

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1991

Wednesday, September 21, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

## Members Present

Ballard  
Carnes, 2nd Vice  
Chairman  
Doherty  
Gray  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Pace  
Parmele  
Chairman  
Wilson

## Members Absent

Harris

## Staff Present

Gardner  
Hester  
Jones  
Stump

## Others Present

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, September 19, 1994 at 8:14 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 1:40 p.m.

## Minutes:

### Approval of the minutes of September 7, 1994, Meeting No. 1989:

On **MOTION** of, **CARNES** the TMAPC voted **10-0-0** (Ballard, Carnes Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; "abstaining"; Harris "absent") to **APPROVE** the minutes of the meeting of September 7, 1994 Meeting No. 1989.

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## **REPORTS:**

### **Chairman's Report**

Chairman Parmele announced that CZ213 had been continued to this date; however, it was inadvertently left off today's agenda.

### **TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONTINUE** CZ213 to September 28, 1994.

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### **Committee Reports:**

Ms. Wilson announced that the Budget and Work Program Committee met in work session today to review the training session agenda and consider the items submitted by Paula Hubbard, Zoning Official, to permit administrative approval of certain items currently approved by the Board of Adjustment for consideration under *Special Studies* on initiation by TMAPC. She informed that Staff has agreed to prioritize the six suggestions.

### **TMAPC Action; 9 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONSIDER** the items presented by Paula Hubbard under *Special Studies* in the TMAPC Work Program for FY95.

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### **Comprehensive Plan Committee**

Mr. Neely reported that the Comprehensive Plan Committee did not have a quorum; however, they discussed the 1994 Housekeeping Amendments to be considered at public hearing September 28, 1994 and there was consensus that they were in order. He informed that the St. John Special District Boundary change was discussed. Mr. Neely anticipates a recommendation to come from the Comprehensive Plan Committee work session scheduled for October 19. Mr. Neely revealed that during today's meeting there was concern expressed over the verification process for surveying residents in neighborhoods applying for HP zoning.

### **Rules and Regulations Committee**

Mr. Doherty reported on preliminary discussions over accommodating Ms. Hubbard's request on items currently sent to the BOA. Regarding HP zoning canvassing of the neighborhood, he disclosed concern that an advocacy group would be in charge of the process. Mr. Doherty informed that it was the consensus of committee members that this procedure needs to be reconsidered.

Ms. Wilson revealed that as HP zoning is currently routed through the Preservation Commission, which prepares or causes preparation of the report and map. She informed that it was intended that the Preservation Commission, which is staffed by Urban Development, would tally the results and prepare the report based on neighborhood canvassing. Ms. Wilson declared that it is incumbent upon Urban Development and the Preservation Commission to review the information presented from the neighborhood. She disclosed that it was never intended that all the information be brought in by the residents without confirming documentation. Ms. Wilson expressed disappointment in hearing how this information is being accumulated.

Director's Report:

Mr. Gardner reported on the items to appear on the City Council agenda for September 22, 1994.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Hyde Park North (PUD-455)(383)**

**(PD-18)(CD-7)**

North of the northeast corner of East 71st Street South and South Yale Avenue.

Jones presented the plat with no representative in attendance at the TAC meeting.

Miller recommended that the strip of land in the handle to East 68th Street between the property line and the mutual access easement be designated as a general utility easement.

Rollins stated that stormwater detention for this tract was provided for in Hyde Park Second.

Jones stated that if approved, a waiver of the Subdivision Regulations would be required to permit the plat to be drawn at a 1"=40' scale.

Hyde Park North is a 4.7-acre commercial subdivision which is under the control of PUD-455. The plat is a continuation of Hyde Park which is located on the corner of 71st and Yale.

Staff would offer the following comments and/or recommendations:

1. Show setbacks as approved under original PUD unless amended by TMAPC.
2. All conditions of PUD-455 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.
3. 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 shall be tied to or related to property line and/or lot lines.

4. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
5. 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 owner(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
7. 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 the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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.)

19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **HYDE PARK NORTH**, subject to all conditions listed above.

Mr. Jones informed that there is discussion over utilizing the two easternmost lots for off-street parking for an existing office building which abuts the tract to the east. He informed that the original PUD established a substantial front setback from Yale because of a large depression which was to be used as a detention area. Mr. Jones informed that the applicant is in the process of amending the PUD through a minor amendment. He explained that detention in Hyde Park was placed in the northwest corner and provisions were made for drainage from Hyde Park North to flow northeast; therefore, there is no longer the need for the large detention area along the front of Yale.

Mr. Doherty asked if there would be a problem having one setback line for the plat with a separate setback in the PUD conditions.

Mr. Jones disclosed that in the past there has typically not been a problem with allowing the preliminary plat to proceed with something this minor. He revealed that the plat meets the remainder of the PUD conditions and that the final plat will show final setback lines.

Mr. Ledford explained that in redeveloping Hyde Park II, hydrology reports were found to be in error. He explained that the detention facility will accommodate all the improvements on 71st and Yale and requested that the Yale frontage be recovered.

Chairman Parmele noted that this item is an extreme departure from the original PUD and the applicant should consider advertising this item as a major amendment.

Mr. Gardner reminded the Planning Commission that Staff did not support the original application, and the Planning Commission in compromise placed a strong emphasis on the fact that there would be a large amount of open space, setback and expanse between the street and these lots.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** the **PRELIMINARY PLAT** of Hyde Park North and to **WAIVE** the Subdivision Regulations to permit a 1"=40' scale subject to conditions recommended by Staff.

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**Heidinger Addition (784)**

**(PD-18)(CD-8)**

Northwest corner of East 81st Street South and the Mingo Valley Expressway

Jones presented the plat with no representative in attendance at the TAC meeting.

Miller stated that there is a 10' easement along the south portion of the subject tract which should be identified and shown with the book and page.

Miller mentioned to ask Sack about the capacity of the lift station. Edwards stated that a sewer line existed to the subject tract but was not sure of the capacity.

Heidinger Addition is a one-lot subdivision consisting of 1.49 acres and an underlying zoning of *CO* (Corridor). The only use permitted by the corridor site plan, Z-6174-SP-1, is restaurant. This plat was reviewed and given preliminary plat approval on September 5, 1990 and expired one year later.

Staff would offer the following comments and/or recommendations:

1. The provisions of the TMAPC site plan approval limit the building setbacks to the existing structure. Show outline of building in dashed lines with notation that building lines limited to existing structure and sufficient dimensions to plot the same if needed.
2. All conditions of Corridor Site Plan Z-6174-SP-1 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat.
3. 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 shall be tied to or related to property line and/or lot lines.
4. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
5. 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 owner(s) of the lot(s).
6. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
7. 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 the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic)/County Engineer. Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided 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.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. This plat has been referred to Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
21. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **HEIDINGER ADDITION**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** the PRELIMINARY PLAT of Heidinger Addition subject to conditions recommended by Staff.

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**Oakview Terrace (2093)**

**(PD-6)(CD-9)**

Northeast corner of East 38th Street South and South Atlanta Place

Jones presented the plat with Greg Breedlove and Ron Spencer in attendance at the TAC meeting.

Cotner stated that a reproduction of the plat is required for addresses.

Dixon recommended that the mutual access easement be extended into Lot 1 approximately 25 feet.

Pierce noted the additional easements needed to serve the property.

Fields pointed out that water and sewer lines will need an extension for service.

Dixon recommended arrows on the plat to identify the mutual access easement.

Oakview Terrace has been reviewed by TAC with various configurations both including and excluding the 11' strip on the west side. This latest design provides for five lots and excludes the 11' strip. Since Lots 1, 2 and 3 have no frontage on a public street, either a PUD or Board of Adjustment approval will be required.

Staff would offer the following comments and/or recommendations:

1. PUD or Board of Adjustment approval for frontage on Lots 1, 2 and 3.
2. 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.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
4. 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).
5. 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.



6. 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.
  7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
  8. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
  9. Street names shall be approved by the Department of Public Works and shown on plat.
  10. All curve data, including corner radii, shall be shown on final plat as applicable.
  11. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
  12. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
  13. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
  14. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
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15. 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.
  16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
  17. The key or location map shall be complete.
  18. 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.
  19. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
  20. 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.

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

On the **MOTION** of **DIXON**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** for **OAKVIEW TERRACE**, subject to all conditions listed above.

Jones reminded the applicants that this plat would not be transmitted to the TMAPC until the PUD ordinance is published.

Mr. Jones informed of receiving several telephone calls expressing concern over resolving the stormwater issue. He explained that all the engineering studies would have to be approved before release of the final plat.

Mr. Doherty inquired where the negotiations stand regarding the 11' strip.

Mr. Jones replied that he was unaware of any ongoing negotiations. He informed that Pam Deatherage, Planning District 6 Chair, expressed opposition to having a driveway paralleling a street to provide access. However, unless the 11' strip is obtained, nothing else can be done.

Mr. Doherty expressed hope that the issue over the 11' can be resolved before development.

Mr. Jones pointed out that when the PUD was approved, the Planning Commission established setbacks; however, when this plat was processed through TAC, the setbacks were not reflected. He noted that the new plat will have to reflect increased setbacks.

There were no interested parties in attendance.

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**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") **APPROVE** the **PRELIMINARY PLAT** of Oakview Terrace subject to conditions recommended by Staff.

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**PLAT WAIVER, SECTION 213:**

**BOA-16774 (Unplatted)(3294)**  
5601 South Garnett Road

**(PD-17)(CD-5)**

Jones presented the request with no representative in attendance at the TAC meeting.

Board of Adjustment Case BOA-16774 is a request to permit a residential treatment center, existing HOW Foundation, in an *IL* zoned district. A request to connect two existing buildings with a single-story addition is proposed. The subject tract is currently owned by the City of Tulsa.

Staff recommends **APPROVAL** of the plat waiver for BOA-16774 subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **BOA-16774**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, "absent") to **APPROVE** the PLAT WAIVER for BOA 16774 as recommended by Staff.

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**BOA-16786 (Southeast Tulsa Industrial District)(3194)**  
9731 East 54th Street South

**(PD-17)(CD-5)**

Jones presented the request with Dean Cosgrove and Bill Miller in attendance.

Lot-split number L-16248 approved in July 1984 permitted the splitting of Lot 15, Block 1 into its present configuration. The applicant is now requesting to permit church use in an existing building which was approved by the Board of Adjustment on September 13, 1994. Since the property is platted and under 2.4 acres in size, Staff is supportive of the requested plat waiver.

Staff recommends **APPROVAL** of the plat waiver for BOA-16786 subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On the **MOTION** of **GARRISON**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **BOA-16786**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") **APPROVE** the PLAT WAIVER FOR BOA 16786 as recommended by Staff.

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**BOA-16792 (Wakefield)(693)**  
2103 East 3rd Street South

**(PD-4)(CD-4)**

Jones presented the application with David Stumpff in attendance at the TAC meeting.

Board of Adjustment Case BOA-16792, which will be heard on September 13, 1994, will consider placing a crematory in an existing funeral home located in a *CH* zoned district. The subject tract is approximately 0.5 acre in size and platted. Fifty feet of right-of-way exist along the north side of East 3rd Street South.

Based on these conditions, Staff recommends **APPROVAL** of the plat waiver for BOA-16792, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PLAT WAIVER** for **BOA-16792**, subject to all conditions listed above.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, "absent") to **APPROVE** the **PLAT WAIVER** for BOA-16792 as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

Heater Specialists (2103)

**(PD-2)(CD-3)**

North of the northwest corner of N. Toledo Ave. & Gilcrease Expressway

**Staff Comments**

Mr. Jones advised that all releases have been received and Staff was recommending approval subject to the Legal Department's final approval of the Deed of Dedication..

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, "absent") to **APPROVE** the FINAL PLAT of Heater Specialists and **RELEASE** same as having met all conditions of approval as recommended by Staff, subject to the final approval of the Legal Department.

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## **LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

<u>L-17929 Devona S. Martin (Robert Parker)(2292)</u> 2809 W. 39th St.	(PD-9)(CD-2) RS-3
<u>L-17932 Rollen Lee/Martha Lee Spencer (W. Little)(2013)</u> 8919 N. Harvard Ave.	(PD-12)(County) AG
<u>L-17940 Gary W. Good (874)</u> 13331 S. 121st E. Ave.	(PD-19)(County) AG
<u>L-17941 Eddie Lyle Hardgraves (Larry Thomas)(590)</u> East of Coyote Trail on Lake Keystone	(PD-23)(County) AG
<u>L-17943 James &amp; Dena Dye (3691)</u> 8910 W. 51st St.	(PD-23)(County) AG
<u>L-17948 Liberty Bank (Mike Wood)(794)</u> 1140 S. 107th E. Ave.	(PD-5)(CD-5) CS
<u>L-17949 James &amp; Norma Torchia (Roy Johnsen)(2783)</u> West of the southwest corner of E. 101st St. S. & S. Sheridan Rd.	(PD-26)(CD-8) RS-3
<u>L-17951 Superior Hard-Surfacing Company (Bill Lewis)(1092)</u> 2835 W. 21st St.	(PD-9)(County) IM
<u>L-17954 Darren &amp; Deborah Brown (Stephen Rankin)(1614)</u> 12904 E. 100th St. N.	(PD-15)(County)
<u>L-17955 Mike Bartlett (Dwayne Wilkerson)(883)</u> 7535 S. Gary Pl.	(PD-18)(CD-2) RS-2
<u>L-17956 Lynda Anne Bishop Trust (Kenneth Cox)(883)</u> 7121 S. College	(PD-18)(CD-2) RS-1

### **Staff Comments**

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

### **TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

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## **CONTINUED ZONING PUBLIC HEARING:**

Application No.: **Z-6451/PUD 516**

Applicant: Roy Johnsen

Location: SE/c of East 101st Street South & South Yale Avenue.

Date of Hearing: September 21, 1994

Present Zoning: AG

Proposed Zoning: CS, RS-4 & PUD

Chairman Parmele announced receipt of a request that this application be continued for one week to allow interested parties and the applicant additional time to reach a compromise.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONTINUE** Z-6451/PUD-516 to September 28, 1994.

\* \* \* \* \*

**PUD-378-1:** Minor Amendment to Block 1 of Albertson's Center - southwest corner of East 101st Street South and South Memorial Drive

The applicant is requesting approval for the following amendments to the PUD:

1. To allow 0' street frontage - Lot 3, Block 1
2. To allow 30' street frontage on Memorial Drive - Lot 2, Block 1
3. Reallocation of floor area as follows: (currently 217,800 SF)

Dev. Area 1	Lot 1	Block 1	17,742 SF
2	2	1	128,164
3	3	1	21,675
4	4	1	16,585
5	5	1	17,717
6	(Unplatted)		15,917
Total SF=			217,800 SF

Staff has reviewed the requests and has determined that Lot 3 is adequately served by the internal circulation system; Lot 2's Memorial frontage is sufficient for adequate access and the lot has sufficient frontage on 101st Street; the owners of the affected lots approved of the floor area reallocation.

Therefore, Staff recommends **APPROVAL** of the amendments as requested.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, "absent") to **APPROVE** PUD 378-1 MINOR AMENDMENT as recommended by Staff.

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## **ZONING PUBLIC HEARING:**

Application No.: 179-O-4  
Applicant: John Moody  
Location: 9006 East 71st Street South  
Date of Hearing: September 21, 1994

Chairman Parmele announced receipt of a letter from the applicant requesting that the Planning Commission reopen and reschedule this application. The applicant was not present at last week's public hearing, where the Planning Commission denied the application.

There were no interested parties in attendance.

### **TMAPC Action; 9 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **RECONSIDER** PUD-179-O-4 MINOR AMENDMENT.

### **MOTION PASSED.**

### **TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") **HEAR** PUD-179-O-4 MINOR AMENDMENT on September 28, 1994.

\* \* \* \* \*

## **OTHER BUSINESS**

**Alternative Compliance:** Detail Landscape Plan - QuikTrip - northeast corner of East 91st Street South and South Yale Avenue

The applicant is requesting approval of an alternative form of compliance to the requirements of the Landscape Ordinance. At issue is the fact that five (5) parking spaces are more than 50 feet from a landscaped area.

Staff review of the application has determined that the proposed plan shows 56 parking spaces for 4,000 square feet of floor area (1 per 71 SF). Required parking per the Zoning Code for this use is 18 spaces (1 per 225 SF).

Staff understands the intent of the Landscape Ordinance to attempt to mitigate the physical and visual impacts of large expanses of asphalt and other hardscape materials.

While the proposed plan does include landscaped area in the streetyard which is significantly larger than that required by the Ordinance, it is Staff's opinion that the plan as presented does not conform to the intent of the Ordinance.

Staff recommends that 1 parking space be removed from the north and south sides of the structure and a landscaped area (with tree by definition) be included. The net loss of parking will be two (2) spaces, decreasing parking to floor area ratio to 1 space for every 74 square feet.

Staff recommends **DENIAL**.

#### Applicant's Comments

Joe Westervelt

Mr. Westervelt explained that due to width expansion of the structure by 16', there is a problem complying with the landscape ordinance regarding trees being within 50' of marked parking places. Because of the intense activity that occurs on these small sites, he explained that placing a tree well in such a high traffic area (near the entrance to the building) is not practical; therefore, he is seeking alternative compliance. He revealed that the proposed landscaping far exceeded requirements. Mr. Westervelt informed that they met the required number of trees in and outside the street yard, and added landscaping to the beds to create enough mass and green to meet alternative compliance. He gave a detailed description of additional plantings in order to meet alternative compliance. He disclosed that QuikTrip anticipates constructing more stores such as this and expects to again file similar requests for alternate compliance.

There was considerable discussion among the Planning Commission as to whether this application meets the intent of the landscape ordinance.

Ms. Wilson explained that the concept of the landscape plan was to provide a canopy of shade to break down the heat produced by asphalt. She expressed opposition to this type of alternative compliance, because functionally it is not accomplishing what was intended.

Mr. Westervelt understood that in large parking lots, this ordinance would break up the large areas, but in small sites of under one acre, which are high-traffic generators, a tree well would not have the same effect. He explained that the trees needed to meet the letter of the law would be located very close to the front sidewalk of the building where there is a tremendous amount of traffic. He declared that the difference between the expanse of this tract and a large parking lot is proximity to the intensity of use. Mr. Westervelt informed that they are trying to meet the intent. He explained the importance of visibility across the parking lot, a high traffic area for the store manager, and this is the only way they could come up with after conferring with Staff.

#### TMAPC Comments

Mr. Doherty noted that the "sea-of-asphalt" was referring to parking lots such as shopping centers where there is a large expanse of asphalt and where individuals must walk a long distance from their vehicles to the front door. He does not envision this development as a sea-of-asphalt, but as a small convenience store parking lot, and planting trees on the interior of the lot does not benefit individuals going from their vehicles to the front door. Mr. Doherty deems that the City is better served, as are the individuals driving along the street,

by greater landscaping and more of it in the street yard, setting that building apart from the street and providing more open and green space to a greater number of people.

Mr. Westervelt explained that this is a two-sided store which sits on an out parcel, and those on the outside of the facility encourage an esthetically pleasing building rear which has parking lots and a rear door so they do not look into a blank side of a building. If this store were not two-sided, a tree could be placed at the rear of the building and it would satisfy the requirement to make every parking space within 50' of a landscaped area.

Mr. Neely asked if there was a minimum caliper requirement for the trees.

Mr. Westervelt informed that they meet the required size; however, they are finding from a public safety standpoint that this ordinance will force developers to look to even more mature trees because the low limbs of a tree can interfere with visibility.

Mr. Stump informed that the applicant proposes to install massive planting of shrubbery where the landscape ordinance requires no shrubs. He suggested that rather than fixing on trees, to consider the shrubbery and other plant materials, an important factor in the effect of the landscaping. Mr. Stump agreed that maintaining trees in a high-traffic, high-pedestrian traveled area makes it difficult to expect them to grow properly. Mr. Stump advised that with the amount of plant materials being proposed, Staff can support this as a good alternative.

**TMAPC Action; 10 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-2-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Pace, Parmele "aye"; Neely, Wilson "nay"; no "abstentions" Harris, "absent") to **APPROVE** the **ALTERNATIVE COMPLIANCE LANDSCAPE PLAN** for the QuikTrip store at the northeast corner of 91st Street South and Yale Avenue as presented.

\* \* \* \* \*

**PUD-468** Detail Sign Plan - Taco Cabana - Lot 9 of Sam's Center - 9311 East 71st Street South.

The applicant requests approval for one ground sign, five directional signs, two wall signs (one identification and one direction), and two menu signs.

Staff has reviewed the request and finds that the ground sign, directional signs and wall signs comply with PUD standards. The two menu signs are considered to fall under Section 1221.4.d - signs not included in display surface area, not visible from public streets.

Staff recommends **APPROVAL** of the signs as proposed.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 468 DETAIL SIGN PLAN as recommended by Staff.

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**PUD-431-A:** Detail Sign Plan - May's Drug Store - southwest corner of East 101st Street South and South Sheridan Road

The applicant requests approval for 2 directional signs, 1 ground sign, and 2 wall signs (1 each on the north and east facades).

The directional signs do not exceed 3 square feet each.

The wall signs do not exceed 1 square foot for each linear foot of wall.

The ground sign does not exceed 16' in height nor 180 square feet in area.

All signs fit within PUD standards; therefore, Staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 431-A DETAIL SIGN PLAN as recommended by Staff.

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**PUD-378:** Detail Site Plan - Albertson's Center - southwest corner of East 101st Street South and South Memorial Drive

The applicant is requesting a change in materials in the screening fence on the south side of the property from masonry to masonry columns and wood panels.

Staff review indicates that the previous approval of materials was not a standard of the PUD but came through the site plan review process.

The materials as proposed fulfill the intent of the existing PUD standards.

Therefore, Staff recommends **APPROVAL** of the materials revision as proposed.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 378 DETAIL SITE PLAN as recommended by Staff.

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**PUD-179-C:** Detail Sign Plan - San Francisco Style & Sun - portion of Lot 3, Block 1, Centre 71 - southeast corner of East 71st Street South and South Memorial Drive

The applicant is requesting approval of a wall sign on the east side of the building. The sign complies with PUD standards. Staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 179-C DETAIL SIGN PLAN as recommended by Staff.

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**PUD 468**      Detail Site Plan -Lot 2, Block 1, Sam's Center - north of the northwest corner of East 71st Street South and South Mingo Road.

The applicant requests approval of a third access to the China Chef restaurant, this third access to be located in the southwest corner of Lot 2, connecting to the mutual access easement.

Staff has reviewed the request and finds that the circulation concept for the PUD provides for one access onto the adjoining access easements from each lot, providing a maximum of two internal access points.

The request as submitted shows the proposed third access in close proximity to the intersection of two internal access easements.

Staff recommends **DENIAL** based on the location of the proposed access and the potential congestion of the easement. Staff finds the site access as previously approved to conform with the intent of the original circulation and access concept.

Mr. Stump informed that the applicant wants to add a driveway onto the access, and since the development immediately to the south has two points of access, Staff amends their recommendation and recommends **APPROVAL**.

Mr. Doherty questioned if this would create a staggered access, thereby creating a traffic hazard.

Mr. Stump explained proposed locations for the access and informed that the access roads are primarily for internal circulation.

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Interested Parties

**Bob Dail, Oklahoma Sign Company**

**2720 East King Place 74110**

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 468 **DETAIL SITE PLAN** as recommended by Staff.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:50 p.m.

Date Approved: 10/5/94  
[Signature]  
Chairman

ATTEST:

[Signature]  
Secretary

