**TULSA METROPOLITAN AREA PLANNING COMMISSION**
Minutes of Meeting No. 1916
Wednesday, February 17, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|---|---|---|---|
| Broussard Secretary | Ballard | Gardner | Linker, Legal Counsel |
| Buerge out at 3:00 2nd Vice Chairman | | Hester | |
| Carnes | | Jones | |
| Dick | | Matthews | |
| Doherty, Chairman | | Stump | |
| Horner | | Wilmoth | |
| Midget, Mayor's Designee in at 1:45 | | | |
| Neely in at 1:35 | | | |
| Parmele, 1st Vice Chairman | | | |
| Wilson | | | |

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, February 15, 1993 at 3 p.m., as well as in the Reception Area of the INCOG offices.

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

**Minutes:**

Approval of the minutes of February 3, 1993, Meeting No. 1914:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Neely, "absent") to **APPROVE** the minutes of the meeting of February 3, 1993 Meeting No. 1914.

**REPORTS:**

Chairman's Report:
Chairman Doherty announced receipt of a letter from the Sign Advisory Board requesting TMAPC input regarding business signs. He advised that any Planning Commissioners having input should contact the Chairman of the Sign Advisory Board.

Chairman Doherty announced that Jack Neely will serve as the TMAPC representative to the Arts Commission.

Budget and Work Program Committee
Ms. Wilson reported that the Budget and Work Program Committee met today at 11:30 a.m. and unanimously agreed to recommend that the Planning Commission pursue initial work on the Citizen Participation Study for this fiscal year. This Study will entail Dane Matthews researching other cities regarding ways to improve the process and to review the current system of electing Planning District Chairs.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, Neely, "absent") to **APPROVE** the Budget and Work Program Committee recommendation to pursue the Citizen Participation Study as reported.

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Director's Report
Mr. Gardner announced that the Budget and Work Program Committee had mentioned that the next TMAPC Training Session would be in April and Staff will be advising of a time and location at a later date.

**SUBDIVISIONS:**

REINSTATEMENT OF FINAL PLAT

West Highlands IV Amended (PUD 159-1) (382) **(PD-8)(CD-2)**
W. 62nd Street & S. Waco Avenue (RM-1, RS-3)

Staff Recommendation
This plat was processed and approved by TMAPC on 12/4/91 and by the City Council on 12/19/91. Due to a title problem on one of the lots (not affecting any TMAPC or City approvals), the plat was not filed before it expired 12/4/92. Those problems have been resolved and still do not involve any street easements, or conditions required by the Planning Commission. Therefore, it is recommended that the final plat be reinstated as of this date (2/17/93) with an expiration date of (12/04/93), which would be the same if the developer had asked for an extension of time before it expired.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, "absent") to recommend **APPROVAL** of Reinstatement of the Final Plat for West Highlands IV Amended, as recommended by Staff.

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WAIVER REQUEST: Section 213

Z-5553 Anderson Addition (3693) **(PD-18)(CD-8)**
5646 S. Mingo Road IL

Staff Recommendation
This is a request to waive plat on Lot 5, Block 1 of the above-named addition. The lot was zoned IL, 6/23/81, but no application for a building and/or zoning clearance permit was ever submitted, so the plat requirementhas not yet been waived. A current application to the Board of Adjustment to permit retail sales (wallpaper business) in an IL District was approved 2/9/93. The plat requirement was waived and a lot split approved on the adjacent lots to the south of this one. Since it is already platted, Staff recommends approval, subject to the following:

1. Grading/or drainage plan approval by the Department of Public Works in the permit process. (Runoff will not be allowed to flow west to single-family homes. It must flow east to Mingo. Fee-in-lieu can be paid.)

2. Access control agreement for driveway is required by DPW (Traffic Engineering).

The applicant was not represented at the TAC meeting.

On MOTION of Edwards, the Technical Advisory committee voted unanimously to recommend approval of the waiver of plat on Z-5553 subject to conditions outlined by Staff and TAC.

There were no interested parties present.

**TMAPC Action; 9 members present:**
On **MOTION** of **BUERGE**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, "absent") to **APPROVE** the Waiver of Plat for Z-5553 subject to conditions as recommended by Staff.

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BOA 16263 (Unplatted) (2392) **(PD-9) (CD-2) (City of Tulsa Philpott Park)**
1114 West 37th Place South (IM)

Staff Recommendation
This is a request to waive plat on a portion of Philpott Park as a result of a Board of Adjustment action 2/9/93. Although this is an existing park, the Board had not approved it for park uses. This is similar to a number of other Board cases on existing parks that did not have approvals. Since the Board will make all the

requirements for development, and the property is already owned by the City of Tulsa, it is recommended the waiver be APPROVED, noting that the requirements of Section 213 have been met.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, "absent") to **APPROVE** the Waiver of Plat for BOA-16263 as recommended by Staff.

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BOA 16264 (Unplatted) (3692) **(PD-18)(CD-2) (City of Tulsa Johnson Park)**
6003 S. Riverside Drive (RS-3)

Staff Recommendation
This is a request to waive plat on Johnson Park as a result of Board of Adjustment action 2/9/93. Although this is an existing park, the Board had not approved it for park uses. This is similar to a number of other Board cases on existing parks that did not have approvals. Since the Board will make all the requirements for development, and the property is already owned by the City of Tulsa, it is recommended the waiver be APPROVED, noting that the requirements of Section 213 have been met.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget, "absent") to **APPROVE** the Waiver of Plat for BOA 16264 as recommended by Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17652 Wineland ( 514) **(PD-15)**(County) 11812 E. 121st St. N. AG
L-17657 Perry (1292) **(PD- 6)(CD-9)** 301 E. 21st Street RS-3
L-17664 Creekmore (1523) **(PD-14)**(County) AG
N. Sheridan Rd., south of 166th St. N.
L-17665 Starr (1392) **(PD- 6)(CD-9)** 2143 S. Owasso RS-2
L-17666 Bell (1503) **(PD-16)(CD-9)** 4949 E. 39th Street N. RM-2
L-17667 Bragg (2883) **(PD-26)(CD-8)** AG
10900 Block S. Louisville Ave.
L-17669 Seibert (3093) **(PD- 6)(CD-9)** 4133 S. Wheeling RS-1

Staff Comments
Mr. Wilmoth advised that Staff has found the above-listed lot splits to be in conformance with the lot split requirements.

**TMAPC Action; 9 members present:**

On **MOTION** of , the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget "absent") to recommend **RATIFY** the above-listed lot splits having received prior approval.

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ZONING PUBLIC HEARING

Application No.: **Z-6378** Present Zoning: Various
Applicant: TMAPC Proposed Zoning: HP Overlay
Location: Maple Ridge area between 15th and 21st Streets South and Peoria Avenue and old right-of-way of the Midland Valley Railroad.
Date of Hearing: February 17, 1993

Staff Comments
At the request of Maple Ridge homeowners and the Tulsa Preservation Commission, the TMAPC initiated this request for Historic Preservation (HP) overlay zoning for the Maple Ridge area. The Preservation Commission has developed Design Guidelines, which would be applicable to all new construction, remodels, additions and demolitions in the proposed district.

The Maple Ridge area encompasses a larger area than is being requested for HP designation. The portion under consideration has been designated the Maple Ridge North area and stops at 21st Street. The entire Maple Ridge area extends to 31st Street and is Tulsa's largest and best known historic area. It was the first Tulsa historic area listed in the Oklahoma Landmarks Inventory and in 1983 was placed on the National Register. The 1992 Tulsa Historic Preservation Plan Report, a part of the Comprehensive Plan, also identifies Maple Ridge as a historic resource for the city, which should be protected.

Staff recommends that the Maple Ridge area be designated HP and that the Design Guidelines proposed by the Preservation Commission be **APPROVED.**

Mr. Stump gave a presentation of the requirements of the Historic Preservation District (HP) and the HP overlay adoption process. He then presented a map indicating those residents supporting, opposing, and giving no responses for HP zoning.

TMAPC Comments
Mr. Buerge asked if administrative costs have been reviewed.

Chairman Doherty explained administration is overseen through the Tulsa Preservation Commission (TPC).

**Kent Schell, Tulsa Preservation Commission (TPC)**
Mr. Schell reported that all HP zoning administration is funded primarily through CDBG. He advised that there are three Staff members involved in administration and foresees having no problem with handling the anticipated increased work load.

Interested Parties Supporting HP Overlay

| | | |
|---|---|---|
| **Pam Deatherage, Chair, Planning District 6** | | |
| **Johnna Thurston** | **1720 S. Detroit** | **74120** |
| **Karen Grundy** | **Swan Lake Neighborhood Assoc. Representative** | |
| **Cindi McArtor** | **1724 S. Troost** | **74120** |
| **Swan Lake Neighborhood** | | |
| **Mark Thurston** | **1720 S. Detroit** | **74120** |
| **T.D. Williamson, Jr.** | **1132 E. 20th St.** | **74120** |
| **Martin Newman** | **1107 E. 19th St.** | **74120** |
| **member of Tulsa Preservation Commission** | | |
| **Laurie Conners** | **1716 S. Detroit** | **74119** |
| **Pat Hanford** | **1530 S. Norfolk** | **74120** |
| **Cherokee Pettis** | **708 N. Cheyenne** | **74106** |
| **Brady Heights Neighborhood Assoc.** | | |
| **Betsy Horowitz** | **305 E. 19th St.** | |
| **Jack Page** | **1711 S. Detroit** | |
| **Dolores Henderlong** | **1216 E. 20th St.** | **74120** |

The above-listed individuals voiced the following concerns:

Fear of restrictions being placed on property owners was addressed, and interested parties advised that actions of the various review groups will enhance the area and not harm it.

It was noted that studies indicate HP overlay districts that experience lot splits have experienced more success and compatibility in neighborhoods than unrestricted lot split by right.

It was noted that, out of the proposed restrictions and controls, quality is the end result.

Support was expressed for helping this neighborhood preserve its historic quality.

One of the efforts made to educate those in the area of HP overlay included distribution of flyers throughout the area informing residents of the proposed zoning overlay and its benefits.

Confidence was expressed in the ability of the Preservation Commission to work with residents who need a Certificate of Appropriateness (COA).

Individuals expressed having no concern over government intrusion and expressed confidence in the officials' ability to implement the HP Ordinance.

The importance for the citizens of Tulsa to preserve and protect older neighborhoods and the importance of preserving historic properties and taking pride in Tulsa's heritage was expressed.

It was noted that the Maple Ridge district has been placed on the National Register of Historic Places, which is a great honor, but does nothing in regard to preserving the area.

It was noted that there are 282 properties whose owners support the HP overlay and approximately 7 in opposition.

The quality of life will be preserved by adopting the HP overlay zoning.

Adopting this zoning will alleviate threats of inappropriate infill buildings and demolitions and preserve the rich architectural heritage of the area. It will allow the family-oriented life-style to remain intact for future generations of Tulsans.

Interested Parties Opposing HP Overlay

| | |
|---|---|
| **Brian Whitehurst** | **316 E. 18th St. 74120** |
| **James D. Bass** | **1820 S. Cincinnati 74119** |
| **Bill & Carol Harris** | **1747 S. Knoxville 74112** |
| **Helen Francis Besley** | **1532 S. Peoria** |

The above-listed individuals made the following comments:

Concern was expressed that HP overlay zoning will result in a loss of property rights.

Under HP zoning property owners will no longer have the freedom to perform regular maintenance and will be required to make changes to their property according to someone else's taste.

It was declared that there is much misinformation regarding HP zoning that was distributed.

One individual questioned how HP zoning will be enforced.

Concern was voiced that the Commission which oversees HP zoning may make mistakes, inconveniencing the property owner, or routinely deny demolition permits.

Most people agree that they want to preserve the historic character of the neighborhood and if everyone agrees, it was questioned why there was need for a law to ensure that this is done. It was suggested making the expertise of the Preservation Commission, which could be an asset, available as a resource to the community instead of a requirement.

A commercial property owner expressed opposition to his property being included in this zoning change. He suggested that the area in which his property is located could serve as a buffer zone.

Other Interested Parties

**Norma Turnbo** **1822 S. Cheyenne 74119**
**Chair, Tulsa Preservation Commission**

Ms. Turnbo gave a history of the HP Ordinance. She cited the two other areas that have come under HP zoning, and advised that since being under HP zoning one Certificate of Appropriateness (COA) has come before the Board. Ms. Turnbo announced the Tulsa Preservation Committee voted unanimously for the Maple Ridge neighborhood to receive HP overlay zoning. She explained the importance of preserving the history of older neighborhoods for future generations so that they can better understand the future. Ms. Turnbo recounted her experience in attending a workshop in San Francisco for a National Preservation Conference. A group concentrating on local historic preservation zoning, including representatives from various areas of the country, concluded that in all the studies done there could be found no adverse effects on neighborhoods which had historic preservation zoning. Ms. Turnbo declared that while HP overlay may be new to Tulsa, it is not new to most citizens. She reported on results from the studies indicating that in those areas zoned HP, property values increased along with values of properties abutting the HP properties and also commercial businesses on the fringe because of people becoming aware of the district and their desire to visit the area. These areas are used as an economic tool, as tour sites for visiting groups and to draw business into the city. Ms. Turnbo addressed comments made regarding controls on property and pointed out that all properties have some sort of control regarding setback, side yards, building standards, etc. Ms. Turnbo reported on the makeup of the Tulsa Preservation Commission. Ms. Turnbo addressed concerns over ordinary maintenance of properties in the HP overlay district.

Ms. Wilson, who had served three years as the TMAPC representative to the Tulsa Preservation Commission, recounted an instance where an out-of-state property owner in the Gillette area applied for a COA. She recalled that the process moved smoothly and there were no hold-ups. Ms. Wilson reported that the Commission later received a letter from the property owner expressing his appreciation at how quickly the process proceeded and for the help attained from the Commission. Ms. Wilson asked Ms. Turnbo to report on other COA's which have appeared before the Commission.

Ms. Turnbo advised that no other COA's have been received, but they are aware that there may be several received from the Maple Ridge area. She declared that the Commission is aware that no one wants delays and they will do all they can to ensure that there are none. Ms. Turnbo advised that the COA is reviewed by Staff and a Subcommittee of professional members of the TPC to ensure that this is a smooth process.

**Sharry White** **1518 S. Gillette 74104**
Ms. White, resident of the Gillette Historic District, cited an example of an area resident wishing to build an addition to her house. Ms. White reported on the speed with which the process worked. Ms. White stated that as a Board of Adjustment member, she attended the 12th Annual Zoning Institute in Orlando, Florida. She attended the session on Historic Preservation Ordinances, noting that speakers were from the National Trust and they discussed the proper procedure to follow. Ms. White advised that Tulsa has followed that process. Ms. White recounted that she has received many phone calls from residents in older neighborhoods experiencing infill development and requesting her assistance. She advised the only avenue open to assure the architectural and historical integrity of the neighborhood is HP overlay zoning, and she encourages concerned citizens to follow this route.

**Roger Erker** **Tulsa Preservation Commission 74105**
Mr. Erker, the Realtor member of TPC, expressed support of HP overlay zoning. He advised that the Tulsa Board of Realtors was involved in the drawing of the HP Ordinance in 1988, and have a reputation for being great defenders of property rights. Mr. Erker advised that, initially, there was concern that there may be some violation of property rights, but they have since discovered that this has been an improvement to the area.

Interested Parties Not Wishing to Address the Planning Commission
**Edwina Ostapowich** **3240 S. 101st St.**
**Linda Walker** **1720 S. Madison**

There being no further comments from the public, Chairman Doherty declared the public hearing closed.

TMAPC Review Session
Chairman Doherty suggested examining the Design Guidelines for commercial property with the proposed HP district.

Mr. Stump advised that Ms. Turnbo has informed him that the Guidelines proposed do not relate to nonresidential structures. This includes those areas from 17th Place to 15th Street which front Peoria. Mr. Stump indicated on the map the commercial area which would be excluded, and the property on the west side of Cincinnati, north of 19th Street and Lee Elementary School. Mr. Stump suggested the entire area west of Cincinnati between 19th and 18th Streets be excluded, all properties east of Owasso between 17th Street and 17th Place and the half-block that fronts Peoria to the north of 17th Street.

Ms. Wilson noted that the Maple Ridge area meets the HP zoning requirements listed in the Code. She expressed confidence in the process.
Mr. Parmele noted that the majority of the area is in favor of the HP overlay and feels that all in the area will benefit from the change.

Commissioner Dick advised that the HP designation is already in place; the Planning Commission is trying to determine if this area will fit. He noted that this area does fit the delineation. He stated that it is not an issue of those currently residing in the area, but protection of those in the future.

**TMAPC Action; 9 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge "absent") to recommend **APPROVAL** of Z-6378 and the accompanying "Design Guidelines" for HP Overlay Zoning for the Maple Ridge area, with the exception of the properties previously delineated by Staff.

**LEGAL DESCRIPTION**

All of Blocks 1, 2, and 5 thru 12, South Side Addition; All of Blocks 16 and 17, Second South Side Addition; All of the Maple Ridge Addition, All of the Maple Heights Addition; All of Blocks 5, 6, and 7, Maple Park Addition; All of Block 3, 5, 8, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Amended Morningside Addition; Lots 13 thru 24, Block 6, Lots 13 thru 24, Block 7, and Lots 5 thru 15 and the south 20' of Lot 4 in Block 2 all in Amended Morningside Addition; Lots 4 thru 17, Block 1, Maple Park Addition: Lots 1 and 6, Block 4, Maple Park Addition; Lot 1, Block 24, Amended Morningside Addition; and Lots 9, 10, 11, 12, 13, and the South 5' of Lot 14, Block 1, Morningside Addition, From RS-3, Residential Single-family High Density, RM-1, Residential Multi-family Low Density, RM-2, Residential Multi-family Medium Density, OL, Office Low Intensity, OM, Office Medium Intensity and CS, Commercial Shopping Center To: RS-3, Residential Single-family High Density, RM-1, Residential Multi-family Low Density, RM-2, Multi-family Medium Density, OL, Office Low Intensity, OM, Office Medium Intensity, CS, Commercial Shopping Center with supplemental HP: Historic Preservation District. The above described property being approximately located between the old Midland Valley Railroad Right-Of-Way on the west, Peoria Ave. to the east, 15th Street on the north and 21st Street on the south.

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ZONING PUBLIC HEARING

Application No.: **Z-6390** Present Zoning: RM-0
Applicant: Terry Davis Proposed Zoning: RS-3
Location: East and south of the southeast corner of 101st Street South and Delaware Avenue.
Date of Hearing: February 17, 1993
Presentation to TMAPC:

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use except a 150' strip abutting CS on the southern portion of the tract, which is Medium Intensity -- No Specific Land Use.

According to the Zoning Matrix the requested RS-3 District is in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 11.2 acres in size and is located east and south of the southeast corner of 101st Street South and Delaware Avenue. It is nonwooded, flat, vacant, and is zoned RM-0.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property zoned RM-0 and PUD 306-A; on the east and south by vacant property zoned RS-3; on the northwest by vacant property zoned CS; and on the west by vacant property zoned RM-0.

**Zoning and BOA Historical Summary:** CS zoning with a 300' wrap-around of RM-0 is presently in place at the node of 101st and Delaware Avenue. Beyond the RM-0 wrap-around, the undeveloped land is zoned RS-3.

**Conclusion:** By rezoning this tract to RS-3, single-family dwellings would potentially be developed immediately abutting commercial development to the north and west. This is a less than desirable situation; however, under the existing zoning (RM-0) single-family dwellings could also be developed.

Therefore, Staff recommends **APPROVAL** of Z-6390 for RS-3 zoning.

Staff Comments

Mr. Gardner expressed concern over the single-family homes being adjacent to commercially-zoned properties with no buffering between them. He advised that the Planning Commission may want to notify residents when they review the subdivision plat.

There was discussion among the Planning Commission regarding notification of residential property owners in the area.

There were no interested parties present.

**TMAPC Action; 9 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Midget "absent") to recommend **APPROVAL** of Z-6390 for RS-3 zoning as recommended by Staff.

**LEGAL DESCRIPTION**

The East 300' of the West 960' of the North 960' and the South 300' of the West 660' of the North 960' of the NE/4, Section 29, Township 18 North, Range 13 East, I.B.M. in Tulsa County Oklahoma; containing 11.2 acres, more or less.

Ms. Wilson requested that the minutes reflect the concern of the Planning Commission over future platting of this tract so near commrcial properties, so that when this returns for plat approval those on the Planning Commission at that time will be aware of this concern.

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**CONTINUED OTHER BUSINESS:**

**PUD 190-32** Minor Amendment and Detail Site Plan for a temporary building for plant sales accessory to the Price Mart grocery store.

The requested 48' x 20' temporary building would be placed at the southeastern corner of the shopping center parking lot. It will occupy an estimated 12 parking spaces, and the floor area of the temporary building would require 5 additional parking spaces.

The parking lot and stores in the shopping center are arranged such that it actually functions as two separate centers divided into an east and west side. Currently there are 378 spaces provided on the east side of the center where the temporary building is proposed, and with the current mix of tenants, 349 spaces are required not counting the vacant shop spaces. If the vacant spaces are occupied with Use Unit 13 or 14 uses, 356 parking spaces would be required. Therefore, if the east side of the shopping center is considered separately from the west there will still be sufficient off-street parking. The west side of the shopping center has approximately a 40% vacancy rate, but if it were completely occupied, it would not have sufficient parking spaces as required by the code. Also if the eastern portion of the shopping center's tenant mix changed to include more restaurants, it would not have sufficient parking.

Because of this, Staff can only support the use of this temporary building from March 1 to June 30 of this year. In later years, the parking spaces covered by this temporary building may be needed for required off-street parking.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Neely "absent") to **APPROVE** of PUD 190-32 as recommended by Staff for the period of March 1 to June 30, 1993.

Chairman Doherty instructed Staff to transmit a memo to the applicant cautioning of the possible deficiency should the center be further developed.

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**OTHER BUSINESS:**

**PUD 489-1** Minor Amendment - northeast corner of Mingo Road and 71st Street South

The applicant is requesting the following amendments to PUD 489:

1. To change the Development Area designations contained in PUD 489 and in the Corridor Site Plan Development Standards for 71 Mingo Center from Development Areas A, B, and C to Lots 1 through 6 inclusive, all as shown on Exhibit "A" attached hereto.

2. To assign to the revised Development Areas, Lots 1 through 6 inclusive, the Development Standards for each lot shown on Exhibit "B" attached.

3. To increase the maximum building height permitted in Lots 1, 3, and 6 of the attached Exhibit "A" from 35′ to 40′. The maximum building height in Lot 2 shall remain at 35′ and in Lots 4 and 5 shall remain at 24′.

4. To modify the interior Development Area of lot line minimum building setbacks to provide that all interior lot line minimum building setbacks shall equal 0′ **EXCEPT** that:

   (a) the minimum building setback for Lot 1 shall be 60′ from the south property line thereof;

(b) the minimum building setback for Lot 4 shall be 30' from the north, east and south property lines thereof; and

(c) the minimum building setback for lot 5 shall be 30' from the north and east property lines thereof.

5. To clarify the meaning of the term "accessory open area structure" as used in PUD 489 and in the Corridor Site Plan Development Standards for the subject property and as used herein by stating that any such structure may have a roof, but may not have floor-to-roof walls. Greenhouses for plants and vegetation may be situated within any accessory open area structure.

6. To provide that the minimum landscaping required in 71 Mingo Center shall be 10% of the net land area of the entire property included within 71 Mingo Center and to delete any landscape requirement for a particular Development Area or lot within the 71 Mingo Center project.

Staff finds all of the amendments except number 6 to be in keeping with the original PUD. Staff recommends amendment number 6 not be approved as proposed due to the difficulty of administering such a requirement. Staff would recommend instead that the landscaping requirement be delineated by lot, as shown in Exhibit B. With this modification, Staff recommends **APPROVAL** of minor amendment PUD 489-1.

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**DETAIL SITE PLAN FOR LOTS 1,2, AND 3**

Staff has reviewed the proposed site plan and finds Lots 1 and 3 to be in conformance with the PUD conditions. Lot 2 is presently proposed for 1,200 SF of Use Unit 12 and the remainder Use Units 13 and 14. Lot 2 alone does not have sufficient off-street parking if any portion of the retail space is used for Use Unit 12 uses. There is, however, surplus space on Lot 3. Therefore, if a cross parking agreement is incorporated into the covenants of the plat, Lots 2 and 3 parking area could be considered a common parking area. This would then comply with the off-parking requirements of the PUD chapter. With this condition, Staff recommends **APPROVAL** of the Detail Site Plan for Lots 1, 2, and 3 with Use Unit 12 uses limited to 1,200 SF of floor area in Lot 2.

The applicant expressed agreement with Staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Neely "absent") to **APPROVE** PUD 489-1 Minor Amendment and PUD 489 Detail Site Plan for Lots 1, 2, and 3 including the common access roads, both as recommended by Staff.

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**STAFF RECOMMENDATION**

**PUD 480-2** Minor Amendment - northeast corner of 41st Street South and Peoria Avenue

The applicant is requesting a minor amendment to increase the permitted floor area in the grocery store from 47,533 SF to 48,962. This additional floor area would be taken from that allocated to the restaurant site. With this reduction the floor area would not be sufficient for a restaurant. Therefore, this use would be deleted and the 788 SF of building area would be reserved for smaller commercial uses, such as an automatic teller building, photo development kiosk, etc., subject to detail site plan approval. The increase in the floor area of the grocery store is so that shopping cart storage areas can be inside and to account for an electric equipment room, which was erroneously omitted from the building area tabulation.

Also, a reduction in the setback from the east boundary of the PUD for trash receptacles is requested. The current setback is 50' and the applicant is requesting this be reduced to 15'.

Staff is supportive of the transfer of floor area and can support the reduction in setback for the trash compactor for the specific site shown on the accompanying Detail Site Plan. At this location, the compactor is screened from the residential area by the maintenance building to the east and the grocery store building to the north. Therefore, Staff recommends **APPROVAL** of the minor amendments requested with the added condition that the reduction in setback of the trash compactor is only for the location and building arrangement shown on the Detail Site Plan submitted with the request.

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**Detail Site Plan Approval**

Staff has reviewed the revised site plan and finds it to be in conformance with the PUD conditions, if minor amendment PUD 480-2 is approved.

Interested Parties

**Dorothy Watson** **4108 South St. Louis 74105**
**President, Brookside Neighborhood Assn.**

Ms. Watson asked for assurance that the building will fit within the design plan and asked if those residing in nearby apartments were notified.

Mr. Stump advised that all residents within 300' were notified, and the location of the trash compactor is such that it is blocked from view of the dwellings to the east by a maintenance building and the main Albertson's store.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Neely "absent") to **APPROVE** PUD 480-2 Minor Amendment and Revised Detail Site Plan as recommended by Staff.

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**PUD 360-A** Revised Detail Sign Plan for McDonald's Restaurant - northwest corner of 91st Street South and Memorial Drive

The Staff has reviewed the proposed new ground sign for the McDonald's Restaurant and finds it to comply with the PUD conditions. Therefore, Staff recommends **APPROVAL** of the revised Detail Sign Plan for a ground sign.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Neely "absent") to **APPROVE** 360-A Revised Detail Sign Plan for McDonald's Restaurant.

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There being no further business, the Chairman declared the meeting adjourned at 3:20 p.m.

Date Approved: 3-3-93

Chairman

ATTEST:

Secretary