

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2166

Wednesday, July 8, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Midget	Beach	Myers, Legal
Carnes	Selph	Dunlap	Counsel
Gray		Huntsinger	
Harmon		Stump	
Horner			
Jackson			
Ledford			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, July 6, 1998 at 2:11 p.m., posted in the Office of the City Clerk at 2:06 p.m., as well as in the office of the County Clerk at 2:00 p.m.

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

### Minutes:

#### **Approval of the minutes of June 17, 1998, Meeting No. 2163:**

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Jackson, Harmon, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Pace, Selph "absent") to **APPROVE** the minutes of the meeting of June 17, 1998 Meeting No. 2163.

### Reports:

#### Chairman's Report:

Mr. Boyle stated he would like to recognize the members of the Special Residential Facilities Task Force. He congratulated the members on their hard work and thanked them for the draft report. Mr. Boyle concluded by stating that the Planning Commission appreciates the Task Force's hard work and looking forward to considering their report.

Mr. Westervelt stated the Task Force will go before the Rules and Regulations Committee on July 22, 1998 and then before the Planning Commission tentatively on August 5, 1998.

**Director's Report:**

Mr. Stump reported that there are two items on the City Council agenda and Jim Dunlap will be representing staff. Mr. Boyle indicated that Mr. Ledford will be attending the City Council meeting to represent the Planning Commission.

**SUBDIVISIONS**

**FINAL PLAT:**

**Villages of Highland Park (PUD-460) (1283)** (PD-18) (CD-8)  
Northwest of the northwest corner East 81<sup>st</sup> Street and South Mingo Road

**Staff Recommendation:**

Mr. Beach stated that everything is in order for this plat and staff recommends approval, subject to final legal review.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES** the TMAPC voted **7-0-0** (Boyle, Carnes, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Pace, Selph "absent") to **APPROVE** the Final Plat for Villages of Highland Park, subject to final legal review, as recommended by staff.

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**Ms. Gray in at 1:36 p.m.**

**CONTINUED SUBDIVISION BUSINESS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18673 – Reed Jones (2792)** (PD-9) (CD-2)  
Southwest corner of West 46<sup>th</sup> Street and Vancouver  
(continued from July 1, 1998)

**Staff Recommendation:**

This is a request to split the attached property into two tracts. Because of the requirement that all lots abut a water and sewer main, Tract 2 will have more than three side lot lines and the applicant is requesting a waiver of this requirement. Both lots meet the Bulk and Area requirements of the RS-3 district.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse effect on the surrounding properties.

**Staff Comments:**

Mr. Stump explained that this application was continued in order to work out some discrepancies on the dimensions of the lot. He stated the dimensions have been changed and both lots meet the requirements of the zoning ordinance. He explained that one lot will have a panhandle, which creates more than three side lot lines. He stated the three side lot lines were a result of the lot needing frontage on a street where a sewer line exists.

Mr. Stump commented that this case is an example of some of the problems that occur with suburban standards in infill development areas. He stated staff does not see any problems the application of with these two lots being configured as submitted. Mr. Stump indicated that staff recommends the waiver of the three side lot line limitations.

**TMAPC Comments:**

Mr. Boyle asked if the submitted drawing indicates the correct lines. In response, Mr. Stump answered affirmatively.

**There were no interested parties wishing to speak.**

**The applicant indicated that he agrees with staff's recommendation.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Pace, Selph "absent") to **APPROVE** the Lot-Splits for Waiver of Subdivision Regulations as recommended by staff.

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**ZONING PUBLIC HEARING**

**PUD-592 – John W. Moody**  
3939 South Harvard and 3333 East 41<sup>st</sup> Street

**CH/RS-3/PUD**  
**(PD-6) (CD-7)**

**Staff Recommendation:**

The PUD proposes to allow two existing developments to share parking through a cross parking easement. One parcel contains a church, day nursery, parsonage, and residence. The other parcel houses a company that develops Christian movie, video, and stage productions (Impact Productions, Inc.).

In 1997 Impact acquired the former Dickason-Goodman Furniture store building at 3939 South Harvard. When Impact applied for a permit to remodel the building, it learned that the furniture store had been non-conforming as to parking and was not adequate for office and related uses. As the South Harvard area adjacent to the Impact site is fully developed, Impact was unable to acquire additional land for more parking.

Impact obtained permission to park on the adjacent parking lot owned by the New Life Center Church and filed an application with the Board of Adjustment for a variance to park on the church property. However, that application was not approved. The applicant proposes to address the concerns of the neighbors and assure a compatible use through this PUD. Since this PUD still would not contain sufficient parking for the existing uses, a variance of required parking will still be needed from the Board of Adjustment.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-592 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-592 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

**2. Development Standards:**

Land Area (Gross) acres	5.73
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Permitted Uses:

Impact Parcel:

Offices, video and sound recording studios and warehousing of equipment, materials and props accessory to the office use and off-street parking accessory to the principal use on the Impact parcel or church parcel.

Church Parcel:

Church, day nursery, parsonage and residence.

Maximum Building Floor Area (Impact parcel)

Limited to only the existing building. New construction may be allowed only if TMAPC approves a minor amendment.

Other Bulk and Area Requirement:

As provided within the applicable zoning district.

Screening:

An eight-foot high screening wall or fence shall be provided along the eastern boundary of the Impact parcel where it abuts residentially-zoned property. An ~~six~~ eight-foot high screening wall or fence shall be provided along the northern and eastern boundaries of the Church parcel where it abuts residentially-zoned property.

Vehicle Parking:

The use of the Church parcel for parking by uses on the Impact parcel shall be limited to the hours of 7:30 a.m. to ~~5:30~~ 6:30 p.m., Monday through Friday only. Vehicles parked within the PUD shall be limited to automobiles and other light passenger vehicles, such as pickup trucks, S.U.V.'s and vans. No semi-trucks or buses will be permitted to be parked or stored within the PUD on the Impact parcel and church buses are allowed to park 50' back from the north and east boundary of the church parcel.

Landscaping:

Existing landscaping shall be preserved.

Signs:

Shall comply with the requirements of Section 1103.B.2. of the Zoning Code.

3. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, which includes all buildings and requiring parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approved prior to issuance of a building permit. 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 for that development area 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.

5. No sign permits shall be issued for erection of a sign within the Impact parcel of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All trash, mechanical, and equipment areas shall be screened from public view by persons standing at ground level.
7. All new parking lot lighting shall be hooded and directed downward and away from adjacent residential areas. No new light standard nor building-mounted light shall exceed 12 feet in height and all such lights shall be set back at least 50 feet from an RS district.
8. The Department 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 new development have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
9. No building permit shall be issued until the requirements of Section 1170F of the Zoning Code have been satisfied and approved or waived 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 beneficiary to said covenants.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Subject to a variance of the parking requirements by the Board of Adjustment. (The proposed parking does not meet the minimum requirements of the zoning. Parking requirements cannot be varied by a PUD.)

**Ms. Pace in at 1:37 p.m.**

**TMAPC Comments:**

Mr. Carnes stated that he is sure that the neighbors have asked for an eight-foot high fence; however, it is difficult to maintain an eight-foot fence in Oklahoma because of the south winds. He requested the staff to reduce the eight-foot fence to a six-foot fence. In response, Mr. Dunlap stated that the existing fence between the residential property and the Impact site is currently an eight-foot fence. Mr. Dunlap explained that staff recommended a six- to eight-foot fence for the other parcel.

Mr. Boyle stated the Planning Commission received a letter protesting this application from an interested party.

**Applicant's Presentation:**

**John Moody** stated he represents Impact Productions and New Life Center Church regarding this application. He indicated that the subject property was purchased last year for the purpose of locating the Impact Productions office and studios at this site. Mr. Moody gave a history of Impact Productions and their current projects.

Mr. Moody stated that Impact Productions' last production of Toy Maker's Dream was in May 1998 and the firm will no longer have a stage production. He explained that he wanted to point this out because it has caused problems in the past with neighborhoods. He stated that Impact will no longer have semi-trailers, trucks and buses that were related to the production of the Toy Maker's Dream stage production.

Mr. Moody stated that Impact did not ask the building inspector what the requirements would be before purchasing the property. He explained that when Impact applied for their remodeling permit for interior remodeling, the building inspector advised Impact that because this would be office use they would have to meet the parking requirement. He indicated that the church has agreed to let Impact to have a cross parking easement, which permits Impact to park on the church's property. The total parking requirement for Impact Productions is 148 spaces and the total parking required for the church is 158 spaces, which makes the total number 306 spaces that would be required. The total number of spaces available by combining the two properties is 210 spaces, which is approximately 96 spaces deficient. However; because the peak demand for parking times for the two uses are vastly different, he believes that this would be an appropriate application to permit the type of parking request that has been presented.

Mr. Moody stated that he visited with the staff of INCOG and the neighbors in the subject area. He commented that he believed that it was best to file a PUD application because it addresses the issues comprehensively and gives conditions that area enforceable by the City in terms of restrictive covenants. He stated that in essence, filing a PUD rezones the Impact property. He indicated the Impact property is zoned CH, which allows a number of retail type commercial uses. The office use that the PUD restricts this to, Use Unit 11 uses, in essence is a great benefit to the surrounding neighborhood.

Mr. Moody stated that the church's hours of operation during the week are essentially limited to their staff and workers for the daycare facility. The number of parking spaces required for the daycare facility is ten spaces, which would leave 142 spaces available for Impact Productions' use. Impact has approximately 48 employees and the required parking is not needed; however, that is the parking required by the Zoning Code. He commented that it is possible that Impact will grow in number of employees in the future. By restricting the use of the parking lot by Impact to 7:30 a.m. to 6:30 p.m.,

Monday through Friday only, would not be conflicting with the peak demand periods for the church use.

Mr. Moody stated he held a meeting with the neighbors and discussed their concerns. He indicated that his client did agree to erect the eight-foot high fence along the church's northern boundary. He stated that Impact will take responsibility of maintaining the eight-foot fence. He further stated that his client agreed that the driveway on the far eastern border of the church property will be a right-turn exit only.

Mr. Moody stated that he believes that this application is a good plan to address the problems the neighborhood voiced and readapt a non-conforming site for the neighborhood. Mr. Moody recited the various retail facilities in the immediate area.

Mr. Moody indicated that the parking lot will be re-striped and reconfigured. He stated the ramp will be redesigned so that the connection between the existing Impact property and the church property will present the least conflict between any parking and circulation.

Mr. Moody stated that one of the neighborhood's requests is that all of the employees' access be limited to off of Harvard. He indicated that Impact has agreed to instruct their employees to enter and exit off Harvard. He commented that the traffic count on Harvard is 25,000 cars or trips per day and on 41<sup>st</sup> Street it is only 14,000 per day. He stated that there is less traffic on 41<sup>st</sup> Street; however, Impact will instruct their employees to use the Harvard entrance.

Mr. Moody stated his client is in agreement with the staff's recommendation and understands that they will have to go before the Board of Adjustment. He explained that he has requested the hours to be extended to 7:30 a.m. to 6:30 p.m. and that the recommendation reflect that the church be permitted to continue parking the buses. He stated that he did not discuss with staff regarding what the setback would be, but he assumed it would be 50' from the residential neighborhood. He indicated he had no objection to the setback from the residential neighborhood.

Mr. Boyle asked staff if the 50' setback from the residential neighborhood would be sufficient. In response, Mr. Stump stated that, in viewing their layout for parking, it would put the buses in the southern end of the second row of parking on the subject property line. He commented staff would prefer a 75' setback from the neighborhood, which would move the parking to the southernmost side, last row of the parking lot.

Mr. Boyle asked Mr. Moody to address the objections from the protest letter received by the Planning Commission.

Mr. Moody stated he feels that the PUD does protect the stability and integrity of the neighborhood, by adopting a PUD that permits only the Use Unit 11, studio/office uses on a CH tract. He stated that if Impact did not move into the subject property, then someone could go in and use the property for a number of uses. He indicated that the

only real traffic occurring for this subject property will be the coming and going of the employees. He commented that the average trips generated are far fewer than what would occur if the subject property were used for some type of retail/commercial use. He stated that because Impact has agreed to the eight-foot high fence, that reduces many of the objections to noise and other safety concerns.

Mr. Moody stated that the church will continue its routine and that is not impacting the subject area any differently. He explained that Impact is containing all of the traffic internally on the church property and on Impact's property. He reiterated that retail activity generates more trips and traffic.

Mr. Westervelt asked Mr. Moody how his application to the Board of Adjustment will read. In response, Mr. Moody stated that he will ask for a variance from a total requirement of 306 parking spaces to 210 parking spaces.

Mr. Westervelt asked Mr. Moody why Impact didn't choose to put in a parking lot where there is substantial green space on the church's property and the church would benefit from the new parking lot. In response, Mr. Moody stated that it wasn't felt necessary because of the low use of their existing parking lot. He explained that if they were to use the green space, it would put parking on the parsonage. He stated the other house is used for a residence and it has its own parking provided.

Mr. Stump stated that some of the green space on the church's property is already in use. He explained that on the west side of the church area there is an existing daycare and the area to the north is the playground for the daycare center. The area to the east is green space facing existing houses, which would be preferable to staff.

**Interested Parties:**

**Evelyn Ryker**, 3414 East 40<sup>th</sup> Street, stated that her property abuts the subject property. She requested that the following conditions be in writing: An eight-foot fence with the fence to be maintained by Impact; subject properties not to be used for any other purpose other than the church, residential and Impact; no overnight parking of large trucks; neighbors would be allowed to attach to the eight-foot fence provided by Impact.

**TMAPC Comments:**

Mr. Boyle asked Mr. Stump if all of the requests by Ms. Ryker has been covered in the PUD. In response, Mr. Stump stated that the church parcel will be limited in the PUD, in writing, to church, day nursery, parsonage, and residence. He indicated that on the east/west fence staff has recommended a six- to eight-foot fence. He stated staff has not specifically required an eight-foot fence along the east/west fence line. He commented that currently there is some fencing in place that is not in good shape and should be replaced. He stated that one of the PUD requirements is that Impact will maintain the fencing. There is a prohibition against any heavy trucks or buses and only a church bus would be allowed if there is a change. The required setback would be 50

or 75 feet from the residential area. He stated that Impact can only use the parking for their office use between 7:30 a.m. to 6:30 p.m., Monday through Friday.

Mr. Carnes recommended to Ms. Ryker that the east/west fence should be held to six feet, because it is the one that will catch the south wind.

Mr. Westervelt asked Ms. Ryker if the cross fences were six or eight feet. In response, Ms. Ryker stated that the existing fences are at various heights.

Ms. Pace stated that she understood Mr. Moody to say that his client would gladly agree to an eight-foot fence and that would be high enough to alleviate any of the unevenness. She agreed that the decaying fences should be replaced.

**Interested Parties:**

**Lucille Hartz** stated that she owns the property at 3430 East 40<sup>th</sup>. She commented that the neighbors do need the eight-foot fence to keep the car lights out of their windows. She stated the eight-foot fence will help to deter the noise from the subject property. Ms. Hartz commented that the neighbors should be able to abut the eight-foot fence without any cost.

**Applicant's Rebuttal:**

Mr. Moody stated his client has agreed to an eight-foot high fence and the neighbors may attach to the eight-foot fence.

**Mr. Harmon stated he would be abstaining from this application.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** the TMAPC voted **8-0-1** (Boyle, Carnes, Gray, Horner, Harmon, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; Harmon "abstaining"; Midget, Selph "absent") to recommend **APPROVAL** of PUD-592, subject to conditions and modified at the Public Hearing. (Language deleted is shown as strikethrough type, language added or substituted is underline type.)

**Further TMAPC Comments:**

**Legal Description for PUD-592:**

Tract I: A tract of land in the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, and being more particularly described as follows, to-wit: beginning at a point 155' East and 35' North of the Southwest corner of said Section 21; thence East and parallel to the South line of said Section, a distance of 187.6'; thence North and parallel to the West line of said Section, a distance of 278.28'; thence West and parallel to the South line of said Section, a distance of 187.6'; thence South and parallel to the West line of said Section, a distance of 278.28' to the Point and Place of Beginning. Tract II:

The East 140' of the West 482.6' of the South 313.28' of the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County State of Oklahoma according to the U. S. Government survey thereof: Tract III: The South 313.28' of the East 176.95' of the SW/4, SW/4, SW/4 of Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof. Tract IV: The South 313.28' of the West 103.9' of the SE/4, SW/4, SW/4, less the South 35', in Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof. And that part of the SW/4, Section 21, T-19-N, R-13-E, of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof; beginning 481.75' N of the SW corner of Section 21; thence E 285'; thence N 68.45'; thence W 285'; thence S 68.45' to the Point of Beginning; and the W 300' of the N 168.47', of the South 481.75' of the SW/4, SW/4, SW/4, Section 21, T-19-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof.

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**PUD-541-B – Roy D. Johnsen**

(PD-6) (CD-9)

4300 South Peoria

(Major Amendment to add auto repair use)

**Staff Recommendation:**

The subject tract is described as Lot 2, Block 1, 4300 Brooktowne. The tract is Development Area B of PUD-541. This amendment proposes additional permitted uses of Lot 2, Block 1, as follows:

Repair and service of new and used motor vehicles within an enclosed building, including sale of parts and accessories and such other items as are incidental to motor vehicle repair and service, but excluding the sale, lease, storage, and display of new and used motor vehicles and excluding paint and body work.

The existing PUD permits the following uses on the tract:

Uses as permitted by right in the CS district, except Use Unit 12A and 19 are not permitted with the exception of health clubs, which are permitted.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-541-B to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-541-B subject to the following conditions:

**Development Standards:**

1. All existing requirements of PUD-541 shall continue to apply unless modified by the applicant's outline development plan for PUD-541-B or the development standard below.
2. Add the following uses and conditions to the uses permitted within Lot 2, Block 1, 4300 Brooktowne.

Repair and service of new and used motor vehicles within an enclosed building, including sale of parts and accessories and such other items as are incidental to motor vehicle repair and service, but excluding the sale, lease, storage and display of new and used motor vehicles and excluding paint and body work subject to the following additional development standards applicable to such uses:

- A. Minimum Building Setbacks:

From the east boundary of the tract	80'
From the south boundary of the tract	45'
From the north boundary of the tract	40'
- B. The work area shall be heated and air-conditioned.
- C. While work is being performed all doors must be closed.
- D. No outdoor storage of new or removed parts shall be permitted.
- E. No outdoor storage of partially-repaired vehicles shall be permitted.
- F. The repair and service shall be limited to automobiles, vans, and light trucks (pickup trucks).
- G. No outside storage of any kind is permitted (i.e., storage of merchandise, trash, junk, recyclable auto parts, new or used tires, exhaust pipe and mufflers, batteries or broken or worn out auto parts outside or inside a trash container).
- H. Other than access doors, all sides of the building shall be glass and/or masonry, except there shall be no smooth concrete block used on the exterior building façade. All sides of the building shall be of similar building materials.
- I. There shall be no service bay access doors on the east- or west-facing building walls.
- J. A minimum of 10% of the net land area of the tract shall be landscaped area. All the requirements of the Landscape Chapter of the Tulsa Zoning Code shall be

met. In addition, a landscaped area of not less than 20 feet in width shall be provided along the east boundary of the tract; a landscape area of not less than eight feet in width shall be provided along the south boundary of the tract, except for the area needed for mutual access, and a landscaped area of not less than 25 feet in width, excluding street right-of-way, shall be provided along the west boundary of the tract, except for the area needed for ingress and egress. The landscaping material and number of plantings shall be similar to or greater than that shown in the conceptual plan.

**Applicant's Presentation:**

**Mr. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 440, Tulsa, Oklahoma 74103, submitted exhibits and stated he is representing Paul Coury, John Woolman and Ford Motor Company. He explained that the Ford Motor Company is proposing a new concept of a retail network. He stated that, in summary, Ford Motor Company itself is a participant with local dealerships in an organization that will own all of the dealerships. He explained that the service for the dealerships will be as a unit. This is an attempt to achieve consumer-friendly service.

Mr. Johnsen stated that part of the new concept is satellite service facilities, which has prompted this application. Mr. Johnsen commented that Mr. Coury and Mr. Woolman closely scrutinized the proposal. He stated that his clients had some concerns with auto repair being located on the subject property, but after meetings with Ford Motor Company, they concluded the use could be done with appropriate conditions and limitations.

Mr. Johnsen stated that the entire Peoria frontage runs from both north to south. All previously-zoned areas have some rather high intensity classifications. Mr. Johnsen listed the following zonings: CH, CS, and IL. He explained that the subject property is part of the old John Zink facility, which had underlying industrial zoning, as well as CH zoning. The relevance of the previous zoning is that it speaks to the general character of the land use along the Peoria frontages in this area. He stated many of the properties along the Peoria frontage are zoned CH, which allows auto repair and related services as a use by right.

Mr. Johnsen stated the subject property is Lot 2, Block 1. Mr. Johnsen recited the surrounding uses and facilities of the subject property, which are restaurants, auto-related uses and retail uses. He commented that he recently drove the mile between 41<sup>st</sup> and 51<sup>st</sup>, which had 14 establishments that were either general auto repair, muffler shop, oil lube, motorcycle repair. He stated that he didn't include the convenience groceries or service stations. He commented that general auto repair and auto facilities are not foreign to the subject area.

Mr. Johnsen stated that the owner of the daycare center in the immediate area has given his client a letter in support of the proposed application. He explained that the subject property was originally approved for CS uses. The next lot to the south, Block 3, is also approved for CS uses. Continuing south on the Peoria frontage, Lot 1, Blocks 2-3 are approved for CS use under the PUD. He explained that these lots are not developed at this time. He stated that Lot 2, Block 2, to the east boundary of the commercial area, has two buildings under construction. The subject property is an interior lot between an approved commercial lot to the south and the north.

Mr. Johnsen explained that at the time of filing the PUD, the development standards were 40' setbacks from the east boundary; a pole sign that could be 25' in height and 150 SF of surface area, and landscaping was approved at 10% of net lot area. Additionally, as a part of the PUD while developing the residential lots to the east, there was a requirement that was submitted voluntarily and complied with, which was to construct an eight-foot masonry wall along the common border between the residential PUD and the commercial frontage along Peoria. He indicated that the eight-foot masonry wall is in place.

Mr. Johnsen indicated that his client contacted the neighborhood of 4300 Brooktowne and received a reasonable reception. He stated his client agreed to pursue this application after meeting with the neighbors. There have been neighborhood meetings after his client's filing the initial PUD with a concept plan. Mr. Johnsen stated that there were a number concerns from the neighbors and his client agreed with the neighbors.

Mr. Johnsen stated that his client believed that he had general support for the concept, at least as to the architecture and type of use. The principal issue is whether the bay doors have to be closed while repairing the vehicles. He commented that at the neighborhood meetings, he discussed a number of issues and his client revised his plans. He stated his client was responsive to the questions that the neighbors raised. However, the staff recommendation added a new element and the neighbors would like that issue to be resolved as recommended by the staff. He stated that following the last meeting with the neighborhood, he prepared a revised text and attempted to incorporate it into the PUD.

Mr. Johnsen outlined the uses that would be allowed at the subject facility and submitted an exhibit consisting of the Supplement Development Standards. The Standards are as follows: Repair services shall be limited to light repair services; tire sales and services shall be incidental and secondary to general repair services; within 40" of the east building wall, service bays shall be limited to tune-up, oil and lube services; exterior trash receptacles shall not be used for tires, oil, batteries, or other recyclable auto parts; a minimum of 15% of the lot area shall be landscaped, and exterior walls shall be principally off-white in color or muted earth tone color. Mr. Johnsen stated that if a customer has major repairs, they will be directed to the dealership site, which will be remote from the subject property. The proposed concept

is for convenient, light repairs near the customers. He stated that in the staff recommendation further limited the proposed project to light pickups, passenger vehicles and the limitations are agreeable.

Mr. Johnsen stated that the neighborhoods were concerned with setbacks, and the proposed facility has a minimum building setback of 75', which is a significant difference from the originally-approved standard for the PUD. He explained that the neighborhood was also concerned with the view as they drove into their residential area. He stated his clients responded to their concern and agreed to the following: 1) constructing a three-foot wall on the south boundary of the service area that will extend to the east boundary of the subject property; 2) planting an evergreen hedge six feet in height on the interior side of the masonry wall; 3) on the very east boundary there will be an area 15 feet in width for landscaping (evergreen planting) and possibly a three-foot berm. He explained that the 15 feet of landscaping will be against an eight-foot masonry wall, 4) the color of the building and accent treatment will be off-white or muted earth tone in color; however, Ford has certain logo requirements and identity to maintain. He explained that there will split-faced brick at the lower level for accent and the rest would be in the nature of a drivet-type finished; 5) glass overhead doors; 6) Ford agreed to the wall signage being limited to the west building wall and none on any other wall. Additionally, a pole sign had been approved previously for 25 feet in height and 150 SF display surface area. He explained that Ford has agreed to limit their signage to a monument sign. Mr. Johnsen stated that if the PUD is approved, the above agreements will be imposed as conditions, as well as staff recommendations that the Planning Commission endorses.

Mr. Johnsen stated that the detail site plan review will be forthcoming and confirmation could be made that all of the aforementioned standards have been met.

Mr. Johnsen stated that the main issue is the recommendation by staff requiring that the service activities be performed while the exterior doors are closed. He commented that to his knowledge, this condition has never been imposed on an auto service facility. He stated he discussed this issue with the Ford Motor Company and they do not know of any service facility that operates with air-conditioning in the service area and the doors closed. He indicated that he asked his clients to consider it in this instance and after studying the issue, it was determined that it could not be done. He stated that it is not practical because every time the doors are opened to go in and out, the air-conditioning would go. He explained that you couldn't design a system for this type of facility that would really keep the air cool. In regard to this requirement, the concepts of the requirement need to be discussed. He stated that after discussing this issue with the staff, he believes that the reason for requiring the doors be closed is basically because of noise. He indicated that the neighborhood has agreed with the building appearance and the other conditions previously mentioned. He reminded the Planning Commission that the building setback will be 75' with an eight-foot masonry wall and a berm with landscaping and evergreens. He stated that along the south there will be another three-foot masonry wall with an evergreen hedge and then south of the subject property, in

the future, there will be another commercial use. He commented that in the past, an eight-foot wall has been used for uses that might have significant noise.

Mr. Johnsen stated that the proposed facility will be a one-day service facility and if the repair requires more than three to four hours it will be sent to the dealership. He informed the Planning Commission that the facility will have a community room that will be able to hold 20 to 25 people for community activities. He commented that Ford's whole objective is to have a consumer/customer-friendly facility.

Mr. Johnsen stated that regarding the noise, which seems to be staff's concerns, is the pneumatic wrenches that are used to remove lug nuts. He explained that if the Planning Commission looks at the building layout, distances, and setbacks, the fear of the noise is not substantiated. He indicated that there are no studies to support or deny this issue and the Planning Commission will have to use their practical judgment. He stated that he discussed this with his client and determined that the tire operation of this facility will be incidental. He explained that tire work will be secondary to the principal activity of warranty work and light repair service. He commented that he is reluctant to say that the facility will never sell a tire or repair a tire if a customer had a flat.

Mr. Johnsen stated that the way this facility is laid out, the east end is the location of the employee lounge and tool room, etc. He indicated that his client has agreed to limit the first two bays to tune-ups and oil and lubrication services, as opposed to general repair. Because of the design of the facility, the first two bays will be approximately 40' farther apart which, added to the building setback of 75', will be approximately 115' to 120' from a bay where a tire-type activity might occur or general repair service.

Mr. Johnsen indicated that it will be difficult to comply with staff's recommendation with regard to the limitations on trash receptacles. He explained that he felt that this was too constrictive. He stated that in site plan review it is customary that the Planning Commission look at requiring concrete walls or other types of enclosures around the trash receptacles. He indicated that he did write a requirement that the recycled materials will be kept inside the facility. The outside receptacle will not have tires, batteries, etc. He commented that any type of business needs an outdoor trash receptacle.

Mr. Johnsen concluded that the facility is designed to be compatible with the neighborhood, and under the facts that exist it will be compatible. He explained that his client couldn't operate with the requirement that the shop be air-conditioned and the doors down.

**TMAPC Comments:**

Mr. Boyle asked Mr. Johnsen if he is willing to limit the back bays to oil change, lubes, etc., why he couldn't look at the situation the other way around by limiting the tire-oriented uses and noise-related uses to the westernmost bay or two. In response, Mr. Johnsen stated that there is other work that may require a pneumatic tool, and if the westernmost bays could be limited to tire service, then it probably could be done.

Mr. Johnsen stated that what he attempted to do was to give a specific use for the first two bays, because it is fairly easy to determine if it is being violated.

Mr. Boyle asked Mr. Johnsen how anyone could enforce these kinds of detailed restrictions. In response, Mr. Johnsen stated that could be done if the bays are specifically set up for tune-up, oil and lube service, which have different requirements and equipment in order to the job. He commented that it would be enforceable because one can see if other services are being done.

Mr. Boyle asked Mr. Johnsen why it would not be more reasonable to locate the proposed use in the commercial lots so that it is directly on Peoria and not directly next to any of the incompatible uses. In response, Mr. Johnsen stated that his client's concept is that along location along the boulevard it will get particular attention. In response, Mr. Boyle asked Mr. Johnsen if he was making an argument that the proposed use is too offensive to be up against the boulevard but not too offensive to be up against a house. In response, Mr. Johnsen stated that he is trying to make the argument as to what is the best location within his client's ownership. Mr. Johnsen stated that the tract that his client is identifying is between a commercial lot and Kentucky Fried Chicken. Mr. Johnsen commented that the proposed location is better than on the front. Mr. Johnsen further commented that the intervening lot has some relevance.

Ms. Pace asked Mr. Johnsen why his client could not flip the design so that the commercial uses are on the commercial lots and the office at the back. She state that there is going to be other commercial business located on Lot 1, Block 3, which minimizes the hedge and wall that he is proposing. In response, Mr. Johnsen stated that his client has already done this by placing the employees, rooms at the back, but the customer service has to be in front.

Ms. Pace stated that an area that is used to consult with a customer is more of an office use than a commercial use, whereas repair on cars is definitely a CS use. She commented that it appears to be an easy answer to have the CH uses on the CH lot. In response, Mr. Johnsen stated that essentially the property probably was zoned CH and the industry went into the back where the neighborhood is located presently. He commented that the proposed facility is basically as well designed as it can be.

Ms. Gray stated that if someone is coming into the daycare facility, it appears they will have to come in where the entrances will be and go around to the rear of the proposed facility to enter the daycare. In response, Mr. Johnsen stated that when the proposed project was originally designed, it shared a mutual access drive with the daycare, which is actually platted. Mr. Johnsen informed the Planning Commission that the daycare is short on parking and Ford will provide a couple of parking spaces. He stated that the daycare has reviewed the proposed facility and has given him a letter of support.

Mr. Harmon asked Mr. Johnsen how many dealers will this facility serve. In response, Mr. Johnsen stated that it is not so much serving Ford Dealers, but customers who are in the area. He explained that there will likely be other satellite service centers in order to have convenient places for the customers to go for warranty work needed.

Mr. Harmon asked Mr. Johnsen if the auto dealers would be referring anyone to the satellite facility. In response, Mr. Johnsen stated that if when customers stop into the dealership and ask where to get a tune-up, they will probably direct them to a satellite facility.

Mr. Harmon stated that Ford has obviously has done a performance audit of some type. He asked Mr. Johnsen how many vehicles Ford anticipates servicing in a day's time. In response, Mr. Johnsen stated he did not know the answer to that question. Mr. Harmon asked if there has been a study conducted by Ford. In response, Mr. Johnsen stated he is sure there are calculated loads per bay and that is how they design how many bays they will need. Mr. Johnsen further stated that he does not know the numbers that Ford has come up with to calculate the number of bays needed.

Mr. Harmon stated that vehicles needing repair or service are sometimes inoperable. Mr. Harmon asked if the issue of how the inoperable autos will get in and out of the facility. In response, Mr. Johnsen stated that he would assume that if the vehicle broke down, then a wrecker service could bring the car in. Mr. Johnsen commented that the facility is mainly for warranty work, oil change, etc. Mr. Johnsen indicated that this will not be a full-service facility. Mr. Johnsen explained that the heavy repair would have to be at the dealership and the wrecker service will probably go to the dealership.

Mr. Harmon stated that he feels certain that Ford has done a performance study on how this facility will affect the traffic pattern. Mr. Harmon reminded Mr. Johnsen that South Peoria is a congested street. In response, Mr. Johnsen stated that he is sure that Ford has conducted a study; however, he did not anticipate the question. Mr. Johnsen indicated that the traffic to the satellite facility will be less than any number of other uses that could be allowed under the present approved CS uses. Mr. Johnsen commented that any of the restaurants or retail would have more traffic than this facility will have.

Mr. Johnsen stated that the subject property was zoned for the purposes of retail when it was filed as a PUD.

Mr. Harmon asked Mr. Johnsen if there will be storage overnight on the lot. In response, Mr. Johnsen stated that the back of the subject property will be gated and locked; however, a customer may leave their car in the front and call the next day.

Mr. Johnsen stated that his client does not want overnight service, and if it is an overnight service it will be taken to the dealership.

Mr. Boyle asked Mr. Johnsen if his client will offer the early-bird service as some of the dealerships do currently. In response, Mr. Johnsen stated that his client will want to be

competitive with other services in the area. Mr. Boyle explained that he is talking about cars being dropped off early in the morning before it is opened. Mr. Johnsen stated that Ford is not planning that type of service.

Mr. Boyle stated that in Mr. Johnsen's development standards, he describes the service as repair and service for new and used motor vehicles within an enclosed building. Mr. Boyle asked Mr. Johnsen that if the Planning Commission adopted that standard, someone would interpret that as meaning that the doors have to be shut. In response, Mr. Johnsen stated he could argue that point. Mr. Johnsen commented that he was willing to accept that risk because he is not trying to mislead anyone. Mr. Johnsen stated that he considers the proposed facility as a closed building. In response, Mr. Boyle asked Mr. Johnsen if the Planning Commission were to adopt the phrase "enclosed building", he would be willing to assume the risk that somebody might interpret it differently from the way he does. In response, Mr. Johnsen stated he was willing to take that chance.

Mr. Stump stated that when staff was first told that the building would be enclosed, the staff's impression was that work will be done inside. He explained that the proposal is in the PUD where it is not zoned commercially and is mostly zoned PK. He indicated that only light commercial uses were allowed in the PUD. He stated that staff felt that in order for heavier commercial use, such as the proposal, to be allowed, then extensive design to mitigate the typical problems with this type of use would have to be done, including keeping it enclosed. He commented that having gaps with eight-foot or ten-foot wide door opened and then three feet of concrete wall with another eight-foot or ten-foot wide opening on both sides is going to keep the noise down. He stated that all of the noise is going to go out very quickly with the doors opened. Whether this type of operation is going on in the west end or the east end of the building, it will be coming out of the doors rather loudly because it will bounce off the ceiling, floors and be heard very easily.

Mr. Boyle asked Mr. Stump if he is interpreting that the phrase "enclosed building" to mean that the doors are down. In response, Mr. Stump answered affirmatively. He stated that staff couldn't support this use if the doors are going to be opened regularly. He explained that is why the staff recommendation stated that it should be air-conditioned. He further explained that it would remind the workers to close the doors so that the air-conditioning would not escape.

Mr. Horner stated that he is excited about this concept and the Planning Commission knows that there will be commercial on the subject area. He further stated that the normal warranty service doesn't take more than 45 minutes. He commented that there are new impact wrenches that are quieter and one could carry on a conversation ten feet away.

Ms. Gray asked Mr. Johnsen what the planned hours of operation are for the facility. In response, Mr. Johnsen stated that he discussed this with the Ford representatives. He explained that the facility wants to be competitive and meet their customer demand.

Ms. Gray indicated that there are facilities that are opened until midnight or 1:00 a.m. In response, Mr. Johnsen stated that he informed the neighborhood that he does not expect the hours to go any later than 10:00 p.m.

Ms. Gray stated that the applicant's pictures shows that there are eight bays, and with their hours there is a potential of 172 cars per day. She further stated that customers usually have to wait for their service and will backup waiting to get into the next bay. She commented that the facility will not have enough parking for the employees and cars that are waiting for service. In response, Mr. Johnsen stated that the architect knows what he is doing and has designed it to meet code. Mr. Johnsen explained that one couldn't relate this proposal to the dealership repair service. Mr. Johnsen stated that the goal for the facility is to do warranty work and light repair where customers are in and out quickly so that the customer does not have to wait hours and days for their car.

Ms. Gray asked Mr. Johnsen what signifies light repair. In response, Mr. Johnsen stated warranty work on the electrical system, tune-ups, oil change, etc. He explained that transmission work or drive chain repair would go to the dealership because it is very time-consuming.

Ms. Pace asked Mr. Johnsen if there would be a gated area on the facility. In response, Mr. Johnsen stated that there is not a gated area on the site plan.

Ms. Pace asked Mr. Johnsen, since there will not be a gated area, if they would let cars stay overnight.

Mr. Westervelt suggested that the rest of the questions wait until the Planning Commission has heard from the interested parties and give Mr. Johnsen a chance to confer with his clients. He commented that Mr. Johnsen should not be expected to know this much information off the top of his head. In response, Mr. Boyle stated the Planning Commission should expect Mr. Johnsen to know this information and he obviously doesn't.

Mr. Boyle informed Mr. Johnsen that the Planning Commission will listen to the interested parties and give him time to confer with his clients.

**Interested Parties:**

**Steve Schuller**, 100 West 5<sup>th</sup>, Suite 500, Tulsa, OK 74103, stated he is representing the Brooktowne Homeowners Association. He explained that the association is made of residents in the PUD. He stated that the applicant has worked diligently and hard to address the association's concerns. This is a somewhat different use in intensity and scope from what might have been originally planned for this area. He stated that the applicant has endeavored to limit the adverse impact on the residential neighborhood to as great an extent as possible.

Mr. Schuller indicated that the applicant has agreed to a number of conditions that are now reflected in the PUD text and there are some that are not in the text, but in the letter sent to the homeowners' association. He stated he expects the conditions mentioned in the letter will be conditions that will be imposed on the subject project.

Mr. Schuller stated the Brooktowne Development is a unique, progressive development. He explained that the development is an effort to upscale the subject area on Brookside. It is not necessarily appropriate to have an intensive auto repair facility located in the PUD. He commented that the developer has imposed the right kind and the right number of conditions to make this sort of use fit within this kind of development. The staff's recommendation has been reviewed by the association and discussed by the board. He stated that the association and board are satisfied that whatever negative impact might not have been addressed in the conditions imposed voluntarily by the applicant are well-handled in the staff's recommendation. He indicated that the association has authorized him to report that they endorse the staff's recommendation and approve of this development as presented in the PUD, subject to staff's recommendation.

Mr. Schuller stated that the way the proposed building is placed on the subject property is favorable to the association. He commented that the association does not want the proposed building to be turned or flipped around.

Mr. Schuller stated that the uses referred to in various bays are not shown on the PUD text or in the drawings. He commented he is not sure how the uses for various bays would be enforced. He stated that he agrees with Mr. Boyle that it is likely much easier to enforce the doors staying closed rather than where certain types of work are positioned.

**TMAPC Comments:**

Mr. Boyle asked Mr. Schuller how he reconciles the fact that there are similar uses up and down the subject mile of Peoria without these types of restrictions that staff has imposed. In response, Mr. Schuller stated that this is a unique property and the original PUD imposed the conditions. Mr. Schuller commented that the developers wanted to present the subject property as a more progressive up scaling of this part of Brookside rather than letting the subject property go the way that the rest of Brookside has gone. Mr. Schuller stated that the developers probably intended to improve the neighborhood by imposing these types of conditions on the subject property. Mr. Schuller reminded the Planning Commission that the residential entrance is on Peoria and the residents would want an upscale development in the residential entrance.

Mr. Boyle asked Mr. Schuller to respond to Mr. Johnsen's comment that the doors cannot be closed because an air-conditioning system cannot be designed to be efficient. In response, Mr. Schuller stated he did not know if that is true or not, but other operations in Tulsa have doors closed. He commented that the doors will not be opened very long and maybe one or two doors opened at a time.

Ms. Pace stated that Mr. Schuller's clients had the same concern with the nice part forward and heavier uses at the back. She did not mean that the project should be flipped so that the doors would front on Peoria. She commented that she was trying to get the automotive repair uses to the front of the building and the offices in the back. She asked Mr. Schuller if he thought this idea would work. In response, Mr. Schuller stated he is not a designer and is not sure how that would be accomplished.

Mr. Schuller stated that the objections that the neighborhood has would be the kinds of uses and noise or other adverse consequences that are addressed by the numerous conditions self-imposed by the applicant and the staff's recommendation. Ms. Pace asked Mr. Schuller if he is in favor of the staff recommendation as it has been presented to the Planning Commission. Mr. Schuller answered affirmatively.

Ms. Gray asked Mr. Schuller what his opinions are for the hours of operation. In response, Mr. Schuller stated that the applicant has not gone into very much detail in conversations with his clients. He commented that one of the letters had some language of an 8:00 p.m. closing time and Mr. Johnsen mentioned a 10:00 p.m. closing time. Mr. Schuller stated that dealerships tend to close around 5:30 or 6:00 p.m., and whether the smaller operations are opened later he was not certain.

In response to Ms. Gray, Mr. Schuller stated that there were a couple of items that were not in the PUD text, but Mr. Johnsen mentioned the items today. He listed the items mentioned that were not in the PUD text: split-faced masonry block on the lower exterior walls and primary color of the exterior walls. He stated he would like those conditions to be reflected at least in the minutes or a revised PUD text.

**Interested Parties:**

**Brett Shelton**, 1439 East 36<sup>th</sup> Street, stated he also owns a lot in Brooktowne Subdivision. He expressed concerns that the developers will not complete the project as presented. He commented that the Taco Bueno restaurant is one example. He stated that when Taco Bueno was first developed it was landscaped; however, that is not the case at the current Taco Bueno.

Mr. Shelton stated that if the developer agrees to the landscaping plan and the trees die in the future, if they will be replaced. If not, he asked what recourse property owners have to make sure that the project is not only completed as presented, but maintained as well. He concluded that he does not want to be forced into a long court battle because they are not carrying out their obligations of the PUD.

**TMAPC Comments:**

Mr. Boyle stated that the landscaping agreements have been a problem throughout the city. In response, Mr. Shelton stated that he is in support of the proposal in general. Mr. Shelton further stated he does have concerns with the enforcement of the conditions. Mr. Shelton commented that there are very few properties from 41<sup>st</sup> to 51<sup>st</sup> Street that border quarter-of-million dollar homes. He stated that is why the subject property should be treated differently from other properties in the area.

Mr. Horner asked Mr. Shelton if his greatest concerns are landscaping and maintenance. In response, Mr. Shelton stated that enforcement is his main concern.

Mr. Horner asked Mr. Shelton if he lived in the area when the subject property was the John Zink business. Mr. Shelton answered affirmatively.

Mr. Westervelt asked staff to explain the process of enforcement. In response, Mr. Stump stated that if someone feels that a specific PUD requirement has been violated, they should call Code Enforcement and make the complaint. He indicated that Code Enforcement will investigate the complaint and take whatever action they feel is appropriate.

**Interested Parties:**

**Paul Coury**, 2222 South Madison, reminded the Planning Commission that he and his partner still own the remaining land in the subject area. He explained that he is very proud of the quality of homes in Brooktowne and the value of the homes in Brooktowne. He stated that the two subject parcels were the out-parcels that he intended to sell. He indicated that he intends to hold the remaining portion of the property along the south.

Mr. Coury stated that the homeowners were in support of the project; however, the homeowners stated that they support the staff recommendation. He explained that he discussed the doors being opened, noise, barriers, berms, trees and the wall. He stated that the air-impact wrenches will not echo for miles. He agreed with Mr. Carnes' comment earlier that the prevailing winds are out of the south and north, not the east and west; therefore, the noise will not travel to the east. He commented that he feels that the applicant has done an adequate job to buffer the noise.

Mr. Coury stated that in the last two years there have been some uses that were turned down because they would have impacted the neighborhood more than the subject proposal. He commented that he feels that the subject proposal is a better offer than he has been faced with. He stated that if the issue of the doors being closed and air-conditioned are enforced, Ford Motor Company will not develop the subject property. He reiterated that air-conditioning and keeping the doors closed is not feasible. This is quick in-and-out services.

Mr. Coury stated that with regard to enforcement, the west bays would be the only ones outfitted with air tanks or sources of air for the wrenches.

**TMAPC Comments:**

Mr. Harmon asked Mr. Coury if Ford Motor Company will be a lessee or an owner. Mr. Coury indicated that Ford will be an owner. He commented that Ford will have an investment and will take care of the building and landscaping. He explained that Ford will have large investment in the subject property. Mr. Coury informed the Planning Commission that the new dealership concept is a sixty million-dollar infusion by Ford

and the dealers in Tulsa. This is the first one in the country and this is a prototype building.

Mr. Harmon asked Mr. Coury if the owner will be the Ford Motor Company or a subsidiary. Mr. Coury stated that this is a partnership of Ford Motor Company and the dealers in Tulsa.

**Interested Parties:**

**John Woolman**, 1201 East 33<sup>rd</sup>, stated he doesn't have any comments, but he would be happy to answer any questions. He commented that he is very proud of Brooktowne and it has been a challenge.

Mr. Woolman stated that the reason the two parcels wrap the boulevard is because he told the neighbors that he would develop it so that when they drove into the boulevard, they would see the shopping center.

**Barbara Hess**, 1356 East 43<sup>rd</sup> Court, stated that she is very pleased with working with Ford Motor Company and she is favor of the project. She commented that her first reaction to the proposal was negative, based on the impression that was given to her while purchasing her lot. She stated that in working with Ford, they have addressed her issues and concerns. She indicated that the homeowners are now in favor of the subject project.

Ms. Hess stated that the reason for favoring the staff recommendation is because they have the experience in this area.

**TMAPC Comments:**

Ms. Gray asked Ms. Hess how she felt about the hours of operation. Ms. Hess stated that early morning is not an issue; however, the neighbors did not want late hours. She explained that Ford did not make a commitment to the neighborhood regarding the hours of operation. She commented that it would be her preference to not have the lights and activity at 9:00 p.m. to 10:00 p.m.

Ms. Pace asked Ms. Hess how she felt about the doors being opened. In response, Ms. Hess stated that her personal preference is to have the doors closed and the air-conditioner going so the mechanics can work in ideal conditions. However, from a realistic standpoint, according to Mr. Johnsen and his clients, this cannot be achieved and is not feasible. Ms. Hess stated she would like the applicant to try to accommodate the issue as best as they possible could, but it should not totally kill the proposal.

Mr. Carnes stated that Mr. Johnsen indicated that requiring closed doors is a killer for the contract. He commented that this issue does not need to be discussed further.

**Applicant's Rebuttal:**

Mr. Johnsen stated that he does try to bring attention to the client the concerns from the meetings with the neighborhood. He indicated that the closed-door issue was

discussed at great length and it cannot be done. He stated that there are no auto repair facilities in the Tulsa area that are air-conditioned and it is not feasible to do so. He reminded them that the setback, the wall, and landscaping will be very meaningful in buffering the noise from the neighborhood.

Mr. Johnsen stated that by making the first two bays for lube and tune-ups, along with the 80' building setback, there will be an effective setback of 120'. He disagrees with staff on the magnitude of the noise. He stated he drove several auto-repair facilities and could only hear the noise within 30'. He explained that the facilities he drove by did not have an eight-foot masonry wall to block the noise. Mr. Johnsen stated that he is persuaded that the noise problem is not as great as everyone seemingly fears. He commented that the eight-foot masonry wall is an effective noise barrier and possibly there should be more studies on this issue.

Mr. Johnsen stated that Mr. Coury and Mr. Woolman are sincere and proud of the subject subdivision. He commented that his clients remain the owners of valuable property and would not allow a facility that would damage the quality of the subject property or people to whom they have sold lots.

Mr. Johnsen informed the Planning Commission that he was advised by one of the Ford representatives that they anticipate 75 vehicles per day for service. This will be six different cars per stall in 12 stalls. In response, Mr. Harmon asked if that is in a 15-hour day or more. Mr. Johnsen stated he did not think about the hours, but it would be early morning to early evening. Mr. Johnsen commented that this is well below the traffic that would occur in any other number of commercial uses allowed on the subject property.

Mr. Johnsen concluded that he client has honored their promises in the Supplement Development Standards. He stated that he respects the staff and usually agrees with the staff recommendations; however, to his knowledge the issue of the doors remaining closed is the first time that condition has ever been imposed on auto repair use.

**TMAPC Comments:**

Ms. Gray stated the neighborhood seem to be willing to give a little on the opened doors; however, they were adamant about the times of operation. In response, Mr. Johnsen stated that his client wants to be competitive and they really don't know at this time what their customers want or what other service facilities they will be competing with. Mr. Johnsen informed the Planning Commission that his client does not know at this time what the hours of operation will be. He requested the Planning Commission to impose whatever hours they feel feasible.

Ms. Gray stated that she feels that the neighborhood has given a little and has worked with Mr. Johnsen's client. She indicated that if his client's hours of operation go into the night with the doors opening and closing, lights on, etc., then there is a problem. She stated that she would like to see the Planning Commission impose an early evening hour to accommodate the neighborhood.

Mr. Johnsen stated that there are some restrictions on the parking lot lighting, which is a 12-foot height restriction, which is more restrictive than usual. He reiterated that he would ask the Planning Commission to impose whatever hours they feel are appropriate and reasonable.

Ms. Gray asked Mr. Johnsen if his client will be storing vehicles in the evening, they will be in the rear in a lighted area. In response, Mr. Johnsen stated that his client does not anticipate storing cars. He explained that if a customer left a car on their property he does not know if his client could do much about.

Ms. Gray asked Mr. Johnsen if the lights would remain on 24 hours a day in the rear of the facility, which faces the neighborhood. In response, Mr. Johnsen stated he will submit a lighting plan at the Detail Site Plan review and address this issue. He explained that his client will need some security lighting, but he should be able to work out a solution for the parking lot area lighting.

Mr. Westervelt asked Mr. Johnsen if there are any existing Ford facilities in the Tulsa area that have air-conditioned shops. Mr. Johnsen answered negatively. Mr. Johnsen stated that there is one facility in the country that was air-conditioned and after sixty days they shut it down.

Mr. Horner stated that he has used service facilities in many different states and he has never seen a service bay area that is air-conditioned.

Mr. Boyle commented that he appreciates the hard work between the applicant and the neighbors.

Mr. Carnes stated that this application is a good example of infill. He commented that staff asked for 10% landscaping and the applicant is providing 15% landscaping. The five per cent extra landscaping is a good trade-off for the opened bay doors. He suggested the hours of operation should be 6:00 a.m. to 8:00 p.m.

Mr. Boyle asked Mr. Carnes if he is suggesting that the Planning Commission accept Mr. Johnsen's proposal with hours limited to 6:00 a.m. to 8:00 p.m. In response, Mr. Carnes answered affirmatively.

Mr. Ledford stated that he agrees with Mr. Carnes that this is a classic example of infill and the type of problems that the Planning Commission will face in the future. The neighborhood and developer met together to work out issues and each has made concessions. The owners are giving, the neighbors are giving, and this is a double-edged sword, because the neighbors and the developer have something to lose. He commented that South Peoria has a decibel level that is loud, and whether this is going to increase the decibel level he is not sure. This issue will not be solved until the facility is in operation. He commented that the hours of operation imposed by the Planning Commission should be for a trial period and if it works out, then applicant should have the right to increase the hours up to 10:00 p.m. or 11:00 p.m. with a Minor Amendment.

Mr. Boyle stated he felt that the motion is a sound one and this is a unique development of an infill project in this community. The one thing that the Planning Commission needs to keep focused on is that the type of service that the subject facility will provide is uniquely suited to a high intensity residential area like South Peoria.

Ms. Pace stated this is a well-thought-out project and she can support this application. She commented that she did feel that the architect could have done a better job with land uses by placing the heavy uses in front and the office in the back. She stated that customers will accept anything that will facilitate them to get in and out quickly. She commented that the applicant could still keep the esthetics in the front.

Mr. Harmon stated he supports the motion because he feels very comfortable that Ford Motor Company will be an owner. He explained that the Ford Motor Company has the resources and desire for good public relations to keep the subject property well maintained.

Mr. Westervelt stated he has one concern with the relationship for the daycare facility. He explained that his main reason for urging the applicant to consider the air-conditioning because of the proximity to the daycare, which is more critical than the residential property at the rear. He stated that this doesn't seem to be an issue with the Commissioners and the daycare owners are not here to protest.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES** the TMAPC voted **9-0-0** (Boyle, Carnes, Gray, Horner, Harmon, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Midget, Selph "absent") to recommend **APPROVAL** of PUD-541-B, subject to the applicant's submitted Outline Development Plan and supplement development standards submitted by Mr. Johnsen: repair services shall be limited to light repair services, tire sales and services be incidental and secondary to general repair services; within 40' of the east building wall, service bays shall be limited to tune-up, oil and lube services; exterior trash receptacles shall not be used for tires, oil, batteries, or other recyclable auto parts; a minimum of 15% of the lot shall be landscaped; exterior walls shall be principally off-white or muted earth tone in color; and subject to the hours of operation being 6:00 a.m. to 8:00 p.m.

**Legal Description for PUD-541-B:**

Lot 2, Block 1, 4300 Brooktowne Addition, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof.

\* \* \* \* \*

**Ms. Gray out at 3:43 p.m.**

**PUD-405/Z-5722-SP-12 – Jeff Chapman**

(PD-18) (CD-8)

Southeast corner of East 91<sup>st</sup> Street and South 73<sup>rd</sup> East Avenue  
(Corridor Site Plan and Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting site plan approval to build an 8803 square foot two-story office building on a 44,140 square foot lot. The building will be utilized as a dentist's office and exam rooms.

Staff has reviewed the site plan and finds it conforms to bulk, area, setback, access, mutual access, parking, signage, circulation and landscaped area and landscaping requirements of PUD-405 Development Area 6 and the Corridor District standards of the Zoning Code. The number of street-yard trees along South 73<sup>rd</sup> East Avenue, however, does not meet Chapter 10 requirements. In a separate request (AC-037), the applicant is requesting alternative landscape compliance approval to substitute additional street-yard trees along East 91<sup>st</sup> Street South for one tree fewer than the required number of trees along South 73<sup>rd</sup> East Avenue.

Staff notes that mutual access between lots within Development Area 6 is desirable but not always practical. The current proposal indicates a retaining wall along the eastern boundary with Lot 2. No access is possible due to slope and differences in elevations between Lots 1 and 2. Lots 2 and 3, however, share an access point from East 91<sup>st</sup> Street that is noted on the recorded plat.

The applicant has demonstrated that the screening requirement for the southern boundary can be accomplished with the existing tree cover. If the City clears these trees in order to improve the drainageway, a privacy or sight-screening fence will be required.

Therefore, staff recommends **APPROVAL** of the Corridor and PUD Site Plan with the following conditions:

1. Approval of AC-037 reducing by one the required number of street-yard trees along South 73<sup>rd</sup> East Avenue.
2. Sightscreen fencing be installed on the southern boundary of the lot if the existing trees are removed within the drainage reserve area B.

**NOTE:** *Detail Site Plan approval does not constitute Landscape or Sign Plan approval.*

**AND**

**Ac-037 – Jeff Chapman** (PD-18) (CD-8)  
Southeast corner East 91<sup>st</sup> Street and South 73<sup>rd</sup> East Avenue.  
(Alternative Landscape Plan)

**Staff Recommendation:**

The applicant is requesting Alternative Landscape Compliance approval to eliminate one required street-yard tree along South 73<sup>rd</sup> Street East Avenue and substitute two additional street-yard trees along East 91<sup>st</sup> Street South.

Staff has reviewed both the site and landscape plans submitted with the Corridor and PUD Detail Site Plans and finds the access drive proposed along South 73<sup>rd</sup> Street East and the limited frontage due to the existing lot boundaries prohibit the installation of the three required street-yard trees. The applicant, however, is providing 13 street-yard trees within the East 91<sup>st</sup> street-yard, two more than what is required, and two street-yard trees on East 91<sup>st</sup> Street.

Staff, therefore, recommends **APPROVAL** of AC-037 as submitted finding that the alternative proposed is equal to or exceeds the requirements of Chapter 10 of the Zoning Code.

**Note:** *Alternative Compliance approval does not constitute Landscape Plan approval.*

**Interested Parties:**

**John R. Arend**, 9220 East Court, stated his property is approximately 300 yards from the proposed medical center. He commented that he did not realize that the proposal was for two stories; therefore, the notice is defective.

Mr. Arend stated that the proposed medical center will be at the entrance of a small residential area. Mr. Arend asked the following questions: 1) will this be a dental office, 2) how many practitioners will be occupying the building, 3) what are the hours of operation.

**Staff Comments:**

Mr. Stump stated that the staff does not know how many practitioners there will be. He explained that the number of practitioners is not regulated by the Zoning Code. The hours of operation are unlimited.

In response to Mr. Stump, Mr. Arend asked if the proposal could be a 24-hour dental facility. Mr. Stump stated that the dental office could be a 24-hour facility; however, that would be unlikely.

Mr. Boyle stated he has never known any dentist staying open 24 hours.

Mr. Arend asked staff if the access for the medical center will be on 91<sup>st</sup> Street. In response, Mr. Stump stated that there will be an entrance off of 73<sup>rd</sup> East Avenue and one of 91<sup>st</sup> Street South.

Mr. Arend stated he objects to the proposed entrances because vehicles will be getting into his neighborhood and disrupting the privacy of the residential area.

**Interested Parties:**

**Brad Brill**, 9103 East 73<sup>rd</sup> Avenue, stated he is the closest resident to the subject proposal. He expressed concerns with the potential removal of existing trees around the creek. He stated he has problems with entrance off of 73<sup>rd</sup> Street because it would bring vehicles through the residential entrance.

Mr. Brill stated that the homeowners in the subject residential area have not had much discussion regarding this issue with the developers. He expressed concerns with outdoor lighting in the parking lot area.

**Staff Comments:**

Mr. Stump stated the lights do have to be hooded and directed downward and away from residential areas.

Mr. Brill explained that he has concerns with the proposal being a two-story building. He explained that the elevation of the subject property is somewhat higher than his home, which would allow the tenants of the medical center to peer down into his home.

**TMAPC Comments:**

Mr. Boyle asked Mr. Brill if the houses in the residential neighborhood are two-story or one-story. In response, Mr. Brill indicated that there is a mixture and there are probably more two-stories in the residential area.

Ms. Pace asked Mr. Brill if it would give him a comfort level to have dummy windows on the side that abuts the residential area. In response, Mr. Brill stated that would address the privacy concern.

**Applicant's Rebuttal:**

Mr. Chapman stated that there will not be any tree removal by his construction company. He explained that the staff stated that if the City removed trees, then there will be a privacy fence installed by the owner of the proposed development.

Mr. Chapman indicated that the proposal was originally six feet taller than the submitted application. He explained that there is a limitation of 35 feet and he adjusted the building accordingly.

**TMAPC Comments:**

Mr. Harmon asked Mr. Chapman if it was necessary to access the subject property through 73<sup>rd</sup> Street. In response, Mr. Chapman stated that one of the requirements of the owner was that he have entrance off 73<sup>rd</sup> Street before purchasing the property. He explained that the PUD did not limit any access off 73<sup>rd</sup> Street.

Mr. Boyle asked staff if it was necessary to have the two points of access. In response, Mr. Stump stated that the proposed building could be served by one point of access. He explained that the 73<sup>rd</sup> Street entrance will be across from the drainage area and there is not any residential area. He indicated that the closest residential would be the backyard of a dwelling. He stated that the entrance is still separated from the residential area by the natural drainage area.

Mr. Stump stated that the applicant is allowed to remove the trees on their site, but not in the storm drainage easement.

Mr. Harmon asked if the 73<sup>rd</sup> is the major entrance to the subject neighborhood. Mr. Stump stated that 73<sup>rd</sup> is designed as a collector street.

Mr. Ledford asked staff if the plat of record indicates limits of access along 73<sup>rd</sup> Street. Mr. Stump answered negatively.

Mr. Ledford asked the staff whether, if the limits of access are not shown on the plat of record, the Planning Commission cannot limit the access to 73<sup>rd</sup> Street.

Mr. Stump stated that in a Corridor Site Plan, the Planning Commission potentially has the ability to control access even farther than the plat. He explained that with the use that is proposed and the existing conditions, staff did not feel that this would be a negative impact on the residential area. Mr. Stump indicated that there will likely be high-density residential development to the south of the subject property, which will have access off of 73<sup>rd</sup> and 91<sup>st</sup> Streets.

Ms. Pace asked staff if the other lots within the subject PUD along 91<sup>st</sup> Street on the north side of the drainage are zoned Corridor for commercial development. In response, Mr. Stump stated that the lots to the east of the subject property are all part of the same development area, which allows office use and 35' structures.

Mr. Westervelt stated that the only issue of significant concern is the access point. He explained that after reviewing the aerial photograph and seeing the distance the access point is from the backyards, he is comfortable with the proposal.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **8-0-0** (Boyle, Carnes, Horner, Harmon, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Midget, Selph "absent") to recommend **APPROVAL** of the Corridor Site Plan and the Detail Site Plan for PUD-405/Z-5722-SP-12; subject to conditions recommended by staff **AND APPROVAL** of the Alternative Landscape Plan for AC-037 as recommended by staff.

**TMAPC Comments:**

Mr. Ledford stated that for the record he would like to indicate that on PUD-405/Z-5722-SP-12/AC-037, he voted affirmatively on the original application. He explained that the reason he voted for the original application is because at the time he did not have conflict of interest. He stated that he currently has a conflict of interest. He explained that when the application came before the Planning Commission it was presented by another consulting engineer and therefore he did not have a conflict at that time.

Mr. Boyle commented that Mr. Ledford's remarks are so noted.

**Legal Description for PUD-405/Z-5722-SP-12 and AC-037:**

Lot 1, Block 1, South Springs Office Park, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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**Mr. Ledford announced that he will abstaining from PUD-573-1. Mr. Ledford out at 3:58**

**PUD-573-1 – Jerry W. Ledford, Jr.**

(PD-18) (CD-8)

South of southwest corner East 76<sup>th</sup> Street and South Yale  
(Minor Amendment)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to modify the approved building and parking setbacks as follows:

1. Reduce building setback from the centerline of South Yale Avenue from 110 feet to 95 feet.
2. Reduce parking setback from the west boundary from 25 feet to 8 feet.
3. Reduce parking setback from the north boundary from 80 feet to 65 feet.
4. Allow dumpster setback from the north boundary to be 55 feet.

Staff has reviewed a proposed plot plan submitted with the application and finds the proposed modifications to the approved building setback from South Yale involve a small corner portion of the proposed building. Most of the east-facing building wall is set back a distance greater than 110 feet. Staff is of the opinion that the reduction in the Yale Avenue setback is minor in nature and will not significantly alter the character or intent of the original approval.

Reduction of the west and north parking setback and the proposed dumpster location 55 feet from the northern boundary, however, will affect residential areas to the west and north. The original approval required a six-foot-high screening fence on the northern and western boundaries if the natural vegetative cover did not provide an adequate screening buffer. Staff notes that the slope of the site will place the parking and building below the abutting residential areas. The reduction in parking setbacks will require additional cutting, filling and slope stabilization and erosion control.

Staff is of the opinion that the effects of a 17-foot reduction in the required parking setback from the west boundary and a 15-foot parking and 25-dumpster setback reduction can best mitigated by requiring the installation sight-proof screening and additional landscaping along the northern and western boundaries of the PUD. Additional landscaping can provide both sight screening and erosion control.

Staff, therefore, recommends **APPROVAL** of the Minor Amendment as submitted subject to the following conditions:

1. Installation of a six-foot privacy fence along the entire length of the western and northern boundaries with smooth side facing toward residential areas.
2. Installation of a double row of deciduous and evergreen trees along any areas of the western and northern boundaries where the existing natural vegetative cover does not provide adequate buffering, site screening and erosion control. Location, types, and quantities of trees to be planted will be approved by TMAPC during Detail Landscape Plan review. The vegetation and fence being reviewed at the detail site plan review.

**Applicant's Presentation:**

**Jerry Ledford, Jr.**, Tulsa Engineering and Planning, submitted three exhibits: stated 1) the original PUD, which displayed the conceptual plan of how the building would be laid out; 2) Exhibit A, the proposed new site plan before South Yale improvements, and 3) Exhibit B, the proposed site plan after the South Yale improvements.

Jerry Ledford, Jr., stated that after reviewing the City's plans for South Yale he discovered that South Yale will be cut approximately eight feet. He explained that the cut will be at the proposed building's driveway location, as well as, a retaining wall. He indicated that he met with Jon Eshelman, Traffic Engineering and Bill Cyganovich,

Transportation, and discussed the issue of accessing the proposed site in the future. During the meeting he discussed driveway locations, elevation grade differentials and how the retaining wall system could be handled.

Jerry Ledford, Jr. stated that Exhibit B explains that with the eight-foot grade differential is to occur, he will have to use the driveway to the south as a ramp into the subject site. He indicated that he cannot access the site directly as shown on the initial exhibit. The original concept plan, before the improvements on South Yale were known, indicates that the parking lot was pushed farther south. However, the parking lot has been moved farther north to allow the driveway to the south to be a ramp into the parking lot.

Jerry Ledford, Jr. stated that the ramp takes out four to five parking spaces and the setbacks for parking have changed. He explained in order to meet Code he will need 65 spaces and in the future there will be 61 spaces. He stated the subject property is required to have 60 spaces. The parking lot had to be enlarged to accommodate the five spaces that will be lost when South Yale is improved.

Jerry Ledford, Jr. stated that Mr. Reall is the owner to the north of the subject property and attended the original meeting. He explained that he has met with Mr. Reall recently to discuss the changes. He commented that the building corners that affect Mr. Reall's property have not changed. There is still a 50-foot setback and the building has been moved closer to Yale Avenue. He indicated that the issues that concern Mr. Reall are that the parking lot becomes closer to the west end of the proposed building, the grading, and tree removal. He reported that he has met with Mr. Reall and discussed how these concerns will be handled and offered to help flag trees that were to be saved.

Jerry Ledford, Jr. commented that he has some questions regarding the north and west screening fence. He stated that he will have the same vegetation as on the north side and there are several privacy fences on the north and west sides. He asked staff if he had to install a privacy fence if there is no vegetation left, or if it were a requirement that a screening fence be built along the north and west boundaries. In response, Mr. Stump explained that the staff recommendation does state that a privacy fence is to be built. If the applicant doesn't expect to damage much of the existing vegetation, can show on the landscape plan what would remain. That it might mitigate the need for a screening fence. In response, Mr. Ledford stated that if he damaged landscaping on the north side then he will be in more trouble than putting up a screening fence. Mr. Ledford, Jr. requested that the staff recommendation read that if there is existing vegetation that adequately screens the building or the parking area from the adjacent homes then the existing vegetation would be allowed instead of a screening fence.

Mr. Ledford, Jr. stated that on the west side there will be grade differentials from the parking lot to the buildings of 16 feet. He explained that the parking lot is lower than the buildings on the west side, and on the north side the buildings are above the parking lot.

Mr. Stump stated that at the time of landscape approval if the applicant will note the tree cover that is remaining, and if the remaining trees are sufficient to provide adequate

screening, then staff would not require a screening fence on the north. He commented that he is not sure if the applicant has enough left to screen in the area. In response, Mr. Ledford, Jr., stated he could look at the screening around the area that will be disturbed; however, much of the area south of the parking lot is going to be totally native. Mr. Ledford, Jr. explained that he will not be in the area to the south.

Mr. Boyle asked staff if they were comfortable with the requests made for the screening on the north and west boundaries. In response, Mr. Stump stated he is comfortable with the modification to the staff recommendation.

**Interested Parties:**

**Gary Reall**, 7644 South Winston, stated he owns the property north of the subject property. Mr. Reall stated that the subject project affects his home and he is the only one that it will affect. He explained that when the improvements are made on Yale he will lose all of his neighbors to the east. He stated his neighbor to the west has already slid down the hill. He indicated that there is a very steep grade.

Mr. Reall stated he trusted the developers and hoped that there are no accidental tree removal or bulldozer mistakes. He explained that several of his neighbors have slid down the hill and ended up in another neighbor's pool area. He stated that when his neighbor slid down the hill his land went through two retaining walls, which did not hold up. He commented that he is concerned with his property sliding down the hill as well. He explained that he has many trees between his property and the subject property. He indicated that if the trees were disturbed he will have a problem with his property sliding down the hill.

Mr. Reall stated that the plans indicate a retaining wall and now the applicant is stating that they are trying to do the retaining all around the sides of the majority of his tree area so that it is not disturbed. The only trees that will be disturbed will be the trees where the corner posts are on the building itself.

Mr. Reall stated that the land directly below him, on the steepest grade, is where the parking lot will be located because of the improvements on Yale. He commented that he would prefer that the parking lot not be in that location. He stated he is concerned with the location for the smoking area behind the building. He expressed concerns with the cigarette smoke coming within 30 feet of his home. He stated he has two children and would prefer that the smoking location would be moved to another location. He indicated that the developer has agreed to move the smoking area clear to the corner closest to Yale.

**TMAPC Comments:**

Mr. Horner asked the applicant if the slope is a 30% grade from Mr. Reall's home to the property line. He further asked the applicant if the retaining wall would be two or three feet in height. In response, Mr. Ledford, Jr., stated that the slope is going to vary at the northwest corner, and the northwest corner is Mr. Reall's biggest concern. He indicated

that he may be doing two types of retaining walls. In response, Mr. Horner stated that the northwest corner will have the least disturbance.

Ms. Pace asked Mr. Reall to explain about the neighbors sliding down the hill. In response, Mr. Reall stated that he is the last house on the cul-de-sac and may end up being the only house left on the cul-de-sac. He indicated that his neighbor's land literally slid down into the homes below. He stated that the house starting moving down the slope as well.

Mr. Reall explained that the hill is all fill dirt and there is a lot of movement on the slope. He stated that the vacant lot beside his home used to be two feet below him. He expressed concerns that the vegetation being disturbed and allowing the land to slide down the hill.

Mr. Reall suggested that the retention wall should go to the northeast and not disturb the vegetation. He explained that this should help the applicant's project because that is where the best-looking trees are located, and it should not cause him any trouble with the ground sliding.

**Applicant's Rebuttal:**

Mr. Ledford, Jr. stated that for the retaining walls or foundation systems that will be built he will have a geo-technical engineer on staff who will design and collect soil borings on all of the area. He explained that this will allow him to have an adequate foundation system. He commented that if there is movement in the soil as described by Mr. Reall, then he is concerned about his project and will design adequate foundations and retaining walls.

Mr. Ledford, Jr. stated he will be submitting a detail site plan, which will give him an opportunity to refine his plan based on any approval and meet with Mr. Reall once more to review the detail site plan.

**TMAPC Comments:**

Mr. Boyle asked Mr. Ledford, Jr. if he had a problem with the TMAPC making it a condition to the PUD that none of the vegetation be disturbed. In response, Mr. Ledford, Jr. stated he preferred that it not be worded "none of the vegetation". He explained that he estimates from the corner there will be 30' to 40' of vegetation left. He commented that where he has to cut into the corner, there will have to be some trees removed. He stated that he can maintain a large grouping of all the trees and he has discussed this with Mr. Reall.

Mr. Horner informed Mr. Reall that Mr. Ledford, Jr. is a very competent and professional developer. He asked Mr. Reall if he is in agreement with the corner and the minimal amount of vegetation removal as it is presented today, subject to detail site plan review. Mr. Reall's response was inaudible.

Mr. Harmon commented to Mr. Ledford, Jr. that on the conceptual site plan there is an area that states "landscape to remain natural". Mr. Harmon asked Mr. Ledford, Jr. if he would be in agreement that if the application was approved, the statement regarding the vegetation will be incorporated into the approval and it truly will be left untouched. In response, Mr. Ledford, Jr. stated that the design of the proposed building has rotated and the area of natural vegetation is going to change. He explained that the northwest corner is the same and the northeast corner is rotating up.

**TMAPC Action; 7 members present:**

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Horner, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Gray, Ledford, Midget, Selph "absent") to recommend **APPROVAL** of the Minor Amendment of PUD-573-1 subject to the vegetation and fence being reviewed at the detail site plan review, as recommended by staff.

**Further TMAPC Comments:**

Mr. Westervelt stated that notices for the detail site plan review need to be given to interested parties.

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**Mr. Carnes out at 4:21 p.m.**

**PUD-555-1/PUD-555 – Russell Tatro**

(PD-18) (CD-8)

East of northeast corner East 91<sup>st</sup> Street and South Yale  
(Minor Amendment and Detail Site Plan)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to transfer 15,000 square feet of approved building area allocated to daycare usage to residential uses for missionary quarters. The approved standards allocated 10,000 SF to missionary quarters, 15,000 SF to daycare, 10,000 SF to accessory storage and 35,000 SF to office/auditorium use. A Detail Site Plan for the office/auditorium/storage complex was approved in March 1998, but did not detail any uses in the northern, eastern or northeastern portion of the 12.9-acre tract. The March approval indicated 8,000 SF of accessory storage and 23,294 SF of office/auditorium/museum use.

The current Minor Amendment request is based on a proposed site plan eliminating daycare use and increasing the total residential and accessory residential square footage to 25,520. Twenty 1,056 SF single-family units (21,120 SF) with parking and 4,400 SF residential clubhouse with associated parking and pedestrian access are proposed.

Staff has reviewed the request and finds the modification of the development standards increasing the allowed residential floor area and eliminating the daycare use will not

substantially alter the spirit, intent or character of the original approval and will increase the total residential building floor area by 520 square feet. The increase can be attributed to the proposed residential accessory clubhouse. Staff notes that the applicant has generally proposed or received approval for building floor areas less than allowed.

Staff, therefore, recommends **APPROVAL** of Minor Amendment 555-1 increasing the allowed residential floor area to 25,520 square feet and eliminating 10,000 square feet of daycare use.

**AND**

The applicant is requesting Detail Site Plan approval to build 20 single-family detached missionary residences totaling 21,120 square feet and a 4,400-square-foot residential clubhouse. The area proposed for residential development abuts a church use to the west.

The approved PUD 555 standards allocated 10,000 SF to missionary quarters, 15,000 SF to daycare, 10,000 SF to accessory storage and 35,000 SF to office/auditorium use.

A Detail Site Plan for the office/auditorium/storage complex was approved in March 1998, but did not detail any uses in the northern, eastern or northeastern portion of the 12.9-acre tract. The March approval indicated 8,000 SF of accessory storage and 23,294 SF of office/auditorium/museum use. A related Minor Amendment heard concurrently with the Detail Site Plan is requesting reallocation of 15,000 SF of daycare floor area to residential use.

Staff has reviewed the request and finds the site plan conforms to the setback, parking access, parking screening, lighting height and total landscaped area standards of the PUD. The site plan, however, exceeds the maximum allowed residential floor area by 15,520 square feet.

Staff, therefore, recommends **APPROVAL** of the Detail Site Plan as submitted for PUD 555 subject to the following condition:

Approval of PUD 555-1 increasing the allowed residential floor area to 25,520 square feet and eliminating 15,000 square feet of daycare floor area and daycare uses.

**NOTE:** Detail Site Plan approval does not constitute Landscape or Sign Plan approval.

**There were no interested parties wishing to speak.**

The applicant was not in attendance.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON** the TMAPC voted **6-0-0** (Boyle, Horner, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Ledford, Midget, Selph "absent") to recommend **APPROVAL** of the Minor Amendment and Detail Site Plan for PUD-555-1/PUD-555 as recommended by staff.

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**PUD-581-1 – Roy Johnsen**

(PD-26) (CD-8)

Southwest corner Creek Turnpike and South Memorial Drive  
(Minor Amendment)

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to reduce the required minimum principal building setback from the centerline of East 98<sup>th</sup> Street South from 75 feet to 50 feet for the southwesternmost building as indicated in the Conceptual Site Plan.

Staff has reviewed the request and finds the required 100-foot setback from the west boundary and the existing floodplain extending to the west establish a significant separation from the nearest future single-family residential area. During the initial review and approval of the PUD the southwestern building shown on the Conceptual Site Plan was overlooked when establishing the principal building setback minimums.

Staff finds the request to be minor in nature and does not substantially alter the character or intent of the original approval. Staff, therefore, recommends **APPROVAL** of the modified setback as follows:

**Minimum Setbacks/Principal Buildings:**

- From West boundary 100 ft
- From the Centerline of 98<sup>th</sup> Street 75 ft\*

\*(Except the southwesternmost building which may be set back a minimum distance of 50 ft. from 98<sup>th</sup> Street)

**There were no interested parties wishing to speak.**

**Applicant was present and indicated his agreement with the staff recommendation.**

**TMAPC Action; 6 members present:**

On **MOTION** of **WESTERVELT** the TMAPC voted **6-0-0** (Boyle, Horner, Harmon, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Gray, Ledford, Midget, Selph "absent") to recommend **APPROVAL** of the Minor Amendment of PUD-581-1 as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:30 p.m.

Date approved: 8-5-98

[Signature]  
Chairman

ATTEST: [Signature]  
Secretary