mr. Gardner clarified there are two different walls being proposed. One wall is a 6' masonry wall, a screening wall along the back property line. There was mention of increasing this to 8'. The 12' or 10' wall is only on that portion that screens the area where the trucks load and unload.

Ms. Wilson asked about landscaping on the western boundary where the masonry wall will be, if it wouldn't be more beneficial to have landscaping on the homeowners side.

Ms. Vaughn advised that would not facilitate the purpose of the landscaping. Residents want continuity with the common areas of the their HOA, they are asking for sound barriers, protective natural barriers, and protective barriers that will not decrease residents view aesthetically and will not increase crime level in the neighborhood.

In response to a question from Mr. Buerge, Ms. Vaughn advised residents strongly urge the fence be placed on the west property line and on the south as well.

Applicant's Rebuttal

Mr. McCrary apologized to the HOA for not including them in the development plans. As to the issues raised he advised there is nothing that can not be addressed with the exception of the location pertaining to the loading dock. Mr. McCrary proposed that after the developers have a chance to revise their drawings that a meeting be scheduled with the HOA to review these revisions in detail. He then requested a continuance to do so.

Chairman Parmele expressed his agreement with the request for continuance in an effort to work this out with the homeowners.

Mr. Doherty pointed out the problem with the common area and common use easement behind the wall is difficult for the Planning Commission to address. They will not require the developer to give away land to a homeowner to cushion it.

Mr. Coulter agreed that in two weeks the majority of the issues could be resolved.

Mr. Horner reiterated that any decisions the developer and HOA cannot make the Planning Commission will make for them.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to **CONTINUE** the Preliminary Plat Approval of Food Lion/Sheridan Road Addition, 9200 Block South Sheridan Road and PUD 206-9 for two weeks to March 4, 1992.

Chairman Parmele commended the HOA and Councilor Polishuk for his efforts in working with them and the HOA members for their organized presentation. He declared the Planning Commission seldom sees a group as organized as they were and he expressed his appreciation to them. He also thanked Mr. McCrary for agreeing to work with the homeowners.

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Food Lion/Gilcrease Plaza Addition (PUD 441-1) (2702) (PD-11) (CD-1)
NE/c West Pine and N. Union Avenue (CS, RM-1)

This plat is being filed in accordance with PUD 441-1, which is a minor amendment to the PUD to permit some variance in building height. Site plan review is also pending along with the PUD amendment and this plat.

The Staff presented the plat with the applicant represented by Michael Clark.

Fire Department was not present, but advises applicant to verify nearby hydrant locations and other fire protection needs. (Advisory)

TAC was advised that the owners may request some additional amendments to the PUD, so it may be continued or re-advertised. If so, the plat would also be continued to the same date.

On MOTION of SILVA, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Food Lion/Gilcrease Plaza Addition*, subject to the following conditions:

1. Show PUD number above title of plat. Omit the lots north of this plat, but leave the street as shown. (Block 26 of Gilcrease Hills Village II has not been filed yet, so this should be shown as "unplatted" land.) On face of plat near north arrow, show "2 lots, 10.178 acres". Omit "proposed" from the Gilcrease Hills Village II notation on plat.
2. Make sure that the title of the plat and the title designated in the restrictive covenants are the same. Written part of plat indicates "Food Lion/Gilcrease Plaza Addition" and the title on drawing is different. Either one is OK, but be sure they match.
3. Include in title of plat this is also in the City of Tulsa.
4. Show a 50' building line around the oil well on Lot 1 and dimension to property lines. (There is an additional well on the abutting land in proposed Gilcrease Hills,

Village II, Block 26 that should be located in relation to this plat. A 50' building line also applies around that well. It should be shown on this plat if the building line overlaps on this property. The building lines around these oil wells was reduced from 200' to 50' by the TMAPC on 8/21/91 based upon data provided to the Planning Commission at that time.

5. Based upon the site plan for this property, the oil well on Lot 1 has access through the parking lot for maintenance, etc. However, owner of the land and the lease operator may need to create additional private easements to assure access to the well. (How this is accomplished is not a condition of the approval of this plat, but is mentioned at this time for the benefit of applicant and the lease operator.)
6. Outer boundary of the plat should be a heavy dark line as well as the street right-of-way lines. Also show a 30' property line radius at the corner of Union and Pine.
7. North Union is a collector street in this area and sidewalks are required. (Sidewalk is shown on site plan in accordance with the Regulations and the PUD conditions.)
8. Omit separate dedication for street right-of-way. (Covered by Paragraph 1, SECTION I)
9. Paragraph 1, Section I of covenants: Add the following sentence: "No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."
10. Omit Paragraph 1.5 (Landscape/pavement) from covenants. (Covered by Paragraph 1 of SECTION I.)
11. Include a SECTION II for the PUD conditions on the plat, then renumber "TERM" as SECTION III. (Staff will assist with this part of plat if needed.)
12. The vicinity/location map needs to be up-dated. (See Staff for further information.)
13. All conditions of PUD 441-1 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
14. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements

as required. Existing easements should be tied to or related to property lines and/or lot lines.

15. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
16. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
17. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. PFPI required. Fee-in-lieu-of detention is acceptable.
18. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
19. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic). Re-align access points on Pine so they do not conflict with street intersections of Pine and Rosedale Avenue. Coordinate exact locations with Traffic Engineering.
20. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
21. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
22. All other Subdivision Regulations shall be met prior to release of final plat.

PUD 441-1: Minor Amendment To Maximum Building Height And Partial Development Of The Site -- northeast corner of North Union Avenue and West Pine Street

The applicant is proposing to develop the west 3.9 acres of PUD 441 for a 32,710 SF Food Lion grocery store. The facade at the front of the store would be 27' tall which exceeds the maximum height of 16' allowed in the PUD. Staff can support the increase in maximum

building height if there is an increased building setback from the north boundary adjacent to the residential area.

Staff recommends **APPROVAL** of minor amendment PUD 441-1 with the following conditions:

Maximum Building Height	
Within 85' of north boundary	16'
Greater than 85' from north boundary	27'
Maximum Building Floor Area	
West 660' [<i>Food Lion</i>]	32,710 SF
Remainder of PUD	14,800 SF

PUD 441 Detail Site Plan -- Grocery store at the northeast corner of West Pine Street and North Union Avenue

The applicants site plan for a *Food Lion* grocery store is in compliance with the PUD conditions, but staff has concern about the location of the loading dock being near the residential area to the north. Staff recommends that at least a 10' screening wall be constructed on the north side of the loading area to screen the trailers parked there. With that addition, staff recommends approval of the Detail Site Plan for the west 660' of PUD 441 if the minor amendment is approved by TMAPC.

There was a brief discussion about setting up a meeting between area homeowners and the applicant. The applicant agreed to do so and all parties agreed to a two week continuance to March 4, 1992.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") for **CONTINUANCE** of Food Lion/Gilcrease Plaza Addition and PUD-441-1 for two weeks to March 4, 1992.

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Old English Inn (PUD 482) (3293) (PD-18) (CD-9)
5211 South Lewis Avenue

(OL, OMH)

The site plan and proposed PUD text were mailed to TAC 12/11/92. There were only two or three responses and those are included in the conditions as listed.

The Staff presented the plat with the applicant not represented.

Fire Department was not present, but advises that emergency access must be provided at 52nd Street to access a hydrant. (See condition #1)

The Department of Public Works (Stormwater) will require on-site detention for both drainage basins. An overland Drainage Easement must be obtained off-site for the portion that drains south.* Other requirements discussed are included in the conditions listed in these minutes.

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Old English Inn*, subject to the following conditions:

1. On face of plat show "Limits of Access for Emergency Vehicles only" at the NE corner of the plat at 52nd Street. (This is also a PUD condition and is included in the covenants.) (Access to fire hydrant near 52nd Street is required.) Design of the gate for emergency access should be reviewed by Fire Department.
2. Waiver of the 1" = 100' scale required by Subdivision Regulations is recommended to permit the 1" = 50' as shown.
3. On-site detention is required. Show as a Reserve and include applicable language in covenants. (Also see #8) Detention required for both drainage basins. An overland Drainage Easement must be obtained off-site for that portion that drains south.
4. Covenants: Paragraph A, SECTION I: Add the following, or as a separate paragraph: "No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed erected, installed or permitted upon the easements or rights-of-way as shown." SECTION II, Paragraph one: Dates are: ..." ... existed on 1/15/92" TMAPC approval 1/15/92 and City Council approval is 1/30/92. (Ordinance has not been published yet. Must be published prior to release of final plat.) (Make minor correction in PSO portion of easement dedication.)
5. All conditions of PUD 482 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code, in the covenants.

*Department of Public Works (Stormwater) informed TMAPC staff on 2-27-92 that off-site drainage easements were desirable, but this condition was being excluded as a condition for approval of the plat.

6. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. (Make sure existing gas line is located in an easement, along the south boundary of the plat.)
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
8. Water plans may be required. See Water and Sewer Department for services to the out-lying buildings.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by City of Tulsa. (Also see #3)
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division). (If required)
11. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic).
12. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
13. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged. If plugged provide plugging records.
14. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
15. All other Subdivision Regulations shall be met prior to release of final plat.
- ** 16. Include all of the land within the boundaries of the PUD, including the 132X 329' tract that was zoned OMH by Z-6346, and as a condition of this PUD-482. Adjust building lines in accordance with PUD as it applies to this tract.

****See Motion**

Staff Comments

Mr. Wilmoth advised the problem is that there are two separate ownerships on this tract. As long as the PUD restrictions accompany that piece of property it can either be included as part of this plat or the PUD restrictions filed by separate instrument on the tract (Reference condition #16). There was no use allowed in the PUD for that particular piece of land unless the PUD is amended.

Mr. Gardner explained the complication of this, is that this particular piece that is being left out of the platting is where the zoning came from to transfer onto the piece of property that they have which permits the intended use.. At one time there was potential use for that, but at the time the PUD was filed they did nothing but ask for open space on that piece of property. Mr. Gardner stated we must have a plat, but unless the PUD is amended here there will be no usage for that property. The ultimate usage was to be some additional parking maybe for the shopping center to the north. Now there is no use on the property other than open space and it will require an amendment of the overall PUD if used for anything but open space.

Applicant

Mr. Nichols stated he has no objection to platting the entire tract, they just do not plan on platting that part of the tract. First because they do not own it; however, they had permission from the property owner, FDIC, to include it in the zoning application and include it in the PUD. The second reason to not plat it is because it is covered by the PUD at this time; it is open space which the Zoning Code controls and there will be no use on this property as it stands. In the event that an applicant should return with an amendment to that PUD, probably after the Old English Inn is in place, in use, all improvements in place with some drainage and use history, traffic history, etc. he may want to file an application to amend the PUD, which would be a major amendment. If it should be approved then the separate tract should then be platted at that time taking into considerations the drainage and utility considerations that would be in place by the Old English Inn.

Mr. Gardner clarified the only use approved for this tract presently is open space as a part of this PUD. If there is no plat there will be nothing of record in the court house indicating this may be zoned OMH, but it cannot be developed. Mr. Wilmoth has suggested if there is an instrument filed of record in the clerk's office on this piece of land saying this is part of the PUD and is limited to open space and before anything other than landscaping is allowed an applicant must file a major amendment filed so this puts the buyers and anyone else on notice.

In response to a question from Mr. Doherty Mr. Nichols advised his client's plan is to ultimately purchase the property. They do not wish to be in a position where they must purchase the property in

order to build the remainder of their project. The FDIC is currently maintaining the property. If a use is ever proposed for this piece ground it would require a major amendment and then should be separately platted once the uses are in place.

There was much discussion on the proper procedure since the applicant does not own the tract of land.

Chairman Parmele suggested approving the preliminary plat subject to conditions of staff with the additional condition that something be filed of record that staff approves notifying or showing that this is open space of PUD 482.

Mr. Nicholas advised the other issue is item #3. He understands the engineers working with the developers, Mr. Adrian Smith and Mr. Phil Smith are continuing to work with the Department of Public Works, but the suggestion that an overland drainage easement be obtained from adjacent property owners as condition of the plat, but has not been done in the past. He advised this is a continuing item of discussion by the Department of Public Works.

Mr. Wilmoth advised this would probably require a waiver from the Department of Public Works, as far as changing the recommendation he does not feel we are in a position to do that. Stating a waiver of that part of the condition by the Department of Public Works might be appropriate.

Chairman Parmele stated he is not in favor in seeing the Planning Commission get in a position of imposing off-site requirements on people where they do not have the power of eminent domain.

Ms. Wilson pointed out many of the conditions are written of necessity to apply equally everywhere, but there is always the possibility of a waiver due to some specific site.

Chairman Parmele asked if with the provision of a waiver would also suffice if that would satisfy the engineers.
Mr. Nichols replied that it would.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to recommend **APPROVAL** of the Preliminary Plat of Old English Inn subject to amended conditions as follows:

Condition #3 add: *unless the condition for off-site drainage is waived by the Department of Public Works.*

Condition #16 add: *if the 132' X 329' tract is not included in plat, a document approved as to form by Legal Department shall be filed of record stating the PUD condions applicable to that particular tract.*

* * * * *

FINAL PLAT APPROVAL AND RELEASE:

Southern Grace (PD-9) (County)
E. 127th St. & S. 129th E. Ave.

(AG-R)

Mr. Wilmoth advised that all releases have been received and staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to **APPROVE** the Final Plat of Southern Grace and Release same as having met all conditions of approval as recommended by staff.

* * * * *

Woodfield Blks 8-13 B(PD-26) (CD-8)
E. 115th St. & S. Maplewood Avenue

(RS-2)

Mr. Wilmoth advised that all releases have been received and staff was recommending approval.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Midget Selph "absent") to **APPROVE** the Final Plat of Woodfield, Blk 8-13 and Release same as having met all conditions of approval as recommended by staff.

* * * * *

WAIVER REQUEST; Section 213:

Z-6324 Olivers Addition (PUD-474) (PD-6) (CD-9)
1325 East 35th Place

(OL)

For the record, the staff provided the following report:
This is a request to waive plat on Lot 1, Block 3 of the above subdivision. The TAC reviewed the PUD on this tract on 9/10/91, but no formal request was received to waive the plat requirement at that time. Copies of the PUD text and site plan had been mailed on the PUD review. A larger site plan is included with the current mailing. Waiver request would be subject to the following:

1. PUD conditions and requirements to be filed of record by separate instrument.
2. Grading and/or drainage plan approval by the Department of Public Works (Stormwater) in the permit process. Fee-in-lieu-of detention will be allowed for net increase in imperviousness. Run-off must flow south to East 35th Place.

The applicant was not represented.

On MOTION of HILL the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the waiver of plat on Z-6324 and PUD-474, subject to the conditions outlined by Staff and TAC.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to **APPROVE** the WAIVER REQUEST for Z-6324 Olivers Addition as recommended by staff.

* * * * *

Z-6325 Modern Acres (PD-16) (CD-6) (OL)
1303 N. Garnett Rd.

For the record, the staff provided the following report:

This is a request to waive plat on Lot 2, Block 2 of the above subdivision. It was rezoned OL by TMAPC, approved by City Council and the Ordinance has been published (#17590, 10/3/91). A single office building will be constructed on the lot with a single driveway to N. Garnett Road. Since the property is already platted, adequate R/W dedicated by plat and utility easements provided, staff has no objection to the request. Nothing would be gained by a re-plat that doesn't already exist. It is recommended the waiver be approved, noting the existing plat satisfies Section 213 of the Code.

TMAPC Action; 8 members present:

On MOTION of WILSON, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to **APPROVE** the Waiver of Plat on Z-6325 Modern Acres as recommended by staff.

* * * * *

PUD 473 SW/c of E. 26th Pl. S. & S. Boston Ave
Detail Site Plan (Tracts A and B) (Riverside 3rd Amd.,
L.5, B.16)

Chairman Parmele tabled this item. The applicant was unable to be in attendance.

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PUD 237-1 Minor amendment to increase permitted signage.
Located west of the southwest corner of South Lewis
Avenue and East 73rd Street South

Chairman Parmele announced the applicant has requested a continuance to March 18, 1992.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to CONTINUE PUD 237-1 to March 18, 1992.

* * * * *

PUBLIC HEARING

This public hearing is to consider the Parking Study.

Staff Comment

Mr. Jones advised the Rules and Regulations Committee has reviewed staff recommendations of the Parking Study. The interested party present is Jim Crosby with Planning Design Group who assisted in preparation of the Parking Study. Mr. Crosby is a registered landscape architect and staff acquiesced to the knowledge of the landscape architects and he helped prepare that portion of the study that was included in the review by the Rules and Regulations Committee.

Mr. Jones presented two overlays of Sam's parking lot. One overlay depicted the parking lot as presented, with no internal landscaping. In reviewing this application staff made recommendation as if the landscaping plan was required. Mr. Jones then presented the second overlay depicting internal landscaping within parking lots. He added this study would stop the sea of asphalt effect.

In response to a question from Mr. Horner, Mr. Jones replied the landscape ordinance is proposing one (1) tree for every twelve

parking spaces and no parking space will be further than 50' away from any landscaped island.

Mr. Doherty advised the Rules and Regulations Committee studied this exhaustively and worked in great detail and a number of compromises were effected. He expressed appreciation for private sector involvement and the expertise provided made work easier. It was with great pleasure the Rules and Regulations Committee unanimously recommended these changes to the full commission.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to **APPROVE** the Parking Study as submitted by staff.

There was discussion as to why there were no more interested parties in attendance.

Mr. Gardner advised since the press has not been picking this up and writing articles about the Parking Study may account for the development community not being present.

Mr. Doherty noted there were developers present at some of the committee meetings.

Mr. Gardner advised if a story were to come out before it gets to the City Council more people may show up at the City Council meeting.

Mr. Stump stated since this study is not in Ordinance form which sections of the code needs to be amended needs to be addressed.

TMAPC Action; 8 members present:

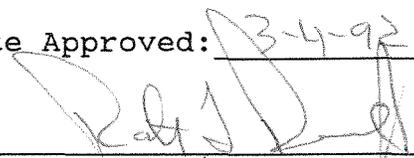
On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Broussard, Buerge, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Carnes, Selph "absent") to **CONTINUE** the Public Hearing Parking Study to March 18, 1992 to approve the Ordinance language.

Ms. Wilson complimented Mr. Jones for all the hard work he put into the Parking Study. It has been talked about the past several years and he has come up with an excellent product. She also thanked people from the private sector for their participation.

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There being no further business, the Chairman declared the meeting adjourned at 3:35 p.m.

Date Approved: 3-4-92



Chairman

ATTEST:



Secretary

