

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1999

Wednesday, November 16, 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
Wilson

Members Absent

Harris
Parmele

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 Tuesday, November 15, 1994 at 11:40 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 1:30 p.m.

Minutes:

Approval of the minutes of November 2, 1994, Meeting No. 1997:

On **MOTION** of, **HORNER** the TMAPC voted **5-0-1** (Doherty, Gray, Horner, Neely, Wilson "aye"; no "nays"; Ballard "abstaining"; Carnes, Harris, Midget, Pace, Parmele "absent") to **APPROVE** the minutes of the meeting of November 2, 1994 Meeting No. 1997.

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REPORTS:

Committee Reports:

Budget and Work Program Committee

Ms. Wilson announced that the Budget and Work Program Committee met today at 11:30 and deferred Staff's prioritizing of the list from Paula Hubbard to a future meeting; evaluated the 1994 Fall training session; decided to hold the Spring training workshop Tuesday, January 10, 1995, 6:30 p.m. to 8:30 p.m. at the Helmerich Center; the Committee decided that Planning District Chairs should continue to receive the applications for zoning and maps of the area and omit the copy of the legal description and platting requirement information, and the Committee agreed to include a one sentence description on the TMAPC agenda on PUDs to better inform the Chairs and the public.

Comprehensive Plan Committee

Mr. Neely announced that the Comprehensive Plan Committee met today and discussed amendments to the Kendall-Whittier Urban Renewal Plan which will be before the Planning Commission on November 30, 1994. The Committee also decided that the policies in the Development Guidelines are sufficient to determine whether infrastructure should be in place prior to zoning or platting.

Rules and Regulations Committee

Mr. Doherty reported that the Rules and Regulations Committee met today to consider the blanket rezonings in process. He informed that the Rules and Regulations Committee recommended that the Planning Commission initiate blanket rezoning for West Dawson.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget, Parmele "absent") to **INITIATE BLANKET REZONING** of West Dawson Neighborhood.

Mr. Doherty informed that the Rules and Regulations Committee also discussed amending the Zoning Code to provide for Bed and Breakfast establishments. The Rules and Regulations Committee voted to distribute this proposal to the Planning Team Chairs, appropriate regulation bodies and to set for public hearing at the earliest convenient time.

After discussion with Staff as to possible public hearing dates, the Planning Commission elected to hold the public hearing December 14, 1994.

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Director's Report:

Mr. Stump informed of adopted Zoning Amendments which are to be published regarding display of vehicles on paved areas and allowing the Planning Commission to delegate review of sign and landscape plans and amendments to site plans to Staff. He informed that these amendments will go into effect November 21, 1994. Mr. Stump reported on items to be heard by the City Council.

SUBDIVISIONS CONTINUED:

Consider "Partial Amendment to Certificate of Dedication" for Oaktree Pointe Estates

Mr. Jones reminded the Planning Commission that several weeks ago Mike Hackett made a presentation before the Planning Commission to consider amending a portion of the Restrictive Covenants of Gilcrease Hills and the villages associated with it. He noted that the Legal Department and Staff had concerns over details of the amendments. Mr. Jones informed that, as the Planning Commission recommended, Mr. Hackett met with representatives of the Legal Department and resolved the issues in question. Mr. Jones advised that the Legal Department has signed off, and therefore, Staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Parmele "absent") to **APPROVE** the **PARTIAL AMENDMENT TO CERTIFICATE OF DEDICATION** for Oaktree Pointe Estates as recommended by Staff.

PRELIMINARY PLAT:

Virah (3104)

(PD-16)(CD-6)

North of the northwest corner of the Mingo Valley Expressway & I-244

Jones presented the plat with Steve Mendenhall and Whit Mauzy in attendance at the TAC meeting.

Miller requested a 17.5' utility easement along Garnett and the south property line.

Mauzy asked if the easement along the south property line could be reduced to 11' and all were in agreement.

Somdecerrff pointed out an error in the legal description.

French requested the standard paragraph for limits of no access be added to the deed of dedication. Jones also pointed out that this portion of the plat has not been reviewed by the legal department at this time.

Virah is a one-lot commercial subdivision which contains 1.25 acres. The subject tract is zoned CS and is proposed for a motel.

Staff would offer the following comments and/or recommendations:

1. 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.
2. 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.)
3. 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).
4. 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.
5. 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.

6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. Street names shall be approved by the Department of Public Works and shown on plat.
8. All curve data, including corner radii, shall be shown on final plat as applicable.
9. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
10. 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.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. 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.

13. 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.)
14. 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.
15. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
16. The key or location map shall be complete.
17. 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.)
18. 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.)
19. This plat has been referred to Catoosa 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.
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 Virah, subject to all conditions listed above.

Applicant's Comments

Steve Mendenhall

4545 South Lewis

Mr. Mendenhall, agent for the Virah Corporation, informed that only one individual at the TAC meeting requested a 17.5' easement along the east property line and the applicant only wants to relinquish 11'. Mr. Mendenhall informed that on the Econolodge plat, to the south of the subject property, no easement was required on the east side. He feels that his client should not be required to relinquish easement on the east, but if it were mandatory, they would be willing to give an 11' easement. He presented the site plan and explained concern that should a 17.5' easement on the east be given, the swimming pool deck will be over the easement and they do not want to create a situation for potential problems. He declared that there is no need to grant the easement. Mr. Mendenhall presented copies of the plat to the south of the subject property. This plat shows that this easement was not a requirement

when that property was platted. He concluded that if the 17.5' easement was not required of the Econolodge property, then there is no need for his property to relinquish easement.

In response to Mr. Doherty's question, Mr. Jones informed that the reason for the requested easement is that a 17.5' perimeter easement is presently the standard requirement for all subdivision plats. He informed that there is no easement on the east side and the TAC was adamant that at least a 17.5' easement be required along the east side. The TAC did acquiesce on the south side. When Garnett is widened, they do not want to relocate those lines in the right-of-way of the street.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Parmele "absent") to **APPROVE** the **PRELIMINARY PLAT** for Virah as recommended by Staff.

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Colefax Hill (PUD-518)(1583)

(PD-18)(CD-8)

West of the northwest corner of East 91st Street South and South Sheridan Road.

Jones presented the plat with Roy Johnsen and Jerry Ledford in attendance at the TAC meeting.

Jones and Ledford discussed the possible relocation of streets with the 15% grade maximum.

Somdecerrff stated that complete curve data should be shown on the face of the plat.

Johnsen noted that the Fire Department had approved all cul-de-sac and turn-arounds.

Johnsen stated that Block 4 would contain only one lot.

Colefax Hill is a 60-lot subdivision that is proposed for both residential single-family use and office use (Blocks 1 and 4). The development will be served by private streets which have a maximum grade by the PUD.

Staff would offer the following comments and/or recommendations:

1. A waiver of the Subdivision Regulations is required to permit the plat to be drawn at a scale of 1"=60'.
2. A maximum grade of streets is 15%. Since no topography map was submitted, the engineer should assure that the condition is met.
3. Internal streets should be identified as private and proper language included in the Deed of Dedication to permit public access and private maintenance.

4. Change Block "C" to the number 5.
5. Show mutual access to west lot in Block 4. Show 20' north building line.
6. Identify plat as PUD-518 under title.
7. Two Block "2" exist on plat, change one Block to "3"
8. All conditions of PUD-518 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.
9. 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.
10. 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.)
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 owner(s) of the lot(s).
12. 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.
13. 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.
14. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
15. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
16. Street names shall be approved by the Department of Public Works and shown on plat.
17. All curve data, including corner radii, shall be shown on final plat as applicable.
18. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
19. 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.

20. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
21. 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.
22. 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.)
23. 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.
24. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
25. The key or location map shall be complete.
26. 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.)
27. 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.)
28. This plat has been referred to Bixby 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.
29. 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.)
30. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Preliminary Plat for Colefax Hill, subject to all conditions listed above.

TMAPC Comments

Mr. Doherty informed that the TMAPC have not yet defined "cul-de-sac", although the definition has been discussed and the approach will be the number of units on a designated length of road. He noted that this plat appears to be in excess of 500' allowed for a cul-de-sac.

Mr. Jones informed that issue was discussed at the TAC meeting, and since the outcome of the definition is uncertain, Traffic Engineering was supportive of the street pattern layout as

presented. However, if it was determined that the Planning Commission should declare that this plat needs a waiver, then Traffic Engineering would be supportive.

Interested Parties

Wayne Saterbak

9019 South Lakewood Court 74137

Mr. Saterbak wanted to ensure that the plat will incorporate step-curbs and that the street width will be 26'.

Mr. Doherty informed that the 26' street width is indicated on the plat; however, curbs would not be a plat provision but a PUD condition.

Jerry Ledford, Jr.

8209 East 63rd Place

Mr. Ledford informed of being aware of the barrier-curb requirement and is incorporated in the design. He informed that the streets have 30' right-of-way with 26' streets.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Parmele "absent") to **APPROVE** the PRELIMINARY PLAT for Colefax Hill and **WAIVER** of Subdivision Regulations of scale to allow 1" = 60' and **WAIVER** of cul-de-sac length as recommended by Staff.

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FINAL PLAT AND RELEASE:

Helmerich Estates (PUD-511)(1893)

(PD-6)(CD-9)

East of the northeast corner of East 31st Street & South Peoria Avenue.

Mr. Jones announced that Adrian Smith was present representing the plat. He disclosed that this is a residential plat, single-family subdivision with large lots. Mr. Jones announced that all release letters have been received and Staff recommends **APPROVAL**.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Parmele "absent") to **APPROVE** FINAL PLAT of Helmerich Estates and **RELEASE** same as having met all conditions of approval as recommended by Staff..

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PLAT WAIVER, SECTION 213:

Z-6463 (Unplatted)(493)

(PD-3)(CD-3)

Northwest corner of East Admiral Boulevard and North Yale Avenue.

Jones presented the application with Charles Norman in attendance at the TAC meeting.

Cotner stated that a 404 permit may be required from the Corps of Engineers.

Norman pointed out that the entire cemetery was platted in 1916 and that a lot-split for this tract was pending.

French stated that Traffic Engineering would have no recommendation in regards to the additional right-of-way dedication of East Admiral.

Z-6463 rezoned an approximate 5.13-acre tract from *RS-3* to *OM* (City Council approval pending). This request is to waive the platting requirements to construct a two-story 13,700 square foot funeral home.

Staff is not supportive of the requested plat waiver for the following reasons:

1. East Admiral Place is designated as a 100' Secondary Arterial and will need either additional right-of-way dedication or a waiver of the Subdivision Regulations.
2. Access control agreements will be needed for East Admiral Place.
3. Perimeter utility easements may be needed to serve the building.
4. Stormwater runoff may need to be reviewed due to the existing pond being filled.

Although all these concerns can be addressed in the waiver process by separate instrument, Staff feels the comprehensive review of the subdivision plat is in the best interest of the City.

After considerable discussion, on the **MOTION** of **COTNER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Plat Waiver for Z-6463 subject to all conditions listed above except right-of-way dedication.

Applicant's Comments

Charles Norman, attorney for the applicant, expressed agreement with Staff recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele "absent") to **APPROVE** the **PLAT WAIVER** for Z-6463 AND **WAIVER** of Subdivision Regulations for right-of-way.

PUD-206-B (Food Lion/Sheridan Road)(2283)

(PD-18)(CD-8)

South of the southwest corner of East 91st Street South & South Sheridan Road.

PUD-206-B is a major amendment to change the permitted use on this parcel from a grocery store to a Post Office. The 4.5-acre tract was platted in 1992 and Staff can see no reason for this property to be replatted. This administrative waiver (not seen by TAC) will satisfy Section 213 of the Zoning Code.

Staff recommends **APPROVAL** of the plat waiver for PUD-206-B with no conditions.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **APPROVE** PUD-206-B PLAT WAIVER as recommended by Staff.

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Z-5636-SP-2 (Town Centre II)(3094)

(PD-18)(CD-5)

East of the northeast corner of the Broken Arrow Expressway & the Mingo Valley Expressway

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

Pierce stated that the sign appeared to overhang a 20' utility easement and questioned if a sign permit could be issued by the City.

Somdecerff mentioned that the State may be buying additional right-of-way in the area.

This request is to waive the platting requirement on a platted lot to permit the rebuilding of an existing billboard. The property is subject to the platting requirements by virtue of the approved corridor site plan. Staff would view the use as interim and can see no benefit to the City since the tract is already platted.

Staff recommends **APPROVAL** of the plat waiver for Z-5636-SP-2 as presented.

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the Plat Waiver for Z-5636-SP-2.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele "absent") to **APPROVE** the PLAT WAIVER for Z-5636-SP-2 as recommended by Staff.

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CHANGE OF ACCESS ON RECORDED PLAT:

Mingo Commercial Center (3693)

(PD-18)(CD-7)

Southwest corner of East 51st Street South & South Mingo Road.

Staff Comments

Mr. Jones informed this is for an existing QuikTrip. He advised that Traffic Engineering has signed off on the plan and Staff recommends **APPROVAL** subject to the plan as presented.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele "absent") to **APPROVE CHANGE OF ACCESS ON RECORDED PLAT** for Mingo Commercial Center as recommended by Staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

<u>L-17971 Donald Arnold (J. Hughes)(893)</u> 2424 E. 16th St. S	(PD-6)(CD-4) RS-3
<u>L-17972 A. Siddigi.M. Akhtar (D. Winningham)(3392)</u> Northwest corner of W. 61st St. S. & S. 33rd W. Ave.	(PD-8)(CD-2) CS
<u>L-17980 First Choice Properties (P. McGuire)(3591)</u> 5202 S. 97th W. Ave.	(PD-23)(County) AG
<u>L-17982 Monte Dunham, etal. (L. Reynolds)(2283)</u> South of the southwest corner of E. 91st St. S. & S. Sheridan Rd.	(PD-26)(CD-8) CS
<u>L-17983 Bank of Oklahoma (N. Welsh)(2503)</u> 8833 E. Pine	(PD-16)(CD-3) CH/IL
<u>L-17984 Connecticut Mutual Life (N. Welsh)(2503)</u> 8831 E. Pine	(PD-16)(CD-3) CH/IL
<u>L-17985 Christopher Youth Center (M. Brown)(893)</u> 2723 E. 15th St. S.	(PD-4)(CD-4) CH
<u>L-17986 Gibraltar Mausoleum Corp. (C. Norman)(493)</u> Northwest corner of E. Admiral Pl. & N. Yale Ave.	(PD-3)(CD-3) OM
<u>L-17987 Unison International Life (D. Borden)(794)</u> West of the northwest corner of E. 16th St. S. & S. 101st E. Ave.	(PD-5)(CD-5) AG
<u>L-17988 Mingo R. V. Park (City of Tulsa)(3194)</u> 801 N. Mingo Rd.	(PD-16)(CD-6) FD/IL
<u>L-17990 Barbara West (3483)</u> 11727 & 11731 S. Canton Ave.	(PD-20)(County) RS-1
<u>L-17991 TDA (A. Cooney)(2502)</u> 1719 N. Frankfort Pl.	(PD-2)(CD-1) RS-4
<u>L-17981 Mike Fretz, Inc. (M. Fretz)(2683)</u> 10115 S. 77th E. Ave.	PD-26)(CD-8) RS-1
<u>L-17989 Virgil Floyd Miller (2913)</u> 7701 N. Florence Ave.	(PD-12)(County) RE

Staff Comments

Mr. Stump announced that L-17981 and L-17989 have been withdrawn from today's agenda.

Interested Parties for L-17981

Bill Silver
Janice Hughes

10209 South 76th East Avenue
10141 South 77th East Street 74133

Other than L-17981 and L-17989, Mr. Jones announced that Staff recommends approval of the above-listed lot-splits having found them to be in conformance with the lot-split requirements.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

ZONING PUBLIC HEARING

Application No.: **PUD-491 Abandonment**

Applicant: TMAPC

Location: Southwest corner of East 39th Street South & South Peoria Avenue.

Date of Hearing: November 16, 1994

Presentation to TMAPC:

Since the principals in the development are no longer interested in developing under the requirements of PUD-491 and no underlying zoning was changed when the PUD was originally adopted, Staff recommends **ABANDONMENT** of PUD-491.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions" Harris, Parmele "absent") to **APPROVE ABANDONMENT** of PUD-491 as recommended by Staff.

LEGAL DESCRIPTION

Lots 1, 2, 7, 8, 9, 10, 11, & 12, Block 1, Robert's Subdivision, Tulsa, Tulsa County, State of Oklahoma and on the southwest corner of E. 39th Street South and South Peoria Avenue, Tulsa, Oklahoma.

CONTINUED ZONING PUBLIC HEARING:

Application No.: **PUD-520**

Applicant: Roy D. Johnsen

Location: SW/c of East 39th Street South & South Peoria Avenue.

Date of Hearing: November 16, 1994

Presentation to TMAPC: Roy Johnsen

PUD 520 contains most of PUD 491 with the exception of two residential lots on the southern extremity of the PUD. The Planning Commission initiated a companion request to abandon PUD 491, which will also be heard at the same meeting as PUD 520. The proposed PUD 520 contains 46,063 SF with the east 138' fronting Peoria zoned CH and the remainder of the tract zoned RS-3. The Comprehensive Plan designates the east 138' as Medium Intensity-Commercial and the remainder of the tract Low Intensity-Residential. Single-family dwellings face the residentially zoned portion of the PUD on the north and west sides. On the south, it abuts the side of a single-family dwelling. The CH zoned portion of the PUD adjoins existing commercial uses on all sides except the west.

A 3,800 SF restaurant with additional outdoor dining is proposed on the eastern portion of the PUD with parking for the restaurant on the RS-3 portion of the PUD. A ten foot landscaped strip on the west 80' of the 39th Street frontage, the Owasso frontage and the southern boundary where it abuts residential. A four foot screening fence is proposed to be erected along the interior boundary of this landscaped strip. The entire PUD would have a minimum of 15% landscaped open space.

Staff finds the PUD to be an unacceptable intrusion into a residential neighborhood with commercial uses. Little buffering is proposed to protect existing residences on 39th Street or Owasso. An access point of 39th Street which is shown on the conceptual plan would have commercial traffic directly across from an existing residence. The residences on Owasso and 39th would face directly into a parking lot which could have high levels of noise and activity 24 hours per day. The homes on Owasso and 39th would no longer be an appropriate location for residential use. Therefore, Staff recommends **DENIAL** of PUD 520.

Staff does not believe this use is appropriate under any conceivable conditions. If, however, the TMAPC disagrees, Staff would suggest that at least the following requirements be placed on the PUD if the TMAPC recommends approval.

1. **Development Standards:**

Net Area	46,063 SF
Permitted Uses	Restaurant
Permitted Hours of Operation	7:30 a.m. to 11:00 p.m.
Maximum Building Floor Area	3,800 SF
Maximum Building Height	one story (25')
Minimum Building Setbacks	
From centerline of Peoria	70'
From centerline of 39th Street	60'
From centerline of Owasso Avenue	170'
Minimum Parking Lot Setbacks	
From centerline of Owasso Avenue	50'
From centerline of 39th Street on west 138'	50'
From southern boundary on west 138'	25'
Minimum Landscaped Open Space	30%
Minimum Width of Landscaped Buffer Strip abutting a Residential District	25'
Minimum Setback for Any Type of Refuse Container	
From centerline of Owasso Avenue	165'
From centerline of 39th Street	75'

No outside seating or dining area shall be within 215' of the centerline of Owasso Avenue.

2. **Signage**
One ground sign is permitted on Peoria Avenue not to exceed 25' in height nor 200 SF in display surface area.

Wall signs shall be permitted not to exceed 2 SF of display surface area per lineal foot of building wall to which they are attached. No wall signs are permitted on west facing walls nor within 215' of the centerline of Owasso Avenue on any north facing walls.
3. **Screening**
A seven foot high masonry (not smooth concrete block) wall shall be provided along the interior of the landscaped buffer strips required on the western portion of the PUD. These landscaped strips shall incorporate a minimum of 4' high berms with their maximum height at the screening wall.
4. **Access**
Vehicular access shall not be permitted between the PUD and Owasso Avenue nor between the west 180' of the PUD and 39th Street.
5. No Zoning Clearance Permit shall be issued for the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 8 feet.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City/County beneficiary to said covenants.

12. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

Applicant's Comments

Mr. Johnsen, attorney representing the applicant, presented a revised site plan which was earlier submitted to area residents at a neighborhood meeting. He also presented photographs of properties surrounding the subject tract. Mr. Johnsen presented a detailed history of the property and surrounding area and description of the proposed development. He acknowledged that there are uses allowed under CH zoning which would not be compatible with the neighborhood to the west of the subject property. Mr. Johnsen pointed out areas north, south and east of the property that appear to be of a commercial nature and he does not foresee that the subject tract will ever develop in a single-family fashion. He described points of access to the subject tract and proposed landscaping and screening. Mr. Johnsen pointed out that the restaurant is in the CH zoned portion of the property with parking in the RS-3 portion. He informed that the drawing reflects the boundary along 39th Street, where parking is proposed. Where single-family dwellings are across the street, the applicant proposes 16' of landscaped space with a 6' screening fence with masonry columns every 28'. Mr. Johnsen informed that on the south side the applicant is proposing 17' of landscaped area with a 6' screening fence, driveway and parking, and for the west side a 19' landscaped strip and then a fence. Mr. Johnsen described the proposed use to be a Taco Cabana Mexican-theme family restaurant in operation 24 hours per day, which only serves specialty drinks of margaritas and beer, no other alcoholic beverages are served. He explained that there is no standup bar. Drinks are dispersed at the counter where food is picked up and then taken to the tables. Mr. Johnsen disclosed that patio dining is offered and is located at the front portion of the property along Peoria, far removed from the nearest single-family homes. He revealed that there is drive-through window service proposed at the south side of the building. Mr. Johnsen informed that in meetings with area residents the biggest criticism was that this would be a 24-hour operation. He deemed that with adequate and appropriate screening, the restaurant can exist in such a fashion as not to be detrimental to the neighborhood. Mr. Johnsen pointed out other 24-hour operations in the area. He informed that this establishment caters to people who want to eat and is not a gathering place to drink or party. Mr. Johnsen took issue with the Staff recommendation which he discerns to be extreme, particularly in regard to screening standards.

TMAPC Comments

In response to Mr. Doherty's inquiry as to the reason for a berm in front of the screening wall as stated in recommendation #3, Mr. Stump informed that the wall produces a noise barrier and the berm gives the effect of shortening the appearance of the wall, thereby making the wall not appear so institutional.

Mr. Johnsen asked for the following changes in the listed conditions

Maximum Building Floor Area	from 3, 800 SF to 3,870 SF
Permitted Hours of Operation	from 7:30 a.m. to 11:00 p.m. to 24-hour operation
Minimum Parking Lot Setbacks	
From centerline of Owasso Avenue	from 50' to 42'
From centerline of 39th Street on west 138'	from 50' 36'

From southern boundary on west 138' from 25' to 19'
Minimum Landscaped Open Space from 30% to 18%

3. **Screening**

A six foot high screening fence with masonry pilasters every 28' on center.

Interested Parties

David Dowland

1111 East 29th Street 74105

Mr. Dowland informed that his major mode of transportation is by foot and that he utilizes the fixed-route bus which stops in front of the subject tract. He pointed out that there are no proposed sidewalks in the plan, which are imperative for him. Mr. Dowland disclosed that since the Moss Seat Covers building and the convenience store have been removed from Peoria, the noise level has increased tremendously. He is frequently disturbed by the noise from Peoria. He related difficulty he has maneuvering by foot because vehicles exiting on 39th Street and stacking on 39th Street make it difficult for him to get through that area. For his safety, he declared that sidewalks are imperative along the entire length of 39th Street. Mr. Dowland expressed opposition to the 39th Street access due to anticipated increased traffic and creating a safety hazard. Mr. Dowland voiced support of a masonry fence on all three sides of the subject property of seven to eight feet tall to aid in absorbing sound from the proposed restaurant.

Bill Newton

1211 East 39th Street

Mr. Newton was concerned over the 24-hour operation of the proposed restaurant and the sale of alcohol.

Nancy Apgar

3914 South Norfolk 74105

Brookside Neighborhood Association

Ms. Apgar informed that the Neighborhood Association is opposed to the application for the reasons stated in letters presented and listed their primary concerns.

Residents do not want a 24-hour restaurant with patio dining and a drive-through window intruding into their neighborhood.

Residents are concerned over the noise, lights, increased traffic and high-density use of the subject property.

There is concern that with no sidewalks, the anticipated increased traffic will create a safety hazard for school children and pedestrians who walk along the street.

A restaurant will contribute to the existing traffic congestion and that decorative lighting around the building and piped music and drive through noise will be intrusive to the neighborhood.

Ms. Apgar informed that area residents are opposed to the application; however, should it be approved, area residents would ask that an exit on 39th Street be denied since this is a neighborhood where people walk and jog, and school children walk home. She urged that sidewalks be mandatory along 39th Street and that no 24-hour service be permitted, and there was concern that this might become a teen hangout. Ms. Apgar informed that petitions containing 61 signatures have been presented opposing the development.

Mr. Doherty noted that from the site plan, it appears that lighting on the restaurant on the north, south and east sides would be no impediment to the neighborhood.

Ms. Apgar advised that homes fronting Owasso Avenue and homes fronting 39th Street, across from the parking lot, do not want lights directly across from them.

Ms. Pace asked if it would be possible to limit hours of operation.

Mr. Stump informed that the Planning Commission could set that condition; however, enforcement is difficult.

Applicant's Rebuttal

Mr. Johnsen informed that regarding neon lights, he can accept the requirement that there be no lighting on the west wall. He explained that 24-hour operation is the nature of this restaurant, but does not perceive it to mean that it is a rowdy activity. Mr. Johnsen revealed that there are people who have legitimate reasons to be out and are not necessarily disruptive or engaged in criminal behavior or anything that would disturb the neighborhood. He perceives the most difficult part to deal with is noise since there is not information on that. Once the noise issue is resolved, he does not believe anything happening at the restaurant would be disruptive to the neighborhood. Mr. Johnsen stated that the distances and separation from single-family should be considered when recognizing other businesses along Peoria can remain open until 2:00 a.m. without noise-abating walls, and he questioned how significant the noise factor would be. He believes it to only be significant late at night and he surmised that most people are inside their homes at that time. He questioned whether it would be possible to hear a car door close or hear the drive-through speaker with the type of landscaping and screening proposed. Regarding serving of alcohol, Mr. Johnsen informed that by policy of the restaurant, they quit serving alcohol at 1:00 a.m.

TMAPC Review

There was a lengthy discussion over vehicle access.

Mr. Doherty declared that installation of sidewalks is important for neighborhood circulation and suggested the following: no stand-alone bar, no table service for liquor; no liquor to be served without food; no outside seating between 11:00 p.m. and 6:00 a.m.; outside music not audible from adjacent residential area, and a 7' wall with berming against it.

Mr. Doherty declared that the issue of a 24-hour restaurant is of concern and the only way to guard against intrusion to the residences is to seal this use from the residents. He agrees that a masonry wall would be the only possible way to seal that. It was the consensus of the Planning Commission that it would be appropriate to put stucco or material on concrete block or any exposed block surface toward residential screening since this is a deep intrusion into the neighborhood.

Mr. Neely was concerned that inside the parking area sound may reverberate and questioned if there was a way to soften the noise.

Mr. Doherty suggested placing a 42" wall on top of a 42" berm.

There was discussion over placement of the wall and berm to soften reverberation inside the parking area.

Ms. Wilson declared that if the Planning Commission approves 24-hour operation, then the berm and screening is essential.

Mr. Midget perceives this development to be a gross intrusion into the neighborhood. He deems that should the Planning Commission approve this application, without compromise the masonry wall and berming should be a part of the PUD.

Mr. Doherty made a motion to approve PUD 520 with the condition submitted by Staff and as amended by Mr. Johnsen's proposal with the following exceptions; no separate bar; no table service for liquor; no liquor to be sold without food; no liquor sales from 1:00 a.m. to 6:00 a.m.; no outside seating 11:00 p.m. to 6:00 a.m.; music to be inaudible at surrounding residential locations; access onto 39th Street is prohibited unless in the opinion of the Traffic Engineer it would create an unsafe condition; sidewalk to be provided as part of the landscaping adjacent to 39th Street; 7' masonry wall, surface of masonry wall exposed to residential areas to receive a decorative treatment, with berming the height of which is to be determined on detail site plan and landscape plan; no neon on the west side of the structure and the applicants submittal for minimum parking lot setbacks and minimum landscaped open space. Mr. Horner seconded the motion.

Mr. Stump asked if the prohibition of signage should be made a part of the signage requirements. Mr. Doherty informed that was his intention.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-1-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Wilson "aye"; Midget "nay"; no "abstentions" Harris, Parmele "absent") to recommend **APPROVAL** of PUD 520 with conditions listed below:

1. Development Standards:

Net Area	46,063 SF
Permitted Uses	Restaurant - except no separate bar; no table service for alcoholic beverages; alcoholic beverages sold only with food; no alcoholic beverages sold between 1:00 a.m. and 6:00 a.m.; no outside seating between 11:00 p.m. and 6:00 a.m. and all music to be inaudible from residential areas.
Maximum Building Floor Area	3,870 SF
Maximum Building Height	one story (25')
Minimum Building Setbacks	
From centerline of Peoria	70'
From centerline of 39th Street	60'
From centerline of Owasso Avenue	170'

Minimum Parking Lot Setbacks	
From centerline of Owasso Avenue	42'
From centerline of 39th Street on west 138'	36'
From southern boundary on west 138'	19'
Minimum Landscaped Open Space	18%
Minimum Width of Landscaped Buffer Strip abutting a Residential District, excluding street right-of-way	
West boundary of PUD	17'
North boundary of PUD	11'
South boundary of PUD	19'
Minimum Setback for Any Type of Refuse Container	
From centerline of Owasso Avenue	165'
From centerline of 39th Street	75'

No outside seating or dining area shall be within 215' of the centerline of Owasso Avenue.

2. **Signage**

One ground sign is permitted on Peoria Avenue not to exceed 25' in height nor 200 SF in display surface area.

Wall signs shall be permitted not to exceed 2 SF of display surface area per lineal foot of building wall to which they are attached. No wall signs or neon are permitted on west facing walls nor within 215' of the centerline of Owasso Avenue on any north facing walls.

3. **Screening**

A seven foot high masonry wall (with decorative treatment on the side toward the residences) shall be provided along the interior of the landscaped buffer strips required on the western portion of the PUD. These landscaped strips shall incorporate berms with their maximum height at the screening wall. The height of the berms will be determined by TMAPC during review of the Detail Site Plan.

4. **Access**

Vehicular access shall not be permitted between the PUD and Owasso Avenue nor between 39th Street, unless required by the Traffic Engineer for safety reasons. A sidewalk shall be provided along 39th Street.

5. **No Zoning Clearance Permit shall be issued for the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.**

6. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 8 feet.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City/County beneficiary to said covenants.
12. Subject to conditions recommended by the Technical Advisory Committee which are approved by TMAPC.

LEGAL DESCRIPTION PUD-520

Lots 1, 2, 9, 10, 11, and 12, Block 1, Robert's Subdivision of the Brockman Addition to the City of Tulsa, Tulsa County, Oklahoma, and located on the southwest corner of E. 39th Street South and South Peoria Avenue.

* * * * *

Application No.: **PUD 435-B**

Applicant: Roy D. Johnsen

Location: East of the southeast corner of East 66th South South & South Yale Avenue,

Date of Hearing: November 16, 1994

Chairman Neely informed that the applicant has requested a continuance to November 30, 1994.

There were no interested parties in attendance.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Gray, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Harris, Horner "absent") to **CONTINUE** PUD 435-B to November 30, 1994.

* * * * *

ZONING PUBLIC HEARING:

Application No.: **PUD-206-B**

Applicant: B. Kenneth Cox

Date of Hearing: November 16, 1994

Location: South of the southwest corner of East 91st Street South & South Sheridan Road.

Presentation to TMAPC: Ken Cox

Major Amendment to allow post office

The applicant is requesting to add a permitted use to the uses allowed in Lot 1, Block 1, Food Lion/Sheridan Road which is in Development Area A of PUD-206. The use to be added is a United States Post Office. Staff can support the proposed new use as compatible with the uses allowed in the PUD and therefore recommends **APPROVAL**. All existing development requirements of PUD-206 would continue to apply to this new use.

Applicant's Comments

Mr. Cox, representative for the purchaser of the property, reported that at the suggestion of Mr. Doherty he met with Jan Stafford, an interested party whose residence abuts the subject tract and who represented her neighborhood at previous meeting on the original PUD, and they have reached accommodation. Mr. Cox informed that the original PUD restricted hours of delivery to prohibit delivery prior to 6:00 a.m. and after 10:00 p.m. He informed that the post office will require some deliveries prior to 6:00 a.m. The applicant agreed to erect a 6' chain link fence restricting access to the rear of the building and use the rear entrance during unusual conditions, such as inclement weather. Mr. Cox informed that the postal vehicles are smaller than the semi-trucks which made deliveries to the former *Food Lion* store. These postal vehicles can enter from Sheridan to access the loading dock and will generally not need to access the rear of the building.

Mr. Doherty noted that the delivery restrictions on hours of operation will be maintained for all operations other than the post office.

Mr. Doherty disclosed that at the request of Councilor Cleveland this item is scheduled for the City Council meeting of November 17.

Interested Parties

Jan Stafford

9229 South Norwood 74137

Ms. Stafford wants to ensure that the original restrictions on hours of operation be maintained with the PUD; although the abutting property owners will waive those restrictions for the Post Office.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to recommend **APPROVAL** of PUD 206-B MAJOR AMENDMENT as recommend by Staff and **WAIVE** the hours of operation only for Post Office use.

LEGAL DESCRIPTION PUD 206-B

Lot 1, Block 1, Food Lion/Sheridan Road Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS:

PUD-235-A: Detail Landscape Plan - Lot 3, Block 1 and northerly 50' of Flynn Plaza - west of the northwest corner of East 71st Street South and South Mingo Road

The applicant is requesting approval of a landscape plan for "Media Play" and for the 50' buffer strip at the northern boundary of the PUD.

Staff has reviewed the requests and finds the following:

Northern Boundary Buffer Strip:

The issue of the buffer area was discussed under a request for a major amendment at the Planning Commission meeting of December 1, 1993. The Commission approved a 50'-wide green belt area to buffer the existing residences from future office use. This green belt is to be installed prior to occupancy of any building in the PUD. The Commission may, in the future, require a berm should an office development be submitted for site plan approval. Buildings in the northerly 300' of Development Area C are limited to one story.

The buffer issue was also discussed under final plat review at the Commission meeting of May 4, 1994. The principal portion of the issue had to do with the preservation of existing trees. The attorney for the applicant informed that the construction of the detention basin would impact some of the trees in the northeast corner but that the applicant was sensitive to the existing trees and that they would be taken into consideration during the planning of the landscaped area.

The applicant's plan for the green belt area shows a landscaped buffer area 50' in width extending across the northern end of the PUD from east to west. A berm ranging in height from 4' to 6' extends across the westerly 450' of the landscaped area. The 4' portion of the berm is located in the western portion of the site and is a function preserving 5 trees in the west.

The plan shows the detention basin in the east extending north into the buffer area. The maintenance road sits outside the basin and comes within 10' of the north boundary. A 6' screening fence will be constructed along the boundary in this area. The basin as designed removes all existing trees in this area.

The landscaped area will be planted with approximately 45 Loblolly Pine and 17 Okie Redbuds. The western portion of the northern boundary has an existing 6' screening fence.

Staff Recommendation:

Staff recommends that the Commission at this time make a determination regarding the desired berming. Additional berming in the future would require the removal of trees and would impact the proposed detention basin. Staff's opinion is that the original intent of the Commission was to locate the basin outside the landscaped area, preserving some of the existing trees. The plan as shown presents significant buffering of impacts between the potential office development and the existing residential area.

Staff recommends **APPROVAL** subject to the Commission's determination regarding berming and detention basin placement.

Landscape Plan - Lot 3, Media Play:

The plan as proposed conforms to the landscape standards of the PUD and the Landscape Section of the Zoning Code.

Staff recommends **APPROVAL**.

Staff Comments

Mr. Stump informed that the applicant submitted a revised plan this morning. He advised that after meeting with the Burning Tree Homeowners Association (HOA) the applicant devised a design for a screening fence in the eastern area of the 50' landscape strip on the north side of Flynn Plaza. The screening fence is composed of a brick wall on portions that abut 93rd East Avenue, a 6' cedar fence to the east of that, additional trees planted around the detention pond and on the north end of the facility. With these additions, the applicant informed Staff that the HOA is satisfied that this will be an adequate buffer.

Members of the Burning Tree HOA were in attendance and expressed agreement with the revised plan.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 235-A REVISED LANDSCAPE PLAN as recommended by Staff.

PUD 179-O Detail Site Plan -Lot 1, Block 1, Woodland Hills Annex - South of 71st Street approximately 1/2 mile east of Memorial Drive.

The applicant is requesting site plan approval for Tia's Tex-Mex Restaurant. Staff has reviewed the request and finds that additional architectural information should be submitted to adequately determine compliance with PUD standards.

Staff recommends **CONTINUANCE** until November 30, 1994.

Staff Comments

Mr. Stump informed that when Staff recommendation was developed a proposal was presented that had the rear of the restaurant quite different in architecture and style and appeared to be unattractive. He disclosed that a PUD condition was that all four sides must be of similar architectural style. The applicant has since submitted a revised plan which is similar to what is depicted in the agenda, with trellising disguising the cooler-freezer area since it does not have a similar stucco finish, and planting vines on the trellis, revising the roofing material from corrugated metal to the same type of metal roofing as is on the remainder of the building and trellising some of the area where the dumpster is located. With these changes, Staff can recommend **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 179-O REVISED DETAIL SITE PLAN as recommended by Staff.

PUD 282: Detail Sign Plan Review - Lot 6, Kensington Centre - Southwest corner of East 71st Street South and South Lewis Avenue.

The applicant is requesting approval of two wall signs for "*CPI Microage*". Based on conformance with PUD standards, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 282 DETAIL SIGN PLAN as recommended by Staff.

PUD 431: Detail Site Plan - Lot 1, Block 1 of The Orchard - west of the southwest corner of 101st Street and Sheridan Road.

The applicant is requesting approval of a site plan for Development Area E of The Orchard. The plan as presented conforms to the parking, landscaped area, square footage and setback requirements of the PUD.

The PUD also requires "all exterior building facades for office buildings constructed on Parcel E" to be "residential in design and character". The proposed structure, while of appropriate scale and including acceptable materials, exhibits certain features, such as window treatment and roof pitch (flat roof) which Staff does not interpret as residential.

The original concept plan shows a mutual access way out of Area E to the shopping area in the east. The plan as submitted does not show this access point.

Based on Staff's interpretation regarding residential character, Staff recommends **DENIAL**.

Applicant's Comments

John Lotti, Architect

114 East 5th 74103

Mr. Lotti presented renderings of the proposed structure along with a diagram of building volume, a color elevation and site plan. He gave a history of the PUD and its conditions and gave a description of surrounding properties. Mr. Lotti explained that the structure was not designed with more of a residential-type window treatment and roof design in order to control energy costs. Mr. Lotti explained the types of materials used in construction which he considers to be complementary with residential areas and explained attempts made to make the structure appear residential in character.

Chairman Neely concluded from reviewing the renderings there is an attempt to put a pitched roof in the middle of a large building that looks awkward. He declared that other than the materials being used, there is no architectural resemblance to a residential building and it does not reflect the intent of the PUD requirements. Mr. Neely encouraged the applicant to revise the plan to make the structure appear more residential in design.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **DENY** PUD 431 **DETAIL SITE PLAN** as recommended by Staff.

* * * * *

PUD 309: Detail Sign Plan Review - Lot 3, Block 3 of the Woodland Hills Mall
8421 "J" East 68th Street.

The applicant requests approval of a wall sign for the "*Ultimate Cheesecake*". Based on conformance with the 1½ SF per linear foot standard of the PUD, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Ballard, Doherty, Gray, Horner, Midget, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Parmele, Wilson "absent") to **APPROVE** PUD 309 **DETAIL SIGN PLAN** as recommended by Staff.

* * * * *

PUD 190 Detail Site Plan - northwest corner of 71st Street South and Sheridan Road.

Price Mart is again requesting approval of a 20' X 40' tent on their parking lot to sell Christmas trees. Because the Summit Square Shopping Center is still not fully occupied there will still be sufficient parking spaces (690) after the tent is erected to meet the required parking for the entire center. Current occupied space and the tent would require 653 spaces.

Because most of the vacant buildings are at the other end of the shopping center, a shortage of parking near Price Mart and the other tenants on the lower level may occur. For this reason, Staff would recommend moving the tent farther away from the stores to lessen congestion. The location proposed by Staff is shown on the enclosed site plan. Therefore, Staff recommends **APPROVAL** of the site plan if the tent is moved to the east as shown and is removed by December 28, 1994.

TMAPC Comments

Mr. Doherty informed that he filed this application on behalf of the applicant, and therefore, removed himself from discussion.

Applicant's Comments

Lanie McDaniel

1705 West Baton Rouge Circle, Broken Arrow

Mr. McDaniel, representative for Horner Foods, expressed opposition to the alternative location suggested by Staff because of security reasons. He was concerned that money would have to be carried back and forth between the tent and the store. Mr. McDaniel informed of being unaware of problems in the past with the tent at the location he is proposing.

Chairman Neely asked if an alternate location might be as close to the front of the store, but more out of the area of the prime parking.

Mr. McDaniel stated that a light pole is located near where the tent would be located and is used as a resource for electricity for the tent.

Interested Parties

Ken Adams, Vice Chair District 18, Area C

Mr. Adams presented photographs of the area proposed for the tent. He informed that the tent has been at this proposed location for several years and area Homeowners Associations (HOA) receive numerous complaints when it is erected. Mr. Adams informed that the owner of the store has not responded to these complaints. He informed that the tent creates problems for traffic congestion and he believes the tent has contributed to traffic accidents. Mr. Adams was supportive of placing the tent at the outer edge of the parking lot as suggested by Staff, and he deemed that security should be provided for personnel working the tent. He informed that the placement of the tent so near the front entrance causes a safety hazard for pedestrians.

TMAPC Review

Some of the Planning Commissioners informed of frequenting this store and have not experienced excessive congestion problems.

Mr. McDaniel answered questions from the Planning Commission and informed that driving lanes are not obstructed; only parking spaces are covered by the tent.

Mr. Horner perceives that the tent should be placed where the applicant judges it is necessary to be. He feels that having the tent near the store is better for security purposes.

Ms. Pace voiced support of Staff recommendation, perceiving tents to be an accessory use that should not interfere with traffic flow.

Mr. McDaniel informed that he is unaware of customer complaints regarding the tent and noted that theirs is a customer-oriented business. If complaints were received regarding the tent location, they would accommodate the customer.

TMAPC Action; 6 members present:

On **MOTION** of **PACE**, the TMAPC voted **2-4-0** (Midget, Pace, "aye"; Ballard, Gray, Horner, Neely "nay"; no "abstentions" Carnes, Doherty, Harris, Parmele, Wilson "absent") to **APPROVE** the **SITE PLAN** if the tent is moved to the east as recommended by Staff.

MOTION FAILED.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **5-1-0** (Ballard, Gray, Horner, Midget, Neely "aye"; Pace "nay"; no "abstentions" Carnes, Doherty, Harris, Parmele, Wilson "absent") to **APPROVE** the **REVISED SITE PLAN** as proposed by the applicant with the tent being located near the entrance of the store.

* * * * *

Alternative Compliance (Heater Specialists)

West side of North Toledo Ave. north of the Gilcrease Expressway
Landscaping Plan

Staff Comments

Mr. Stump informed that, at the Chairman's request, this item was placed on the agenda late Friday and the only information available is the applicant's letter. Mr. Stump informed that the applicant recently received approval for a subdivision which divided the plat. The applicants will place an industrial building on the southern portion of the property, but do not want to install landscaping along the eastern boundary, North Toledo Avenue, since that area is used as a dumping ground. Mr. Stump noted that the area to the northwest is in a 100-year flood area and contains many trees. The applicant feels that the existing trees in the flood plain area should be sufficient.

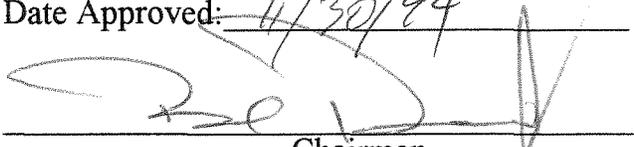
TMAPC Comments

Mr. Doherty informed that he field-checked the site and reported that North Toledo deadends at the Gilcrease Expressway and the area is used as a dump. He advised that the area is entirely industrial and he discerns there is nothing to be gained by planting trees along the front of this plant which fronts another plant. Mr. Doherty supports maintaining a greenbelt around the plant and buffering it from the surrounding area, which is what the applicant is suggesting.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Ballard, Doherty, Gray, Horner, Neely, Pace, "aye"; no "nays"; no "abstentions" Carnes, Harris, Midget Parmele, Wilson "absent") to **FIND** that this plan meets the Alternative Compliance for Landscaping.

There being no further business, the Chairman declared the meeting adjourned at 4:10 p.m.

Date Approved: 4/30/94


Chairman

ATTEST:



Secretary

