

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2106

Wednesday, March 26, 1997, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Dick
Doherty
Gray
Ledford
Midget
Pace
Westervelt

Members Absent

Ballard
Boyle
Carnes
Horner

Staff Present

Almy
Gardner
Stump

Others Present

Romig, Legal
Counsel

The notice and agenda of said meeting were posted in the Reception Area of TMAPC offices on Friday, March 21, 1997 at 1:52 p.m., in the office of the City Clerk at 1:44 p.m., as well as in the office of the County Clerk at 1:41 p.m.

An amended notice and agenda of said meeting were posted in the Reception Area of TMAPC offices on Tuesday, March 25, 1997 at 8:55 a.m., in the Office of the City Clerk at 8:49 a.m., as well as in the office of the County Clerk at 8:48 a.m.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:30 p.m.

Minutes:

Mr. Westervelt requested the minutes be amended to show his statement, on page 24, in regard to him abstaining from item Z-6589, immediately following Mr. Moody's statement in regard to the site being under contract for a QuikTrip store.

Approval of the minutes of March 12, 1997, Meeting No. 2104:

On **MOTION** of **WESTERVELT**, the TMAPC voted **4-0-2** (Doherty, Gray, Pace, Westervelt "aye"; no "nays"; Dick, Ledford "abstaining"; Ballard, Boyle, Carnes, Horner, Midget "absent") to **APPROVE** the amended minutes of the meeting of March 12, 1997 Meeting No. 2104.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Doherty stated the tower communications regulations are be considered by the City's Committee system.

Community Participation Committee

Ms. Gray stated the Community Participation Committee met today, prior to the TMAPC meeting, to discuss the agenda for the next Workshop/Training Session to be held on May 6, 1997, at 6:30 p.m. The topic will be Code Enforcement.

Director's Report:

Ms. Almy informed the Commission there are two items scheduled for the March 27, 1997 City Council meeting. She stated Bob Gardner will be in attendance.

SUBDIVISIONS:

Final Plat Approval

Alliance Center (3413)

(PD-15) (County)

Northeast corner of East 66th Street North and Whirlpool Drive

TMAPC Comments:

Mr. Doherty stated staff indicated all release letters have been received and recommended approval.

TMAPC Action; 6 members present:

On **MOTION** of **LEDFORD**, the TMAPC voted **6-0-0** (Dick, Doherty, Gray, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner, Midget "absent ") to **APPROVE** the Final Plat for Alliance Center.

Amendments to Certificate of Dedication:

Briarglen South

(PD-6) (CD-17)

East of 129th East Avenue on 31st Court South

(Changes required as a result of minor amendment PUD-148-5.)

TMAPC Comments:

Mr. Doherty stated the changes are a result of minor amendment PUD-148-5 and staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **6-0-0** (Dick, Doherty, Gray, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Carnes, Horner, Midget “absent”) to **APPROVE** the Amendments to Certificate of Dedication for Briarglen South.

ZONING PUBLIC HEARING:

Application No.: CZ-233

RS to IL

Applicant: Jerry Gardner

(PD-8) (County)

Location: East of northeast corner West 61st Street South and South 49th West Avenue

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity-Industrial.

According to the Zoning Matrix the requested IL **is** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 2.2 acres in size and located east of the northeast corner of West 61st Street and South 49th West Avenue. It is flat, non-wooded, has a manufactured building and trucking business and is zoned RS in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by non-conforming truck and abandoned automobile storage, zoned RS; to the northwest by a truck storage, zoned IM; to the east by vacant property and a single-family dwelling, zoned RS; to the south by single-family dwellings in Creek County; and to the west by a trucking business and storage, zoned IL.

Zoning and BOA Historical Summary: The most recent action in this area rezoned the tract to the west across the railroad from RS to IL for a trucking establishment.

Conclusion: Based on the existing zoning and development in this area, staff recommends **APPROVAL** of IL zoning for CZ-233.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **DICK**, the TMAPC voted **6-0-0** (Dick, Doherty, Gray, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner, Midget "absent ") to recommend **APPROVAL** of the IL zoning for CZ-233 as recommended by staff.

Legal Description for CZ-233:

The South 97' of the West 177.2' of the East 192.2' of Lot 3, and the West 177.2' of the East 192.2' of Lot 4, Block 5, Bozarth Acres to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, and Lot 4, Block 1, Geurins Addition, a Resub of Bozarth Acres, and located east of the northeast corner of West 61st Street South and South 49th West Avenue, Tulsa, Oklahoma.

Application No.: CZ-234

Applicant: Stephen Schuller

Location: South of 66th Street North, West side of U.S. Hwy 69

Presented to TMAPC: Stephen Schuller

AG to IL
(PD-15) (County)

Staff Recommendation:

The District 15 Plan, a part of the North Tulsa County Comprehensive Plan, designates the property as Recreation - Open Space and Development Sensitive.

According to the District Plan the requested IL **is not** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately five acres in size and located west of the southwest corner of East 66th Street North and U.S. Highway 169. It is sloping, wooded, vacant and zoned AG in the County.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property and scattered single-family dwellings, zoned AG and IM; to the west by vacant property, zoned AG; to the northwest by vacant property, zoned RMH; to the east by the Mingo Valley Expressway, zoned AG; and to the south by vacant land, zoned AG.

Zoning and BOA Historical Summary: The most recent action in this area approved IL zoning on the northeast corner of the subject tract.

Conclusion: The North Tulsa County Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, recommends that this area be used for Rural Residential - Recreation and Open Space. It is designated as being Development Sensitive and it is intended that open space areas be developed so as to preserve the natural features and enhance the visual character of North Tulsa County, to buffer adverse effects of certain land uses and serve a conservation purpose. Development in this area should be coordinated with the development of a flood/storm drainage management program. The North Tulsa County Comprehensive Plan also designates that development intensity within this area be one-half of the rural residential intensity, unless developed under a Planned Unit Development. Based on the Comprehensive Plan and physical development restraints on the tract, staff does not feel that IL zoning is appropriate for this area, and recommends **DENIAL** of IL zoning for CS-234.

Applicant's Comments:

Stephen Schuller, 320 South Boston, 74103, stated he is representing the owner of the property. He stated the property is situated on the west side of the Mingo Valley Expressway (Hwy 169) and south of 66th Street North. He presented a map pointing out the subject property as indicated by the color orange. He stated the maps indicate the zoning district configurations within the area of the subject property.

Mr. Schuller pointed out that Comprehensive Zoning Map No. 24 indicates industrial zoning, as indicated in the color blue, with the exceptions of residential, mobile home developments, commercial shopping and general development, and one single-family residential family development.

Mr. Schuller stated along the expressway, there has been nothing but industrial zoning with the exception of the small mobile home development on the east. He stated the industrial zoning extends north into Owasso along the expressway. He pointed out the current uses in the area: the County Maintenance building on the corner across from the subject property; an RV yard across the expressway on the other side, north of 66th Street North; adjacent to the RV yard is an asphalt company and other similar, industrial uses north of the railroad tracts. He stated there are several industrial uses on the south side as well. He also pointed out another RV yard and a mobile home park to the east. He noted the property to the west, zoned mobile home, is vacant at this time.

Mr. Schuller stated the only single-family development in the area is situated along 66th Street North. He feels the surrounding property is commercial and/or industrial property. He noted a portion of the subject property is low at one end, he feels any industrial development will have to be coordinated with the County, with respect to flood control or stormwater management.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Gardner stated the Comprehensive Plan designates the area as low-intensity due to the property being located within a floodplain. He feels, where the ground is higher and north of 66th Street, there has been development. However, the lower ground has not been developed. He stated the use for outdoor advertising may be appropriate in low areas; however, outdoor advertising does not make the property industrial.

Mr. Doherty noted the property located on the corner was previously zoned IL for outdoor advertising. He feels outdoor advertising has been provided for in the vicinity.

Ms. Pace questioned whether any flood-prone area studies have been performed. Mr. Gardner replied some studies have been performed and floodplain maps are available. He indicated there may be some uses that would be appropriate for floodplain areas; however, IL zoning indicates it is an industrial development area and it's not. He noted in the past, mobile home parks were located in floodplain areas and then due to flooding, the City and County had to buy them out.

Mr. Gardner stated floodplain maps indicate the least and most flood-prone areas.

Mr. Midget requested clarification of staff's concerns. Mr. Gardner stated IL zoning would indicate the property is developable when in fact it is in floodplain.

Commissioner Dick feels there are enough controls in place that just by zoning the property a particular way will not allow a developer to develop an area located in a flood area. Upon inspecting the subject property, Commissioner Dick feels the property will not be developed as residential. He indicated support of the request but informed Mr. Schuller that the County will also hear the case. He noted he agrees with Mr. Gardner in regard to reviewing the uses permitted in floodplain areas.

Ms. Gray clarified that the property to the west is currently zoned for mobile homes but is vacant. Mr. Gardner indicated the property to the west was originally developed as a mobile home park but was flooded and cleared out.

Mr. Doherty stated he agrees with staff in that the property is floodplain and needs to be left as AG-zoned.

Mr. Westervelt feels, due to all the other IL zoning in the area, IL zoning is appropriate and feels the Planning Commission should not be involved in stormwater management.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **4-3-0** (Dick, Ledford, Midget, Westervelt "aye"; Doherty, Gray, Pace "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner "absent ") to recommend **APPROVAL** of IL zoning for CZ-234.

Legal Description for CZ-234:

All that part of Lot 4, Section 5, T-20-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, lying West of the U. S. Highway 169 right-of-way, more particularly described as follows: beginning at the Northwest corner of said Lot 4, thence East 677.8' to the West line of said Highway; thence S 00°04', West 40'; thence South 20°43' East 140.9'; thence S 00°04' West 1,119.2' to the South line of said Lot 4; thence West 718.4' to the Southwest corner of said Lot 4; thence North to the Point of beginning less and except the North 550' of the East 330' thereof; and located on the southwest corner of East 66th Street North and North U. S. Highway 169, Tulsa, Oklahoma.

Application No.: PUD-236-C-1

(PD-18) (CD-8)

Applicant: Charles E. Norman

Location: Northwest corner East 76th Street and South Memorial Drive

(Minor Amendment allocating building floor area and dwelling units to newly created lots.)

Staff Recommendation:

The applicant is requesting minor amendment approval to allocate 61 elderly housing units and 34,112 square feet of office floor area to a portion of Development Area I, leaving 125 elderly housing units and 69,888 square feet of office floor area in the remaining portion of the development area.

The applicant has designated the west 313 feet of Development Area I, consisting of a four-acre tract, as Tract I-A. The applicant has a pending sale for the four-acre parcel for development of elderly housing with a maximum of 61 units.

PUD-236, as originally approved, permitted office uses in Development Area I with a maximum floor area of 104,000 square feet. Development Area I contains 8.5 acres.

PUD-236-C, approved in 1991, added housing facilities for the elderly with a maximum of 186 dwelling units as an additional permitted use within Development Area I.

Staff review of the request finds the proposed reallocation of elderly housing units and office floor area for the west 330 feet or four-acre tract, while reducing the intensity of use, consistent with the standards of the outline development plan of the PUD. The balance of Development Area I also meets the minimum office floor area and number of elderly housing units at a higher intensity of use but still allowed by the standards contained in the outline development plan.

Staff, therefore, recommends **APPROVAL** of the minor amendment with the following development standards:

Development Area I-A

| | |
|--|-----------|
| Maximum Floor Area for Office Use | 34,112 SF |
| Maximum Number of Elderly Dwelling Units | 61 |

Development Area I (remainder)

| | |
|--|-----------|
| Maximum Floor Area for Office Use | 69,888 SF |
| Maximum Number of Elderly Dwelling Units | 125 |

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Carnes Horner “absent”) to **APPROVE** the Minor Amendment PUD-236-C-1 to allocate 61 elderly housing units and 34,112 square feet of office floor area to Tract 1-A of Development Area I and 125 elderly housing units and 69,888 SF of office floor area for the remainder of Development Area I, subject to conditions as recommended by staff.

Application No.: PUD-523-1 (PD-18) (CD-8)
Applicant: Jack Gilbert
Location: 8315 South 85th East Avenue
(Minor Amendment to reduce required rear yard.)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to reduce the required rear yard from 20 feet to four feet to accommodate the southeast corner of a proposed 2,709 SF single-family dwelling.

Staff review of the plot plan submitted as part of the application finds that the lot is of an irregular size, being 155.44 feet deep on the north and 76.62 deep on the south. The proposed structure (52 foot by 52 foot footprint) encroaches into the required rear yard at the southeasternmost portion of the lot. It also encroaches almost a foot into the five-foot-wide utility easement along the rear of the lot. Land to the east, or rear, of the lot is a wide reserve drainage area. The area to the immediate south of Lot 8 is unplatted. The plat restrictions require that homes in the addition be at least 2,500 SF.

Based on the plot plan submitted, the large open area at the rear of the lot and its irregular shape, staff recommends **APPROVAL** of the Minor Amendment to reduce the required rear yard for Lot 8 from 20 feet to four feet, if the utility easement is vacated, or five feet if it is not.

Applicant's Comments:

Jack Gilbert stated he is in agreement with staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WESTERVELT**, the TMAPC voted **7-0-0** (Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner "absent ") to **APPROVE** the Minor Amendment PUD-523-1 to reduce required rear yard for Lot 8 from 20 feet to four feet, if the utility easement is vacated or five feet if not vacated, as recommended by staff.

CONTINUED ZONING TEXT AMENDMENT PUBLIC HEARING:

Proposed Amendments to Tulsa County Zoning Code in regards to regulation of communication towers.

Rules and Regulations Committee Comments:

Mr. Doherty reminded the Commission that the regulation of communication towers for Tulsa County Zoning Code was continued due to the difference between the City and County Codes. One of the differences is the interpretation of the County Building Inspector that has sent every tower of more than 65 feet to the BOA.

Mr. Doherty stated there is an expressed desire to make the regulation of communication towers for the County Code compatible with the City Code. With that, Mr. Doherty opened the public hearing and requested input.

There were no interested parties wishing to speak.

Staff Comments:

Mr. Gardner stated since the City has not finalized their ordinance on communication towers, he suggested a continuance. He stated staff will use the City's ordinance and the County's needs to draft the County Code for communication towers.

TMAPC Action; 7 members present:

On **MOTION** of **DICK**, the TMAPC voted **7-0-0** (Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner "absent ") to **CONTINUE** the Zoning Text Amendment Public Hearing for proposed Amendments to the Tulsa County Zoning Code in regard to regulation of communication towers to April 23, 1997 and direct staff to draft a proposal to amend the County Code in conformance with the City adoption.

OTHER BUSINESS:

PUD-166-J Lee Ann Fager

(PD-18) (CD-8)

North and east of northeast corner 93rd Street and South Sheridan
(*Site Plan for a communications tower.*)

Staff Recommendation:

The applicant is requesting Site Plan approval to construct a 100-foot monopole antenna-supporting structure and antenna in the southwest portion of an existing mini-storage facility. The antenna supporting structure would be over 100 feet from the nearest residential district. The closest dwelling would be over 300 feet from the antenna supporting structure.

Staff has reviewed the site plan submitted with the application and finds the proposed antenna, antenna structure and transmitting equipment meet the conditions outlined when Major Amendment approval was granted by both the Planning Commission and City Council. Those conditions specified location and placement within the storage site, maximum height, setback, use of existing storage to house transmitting equipment, compatibility with existing and planned surrounding uses and fencing requirements.

Therefore, staff recommends **APPROVAL** of the Detailed Site Plan for PUD-166-J subject to the approval and publication of the Ordinance supporting the Major Amendment and adherence to the conditions outlined therein.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Carnes, Horner “absent”) to **APPROVE** the Site Plan for PUD-166-J to construct a 100-foot monopole antenna-supporting structure and antenna in the southwest portion of an existing mini-storage facility subject to the conditions as recommended by staff.

PUD-378 Roy Johnsen

(PD-26) (CD-8)

Southwest of the southwest corner East 101st Street South and South Memorial Drive
(*Site Plan for a communications tower.*)

Staff Comments:

The applicant is requesting Site Plan approval to locate a 90-foot cellular transmission tower within Lot 2, Block 1, Memorial Crossing, behind the south side of the Albertson’s store and outside the existing screening fence. The tower is in Development Area A, which permits uses allowed by right in a CS District. Use Unit 4, Public Protection and Utility Facilities, are therefore allowed by right.

The site plan submitted indicates the tower will be of monopole design and situated 21 feet from the southern boundary of the PUD, on a moderate slope. The tower and equipment shelter area consist of an 80-foot by 21-foot fenced area served by an existing 25-foot paved drive from South Memorial, 345 feet to the east. The site plan indicates no sight screening for future residential development to the west, south or east of the proposed 1,680 square foot transmission tower compound.

The site plan indicates the tower will be 190 feet east of residential PUD 378-A and 21 feet from a future residential area currently zoned AG.

Staff review indicates the tower setback exceeds the 110% setback requirement for the residential area to the west, but is far too close to the probable residential area to the south. Staff believes that the more acceptable location for the tower and compound would be approximately 100 feet east of the western boundary of the PUD and 100 feet north of the southern boundary of the PUD. This location would place the tower behind the Albertson’s store, would provide site screening to residential areas utilizing the existing fencing and would meet the required setback for the anticipated residential development to the south.

Staff, therefore, recommends **DENIAL** of the site plan application as submitted.

Applicant's Comments:

Roy Johnsen stated he represents AT&T Wireless, who is the applicant for the proposed monopole cellular tower. He presented and explained the case map, noting the northeastern corner is zoned CS, with a strip of RM-O to the west and the northwestern corner is zoned AG, all subject to PUD-378. He stated the commercial area, as approved in the original PUD, extends west from Memorial approximately 800 feet, which overlaps a portion of the residentially-zoned strip.

Mr. Johnsen feels staff's principal concern is with the property to the south, presently zoned AG and consisting of approximately 20 acres. He feels the Comprehensive Plan identifies the front 330 feet as medium-intensity linear development area. He stated in the past, the 330 feet was zoned CS and required a PUD, and a basic PUD would result in an area of 660 feet or more. To clarify, overlay-zone the front portion of the property as a PUD and that floor area is generally extended to a greater depth. He feels this procedure is demonstrated in almost every medium-intensity linear development area in the City.

Mr. Johnsen informed the Commission that Memorial Drive is the dividing line between the City of Tulsa and Bixby. He stated Bixby's policy on zoning is slightly different from Tulsa's in that Bixby has virtually zoned everything along Memorial as commercial. Therefore, the east side of Memorial will be CS-zoned, if not already.

Mr. Johnsen presented a survey that displays the location of the proposed monopole. He reminded the Commission the entire tract was developed as PUD. The western 460 feet, approximately, has been approved for residential purposes. He indicated this area on the survey. He indicated the balance of the tract, which is more than 800 feet, is located within the commercial-use area of the PUD. He pointed out the Albertson's building, as indicated by shading on the survey map.

Mr. Johnsen pointed out the location of the proposed monopole, which is approximately 285 feet east of the residential line within the PUD. He stated the monopole would be located past the corner of the Albertson's building and outside of the existing fence. However, the applicant is proposing to construct a retaining wall and pad site for the equipment shelter, and then the shelter will be screened around the perimeter. He feels the property to the south of the monopole will be commercially used.

Mr. Johnsen stated he has meet with Mr. Solow, the owner of the adjacent property, and Mr. Solow does not object to the location of the monopole. However, Mr. Solow expressed concern with the construction being properly completed and stated he objects to some of the construction work done by Albertson's. Mr. Solow also expressed concern with the current erosion problem, and Mr. Johnsen stated his client will provide sodding to deal with that.

Mr. Johnsen informed the Commission that he has represented Mr. East in the past and that Mr. East is the developer of the proposed Village PUD to the west. He stated he informed Mr. East of the proposed monopole and Mr. East expressed his preference for the location of the monopole would be to the east. Mr. East also expressed if the monopole were moved east to the parking area, he would not object either.

Mr. Johnsen stated if he is interpreting staff's recommendation correctly, staff is suggesting the monopole be located 100 feet from the residential boundary line and 100 feet north of the AG boundary line. He feels this location would be outside of Albertson's fence and closer to the residential tract than his proposed 285 feet. Mr. Johnsen stated Mr. East would not prefer this location since the monopole would be closer to his property.

Mr. Johnsen stated the proposed location is actually located within the underlying zoning of CS and if it were not a PUD, the proposal would meet all the requirements under the present ordinance. However, it is a PUD and there is a required site plan review. Mr. Johnsen stated again he feels the property to the south will be changed and developed as commercial.

Mr. Johnsen reminded the Commission the proposal consists of a 90-foot monopole and the entire compound will be fully screened.

TMAPC Comments:

Ms. Pace asked the size of the entire compound. Mr. Johnsen replied the leased area is 21 feet north and south and 80 feet east and west. The equipment building will be 11' x 22' and 9' in height. Mr. Johnsen stated he had photographs of an existing site. Ms. Pace indicated she did not favor the snowfence in photographs she had recently seen and would prefer landscaping.

Ms. Pace asked whether there were any plans for the planting of trees. Mr. Johnsen replied in the negative and feels there is not an appropriate location for trees. Mr. Doherty suggested in the event the property to the south develops as residential, then some type of landscape screening would be required.

Mr. Ledford stated when the Albertson's PUD was approved, the screening consisted of rock pillars and a wooden fence along the back roadway. He feels that from a distance one would not be able to distinguish between the existing screening and the screening of the equipment building. He feels the monopole would be the only item that would be seen. Mr. Ledford feels the proposed location is a better choice than the 100' x 100' location.

Ms. Pace feels landscaping would still be appropriate.

Mr. Westervelt asked staff to comment on Mr. East's proposed location. Mr. Stump reminded the Commission that the Planning Commission's newly-adopted regulation on communication towers requires 110 percent setback from an AG district. The proposed location is approximately 20 feet. He feels this is going against the new regulation before it is adopted and finalized by the City Council. However, he feels if the Planning Commission approves the proposed location, a condition should be placed on the screening wall to be of the same design and material of Albertson's. Mr. Doherty stated the request was filed prior to the new regulation on communication towers. However, Mr. Doherty feels since this is a PUD, the Commission will be acting in much the same manner as a special exception, noting it would be unlikely the area to the south would not be developed residentially.

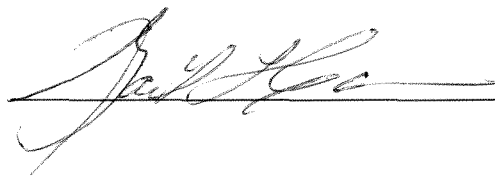
Mr. Midget feels the screening fence should be compatible and complement the existing fencing. He feels this is an excellent location for the monopole. Mr. Johnsen replied the quality of the wood fencing will match.

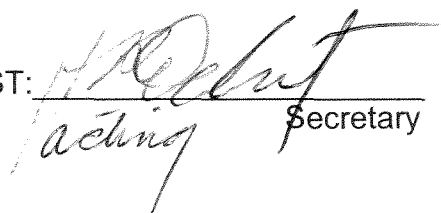
TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Dick, Doherty, Gray, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Carnes, Horner "absent ") to **APPROVE** the Site Plan for PUD-378 to locate a 90-foot cellular transmission tower within Lot 2, Block 1, Memorial Crossing, subject to providing a screening fence of comparable quality, material and color of the existing Albertson's fence around the east, west and south boundaries of the tower site.

There being no further business, the Chairman declared the meeting adjourned at 2:17 p.m.

Date Approved: 4/16/97


Chairman

ATTEST: 
acting Secretary