

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1621
Wednesday, September 24, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Jackere, Legal
Draughon	Doherty	Gardner	Counsel
Kempe	VanFossen	Setters	Page, DSM
Paddock, Secretary			
Parmele, Chairman			
Selph			
Wilson, 1st Vice-Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, September 23, 1986 at 9:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

MINUTES:

Approval of Minutes of September 10, 1986, Meeting #1619:

On **MOTION** of **WOODARD**, the Planning Commission voted **4-0-3** (Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; Carnes, Draughon, Paddock, "abstaining"; Doherty, Kempe, VanFossen, Crawford, "absent") to **APPROVE** the **Minutes of September 10, 1986, Meeting #1619.**

REPORTS:

Committee Reports: Mr. Paddock announced the **Rules and Regulations Committee** will be scheduling a meeting for Wednesday, October 1, 1986.

Director's Report:

Mr. Gardner advised the City Commission review of Resolution 1618:627 dealing with the Creek Expressway has been rescheduled from September 30th to October 1st. Mr. Gardner also advised that the INCOG funds had been released by the County. Chairman Parmele thanked Commissioner Selph for his help on this matter.

ZONING PUBLIC HEARING:

Application No.: Z-6125

Applicant: White

Location: East of the SE/c of 1st & Quincy

Size of Tract: .1 acre, more or less

Present Zoning: RM-2

Proposed Zoning: CH/IL

Date of Hearing: September 24, 1986 (continued from 9/10/86)

Presentation to TMAPC by: Mr. Carl White, Inola, OK

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Industrial.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested IL & CH District may be found in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .1 acre in size and located east of the northeast corner of 1st Street and Quincy Avenue. It is nonwooded, flat, contains a single story building with a parking lot in the rear and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north by I-244 zoned RS-3, on the east by a vacant lot zoned IL, on the south by a residential single-family dwelling zoned RM-2, and on the west by a multi-family dwelling unit zoned RM-2.

Zoning and BOA Historical Summary: Recent zoning actions in this area indicate a strong move towards industrial type zoning and land uses, in accordance with the Comprehensive Plan.

Conclusion: Based upon the Comprehensive Plan, the existing land uses (conforming and nonconforming) and the existing zoning patterns in the area, Staff does not consider granting the requested intensity to be an encroachment into the area. It should be noted the area is in transition from residential to industrial. The Staff does feel, however, the more appropriate zoning for the property would be IL, due to the character of the neighborhood and existing uses. Staff recognizes that if IL zoning was granted, BOA approval would be required for some of the commercial uses and appropriate conditions could be placed on such development which would provide a measure of protection to adjacent residences.

Therefore, Staff recommends **DENIAL** of CH and **APPROVAL** of IL.

Applicant's Comments:

Mr. White advised this property has been used for commercial since 1926. In reply to Commissioner Selph, Mr. White stated it has been used for a bar since 1940, even though it is currently zoned RM-2. Ms. Wilson inquired what has prompted the applicant to request a zoning change. Mr. White replied he had received a letter from Code Enforcement.

Mr. Carnes questioned why this did not fall under the "Grandfather Clause", since it has had commercial use for many years. Mr. Gardner stated that, had the applicant been able to prove the commercial use, it would have satisfied the Building Inspector and Code Enforcement, as the burden of proof is on the property owner and/or tenant.

In reply to Ms. Wilson, the applicant stated he has owned the property since 1979 and confirmed it was still being used as a bar. Chairman Parmele advised receipt of several letters on this application to be submitted as exhibits to the file.

Interested Parties:

Address:

Mr. Leroy Borden	4611 East Admiral Blvd
Mr. Leonard Carter	1402 East 1st
Mr. Bob Miller	4715 South Fulton Court
Mr. Lonnie Barnes	7404 South Lakewood

Mr. Borden advised he owns the property immediately east of the subject tract, and while presently vacant, he uses this house as rental property, but prospective tenants do not like the closeness to the bar. Mr. Borden stated the bar has created several problems in the neighborhood, as well as depreciated property values. Mr. Borden commented that, if they were unable to get the bar closed, they would at least like to see it cleaned up, and submitted letters from all of the surrounding property owners in protest. In reply to Chairman Parmele, Mr. Borden confirmed he was not against the zoning request, but was against the bar. Mr. Draughon inquired if any of the residents had asked Code Enforcement for help before this time. Mr. Borden replied he was not aware of requests from Code Enforcement, but about a year ago he talked with the Police Department and told of several break-ins, and has seen a record of the number of calls made by the Police to this location.

Mr. Carter, who owns property at 1st and Quincy, commented that he was not opposed to the IL zoning even though he felt it was not appropriate, but was opposed to anything that would give the property owners any more latitude. Mr. Carter mentioned the parking problems associated with the the bar, and suggested this business install more restrooms as customers leaving the bar use his house for this purpose. Mr. Carter strongly opposed any CH.

Mr. Miller stated he owns property at 2nd and Quincy which borders a common alley with the bar. Mr. Miller commented he was also representing Ms. Lee Riddle, his next door neighbor (both have submitted letters of protest). Mr. Miller, who has owned this property for 26 years, advised of several break-ins on his property, as well as on Ms. Riddle's property. Mr. Miller stated he was not opposed to the IL zoning request, but was opposed to the bar.

Mr. Barnes, one of the partners who owns an apartment building to the west of the subject tract, remarked he has lost tenants due to the bar. Mr. Barnes stated he has witnessed bar customers using drugs in the parking lot and agreed with the others protesting a bar at this location.

Applicant's Rebuttal:

Mr. White advised there was another bar at the end of the same block of the subject tract and pointed it out for the Commission. Chairman Parmele confirmed with the applicant his understanding that, if the zoning were not approved, he would have to go before the BOA for a variance. The applicant requested the TMAPC approve this application, as he was able to prove this business has been at this location since 1926. In reply to Ms. Wilson, the applicant confirmed the club does have a liquor-by-the-drink license.

Additional Comments and Discussion:

In response to Mr. Draughton, Staff and Legal stated they were not sure how a business could get a liquor license in an area zoned RM-2. On request of Mr. Carnes, Chairman Parmele recognized Mr. Carter to speak. Mr. Carter stated he has spoken with the Alcohol Beverage Control (ABC) Board and was told the ABC issued temporary licenses to all who applied and then those who applied had to request a permanent license. Therefore, all who applied got a temporary license regardless of zoning.

In reply to Mr. Paddock, Mr. Gardner advised this area was blanket zoned in 1956. Mr. Paddock commented that, as it was blanket zoned, it was possible that the property owner was not aware of the residential zoning. Mr. Gardner stated the zoning prior to 1956 was also single-family residential, and that the BOA previously denied a variance for a bar as a nonconforming use on the subject tract.

Ms. Wilson, in regard to the Special District - Industrial, inquired as to how large this area was wherein industrial development was encouraged. Mr. Gardner commented that it basically included all of the area from Peoria to Utica, and from the I-244 Expressway south to East 6th Street.

Chairman Parmele remarked he felt the Commission was getting away from the applicant's request for CH/IL and should not concern themselves with the use of that property, as it would be for the BOA to handle at a future meeting. Ms. Wilson stated she would have difficulty approving IL on this tract due to the residential areas around the subject tract. Mr. Paddock agreed with Ms. Wilson and stated he would be voting against CH/IL.

TMAPC ACTION: 8 members present

On MOTION of WILSON, the Planning Commission voted 6-1-1 (Carnes, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Parmele, "nay"; Kempe, "abstaining"; Doherty, VanFossen, Crawford, "absent") to DENY CH and/or IL for Z-6125 White.

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Application No.: Z-6128 & PUD 422 Present Zoning: RS-3
Applicant: Norman (Ram Investment) Proposed Zoning: OL, OMH
Location: West & North of East 33rd Street and South Peoria
Size of Tract: 3.2 acres, approximately
Date of Hearing: September 24, 1986
Presentation to TMAPC by: Mr. Charles Norman, 909 Kennedy Building (583-7571)

Relationship to the Comprehensive Plan: Z-6128 (Related Item PUD 422)

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity - Office and Development Sensitive on the South Peoria frontage south of Crow Creek and Low Intensity - Residential and Development Sensitive on the interior tracts and areas north of Crow Creek along Peoria.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested OMH District may be found in accordance with the Plan Map for Medium Intensity - Office and is not in accordance with the Plan for the Low Intensity - Residential. The OL District is in accordance with the Medium Intensity - Office designation and is not in accordance with the Low Intensity - Residential designation.

Site Analysis: The subject tract is approximately 2.5 acres in size and located west of South Peoria and also at the northwest corner of East 33rd Street South and South Peoria. It is partially wooded, gently sloping to Crow Creek and contains both single-family and duplex dwelling units and parking on the interior which is zoned RS-3 and is the site of a one-story office building on South Peoria which is zoned OM.

Surrounding Area Analysis: The tract is abutted on the north by the Boy Scout Administrative Offices Building zoned RS-3, on the east by a bank zoned CH, on the south by a strip shopping center zoned CH, and to the west, southwest and northwest boundaries by single-family dwelling units zoned RS-3.

Zoning and BOA Historical Summary: Special Exceptions for duplex dwelling units have been approved on the interior of the subject tract in the RS-3 District by the BOA. The zoning pattern along this segment of Peoria, south of Crow Creek, varies from medium intensity office to heavy commercial.

Conclusion: The applicant has advertised for OMH and OL in the alternative on both the Peoria frontage and areas west to the end of the East 33rd Street cul-de-sac. Neither office category is in accordance with the Comprehensive Plan for the interior tracts; however, the OL request is in accordance and the OMH may be found in accordance with the Plan for the lots fronting Peoria south of Crow Creek. The subject tract is bounded by Crow Creek on the north which separates the abutting single-family residential district to the north from the proposed office complex. The houses to the south all back to the proposed project. East 33rd Street serves only the subject property. Staff is not supportive of zoning on the interior tracts as OL or OMH since neither zoning district is in accordance with the Comprehensive Plan. Further, recognizing that PUD 422 has been filed and that the requested floor area within the PUD could be achieved by confining OMH zoning to only a portion of the South Peoria frontage (specifically the south 66' of the east 165') and by retaining an OM buffer on the north. The Comprehensive Plan and Development Guidelines permit the spreading of intensities and land uses within the adjoining area if the proposal is compatible.

Staff is supportive of OMH zoning on a portion of the tract, subject to approval of PUD 422 as recommended.

Therefore, Staff recommends **DENIAL** of OL and OMH zoning on the interior lots as requested and **APPROVAL** of OMH zoning on only the south 66' of the most easterly 165' subject to approval of PUD 422 as recommended by Staff.

Staff Recommendation: PUD 422 (Related Item Z-6128)

The subject tract has an area of approximately 3.2 acres and is located north and west of the intersection of East 33rd Street and South Peoria. Portions of the tract have been advertised for OL and OMH zoning; however, Staff is supportive of only OMH zoning on the south 66' of the most easterly 165' for reasons discussed in a related item being Z-6128.

The subject tract is landlocked and relatively isolated from abutting areas with only a cul-de-sac entrance from South Peoria, and bounded by Crow Creek on the north. Numerous large trees on the site will be preserved on the tract in accordance with the Landscape Concept Plan. Existing residential structures will be removed from the interior of the site and East 33rd Street will be vacated. The applicant has advised in the Text of Intentions to expand the existing office building prior to final approval of the PUD which would be possible under the present OM zoning. Reference should be made to the attached Technical Advisory Committee (TAC) minutes dated September 11, 1986 which address the TAC

concerns about PUD 422. The total floor area for buildings to be built is 36,000 square feet. The front building will contain a maximum of 10,000 square feet and smaller office buildings on the interior of the tract will be a maximum of 6,000 square feet. Staff does not object to the requested 35' maximum height requested for the east 165' of the PUD; however, suggests that buildings on the interior of the site be limited to a maximum of two (2) habitable floors 26' tall understanding that the roof line of the buildings could be as tall as 35'. The Text also requests that the setback from the south boundary be 20', which would be acceptable considering a screening fence with masonry columns will be constructed with extensive landscaping per the Landscape Concept Plan, plus several large existing trees will be preserved during construction. Staff considers the redevelopment of the interior of the PUD to be of relatively low intensity, that the redevelopment of the entire area as a unit to be treated in the Williamsburg concept of a residential character will be compatible with abutting development, and that the character of the existing development will be significantly improved upon with the conditions and safeguards of PUD 422.

In conclusion, Staff review of PUD 422 indicates that it is: (1) consistent with the Comprehensive Plan (since no amendment would be required); (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 422 subject to approval of Z-6128 as recommended by Staff and as follows:

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

2) **Development Standards:**

Land Area (Gross):	138,162 sf	3.17 acres
(Net):	111,220 sf	2.58 acres

Permitted Uses: Principal and accessory uses permitted as a matter of right in an OL District excluding drive-in banks and funeral homes.

Maximum Building Height:	
East 165' from C/L of Peoria	35'
Remainder of site	35' to top of roof line except a maximum of two habitable floors

Maximum Building Floor Area:	36,000 sf
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Z-6128 & PUD 422 Norman (Ram Investment) - Cont'd

Maximum Building Size:	
East 165' from C/L of Peoria	10,000 sf
Remainder of site	6,000 sf
Minimum Off-Street Parking:	As required by the applicable use units.
Minimum Building Setbacks:	
from the top of Crow Creek Bank	10' *
from C/L of Peoria	100'
from West Boundary	90'
from South Boundary	20'
from North Boundary	Not applicable; improvements will be limited to only those areas south of Crow Creek.
Minimum Landscaped Open Space	20% **

* The 10' setback from the top of the Crow Creek Bank is to be as shown on the surveys submitted with the Outline Development Plan for PUD 422. This setback must be maintained by the owner of the abutting building as a condition of approval of PUD 422 and as a continued condition of the granting of a Certificate of Occupancy.

** Landscaped open space shall include internal and external landscaped open areas, parking lots islands and buffers which are above the top of the existing Crow Creek Bank, but shall exclude pedestrian walkways and parking areas designed solely for circulation.

Signs: One ground sign not exceeding 32 square feet in display surface area may be erected on the South Peoria frontage and one ground sign not exceeding 32 square feet in display area may be erected on the internal private street serving the office park.

- 3) That all trash, utility and equipment areas shall be screened from public view.
- 4) That all parking lot lighting within the office park shall be directed downward and away from adjacent residential areas. No pole light in excess of 8 feet tall shall be permitted along the north, west, and south boundaries of the property.
- 5) All signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation and in accordance with Sections 620.2 (d) and 1130.2(b) of the PUD Chapter of the Zoning Code and as specified herein.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit. Existing trees shall be preserved on the site in accordance with the "Landscape Plan" element of the PUD Text.

Z-6128 & PUD 422 Norman (Ram Investment) - Cont'd

- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee including specific reference to Class "A" Watershed Development Permit and PFPI. It is understood that implementation of PUD 422 will require East 33rd Street South to be vacated.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit. The Detail Site Plan shall include elevations demonstrating a residential type Williamsburg exterior building facade within the development. The subject tract will be screened by a 6 foot tall wooden screening fence with masonry columns on the south and west boundaries.
- 9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code has been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.
- 10) Reconstruction and expansion of the existing office building within the east 165 feet (as measured from the centerline of South Peoria) which is presently zoned OM may commence during the review of the Crow Creek Office Park Planned Unit Development as permitted within the existing OM zoning. It is understood that the applicant, although not officially bound by PUD 422 until approval, will comply with the intent of the various development standards, architectural, sign and other conditions, but is exempt from normal procedural requirements. Construction of the remainder of the buildings within the office park will be permitted after the approval of the Planned Unit Development and replat of the property.

TAC REVIEW OF PUD 422: (from the 9/11/86 TAC minutes)

This review by the TAC is for the purpose of aiding the Staff to evaluate the project prior to making its recommendation to the Planning Commission. A subdivision plat will be filed for the usual processing either with the PUD or at a later date, at which more specific information will be available. It should be understood that when the plat is filed for processing that additional, specific requirements will be necessary.

1. Existing street right-of-way on 33rd Street should be properly vacated in accordance with the customary legal procedures set forth by statute.
2. Retain easements for any utilities already in place (part of #1 above).
3. If any existing utilities need to be relocated, said relocation shall meet approval of applicable utilities, including Water and Sewer Department.

4. Illustrative plan does not account for additional right-of-way that will be required to meet Major Street Plan standards (50' required, 25' existing, need 25' more). This will cause loss of several parking places along South Peoria. Applicant may need to redesign to account for this additional right-of-way requirement.
5. Access point(s) to South Peoria shall be approved by Traffic Engineering.
6. Drainage plan approval will be required in the platting process. Class "A" permit required. PFPI required. Check Master Drainage Plan for compliance with any projected improvements for Crow Creek. Provide drainage easements as needed.
7. Applicant's text indicates separate ownership of the individual office buildings. This will require mutual access easements and/or utility easements, including any necessary extensions needed to serve each building as an individual lot.
8. The proposed wood screening fence is to have masonry columns that will require footings. A three foot area for fencing may be necessary in addition to the standard easements for utilities. This should be shown on face of plat if required.
9. Additional requirements may be made when the plat is submitted for processing.

Traffic Engineering stated for the record, that 33rd Street should be vacated in its entirety to the west line of Peoria. Stormwater Management advised that onsite detention will be required unless no downstream impact can be clearly shown. Water and Sewer Department advised that some additional sewer lines may be required. The 2" water line existing is to be replaced by a larger line.

Considerable discussion took place regarding the additional right-of-way needed on Peoria. Since dedication would take some parking spaces this was critical. It was suggested that right-of-way be dedicated then a "Reverse Parking Agreement" be obtained from the City to continue existing parking that would become part of the right-of-way. Mr. Norman advised that this would be a problem in financing the front building because the parking could be eliminated on demand when the City needed the right-of-way for street improvements. Phil Smith suggested that an additional 5' be dedicated plus 5' for sidewalk to allow for future improvements. Traffic Engineering and Stormwater Management both indicated that if changes are made in the drainage channel, the bridge would probably have to be widened, then right-of-way would be needed. It was suggested that applicants and Traffic Engineering and City Engineers make further study of the right-of-way needs on Peoria at this location, and try to work out a mutually satisfactory solution before the plat is filed for processing.

In general, there were no objections to the concept of the project by the TAC.

Comments & Discussion:

Mr. Paddock inquired if the pending change to the Ordinance on drive-in banks was now in affect, would it allow a drive-in facility as a special exception on this application. Mr. Gardner explained the controversy on this matter involved use by right if the drive-in facility was limited to one window. However, the Ordinance change will do away with the use by right as will define banks with drive-in facilities as requiring approval of a Special Exception.

Ms. Wilson inquired if the Department of Stormwater Management (DSM) was concerned as to the minimum building setbacks. Mr. Gardner stated he thought their concern was with the survey line and erosion causing the top of the banks to change. In reply to Ms. Kempe, Mr. Gardner commented that Staff directed reference to the TAC minutes to cover concerns as to drainage.

As requested by Mr. Draughon, Mr. Jack Page of DSM, explained that they have met with Hammond Engineering and discussed how this project will fit with the Master Drainage Plan. As yet, just proposed plans have been reviewed, but Hammond Engineering will be submitting final plans as they are complete. In reply to Ms. Wilson, Mr. Page advised that DSM was going to require a 15' easement from the outside floodplain width, which in this area was slightly greater than the bank width, so it would be much more inclusive than the minimum 10' requirement of the PUD.

Applicant's Comments:

Mr. Charles Norman, representing Woolman Properties, reviewed the subject property stating 33rd Street has never been improved and the cul-de-sac was substandard in width and development. Mr. Norman submitted photographs indicating the condition of 33rd street and the residential houses on this tract. Mr. Norman advised the applicant has applied for the closing of 33rd Street and the vacation of right-of-way and the PUD was predicated on this being done. However, the placement of the proposed buildings was outside the limits of the existing right-of-way in the event the vacation of right-of-way not be approved. In regard to the existing residences, Mr. Norman advised that three of these homes have been vacant for some time and are in very poor condition. In fact, this area is currently not suitable for redevelopment as residential due to the limited access through the commercial area on Peoria.

Mr. Norman reviewed the proposed development concept of the project which was to be of a Williamsburg design using residential type standards, stressing the intent to preserve as many trees as possible in keeping with a residential character, and designing the layout to accommodate this intent. Due to physical conditions, Mr. Norman stated the applicant would be objectionable to imposition of the 15' access easement, and also due to the fact that it would not be possible to achieve this access along this

part of Crow Creek down to Riverside Drive because of existing structures. Mr. Norman advised they will be proposing to provide easements for direct access to the bank at a number of points to provide working space for equipment, etc. However, the access easement will be resolved in the final Detail Site Plan. Mr. Norman stated the purpose of the 10' setback was relative to existing distance established and also relates to the existence of the trees (indicating these items on a map from the PUD Text).

Mr. Norman stated they are not opposed to Staff's recommendation that the structures do not exceed two stories in height. In discussing the Floor Area Ratio (FAR), Mr. Norman stated this reflects the low density and intensity of this proposal, and commented as to the amount of land in the channel of the creek and the commitment of at least 20% of landscaped open space, which does not include the land areas below the top of the bank. Mr. Norman, referring to the Concept Illustration, pointed out the distances of the proposed structures to the existing residential homes across Crow Creek and commented the creek provides a natural separation.

In reference to the TAC minutes, Mr. Norman advised the engineering consultants recommended that onsite detention should not be required due to the proximity of this property to the Arkansas River. The better strategy being to let the water from this tract drain into the creek and pass through before the upstream run-off reaches this location, rather than try to detain the water on premises. However, with the development of the Master Drainage Plans, should DSM feel that onsite detention was the appropriate solution, the applicant would not object to providing this within the parking lot areas throughout the project. Mr. Norman pointed out there would only be insignificant changes to the drainage as most all of the 30-32,000 square feet where the existing buildings are located was already paved. The change would occur within approximately two acres (net) on the interior of the property and the difference would be the area occupied by the proposed buildings and parking as compared to the area being occupied by the existing buildings and street. Mr. Norman stated the estimates indicate this would require approximately one-third of an acre foot of detention capacity in order to satisfy the criteria of DSM, and this would be no problem.

Mr. Norman submitted a letter from Mr. Gerald Tumbleson (1426 East 32nd Place) stating the proposed Crow Creek Office Park should prove good for all concerned. Mr. Norman advised the PUD Text contained a proposal for landscaping and screening which included a six foot solid fence along the east and west boundaries with a five foot additional landscaped buffer area.

Interested Parties:

Mr. Robert N. Jones
Ms. Laura Carter

Address:

1030 East 32nd Place
1115 East 33rd Place

Mr. Jones, representing the Crow Creek Neighborhood Association, advised he has spoken with the applicant, and while agreeing the project looked good, he commented as to nine areas of inconsistency with the District 6 Plan. Mr. Jones voiced concerns as to the project presenting problems for those downstream, and as to the view of the creek as a natural barrier/boundary. Mr. Jones stated he has spoken with DSM, he submitted photos of erosion along the creek bank, and expressed strong concerns as to continued erosion and the problems of remedying this situation. Mr. Jones suggested withdrawal of the PUD pending a full hydrological analysis, and increasing the setback along the creek to 30', lowering the maximum building height, and a firm directive from the TMAPC that no waivers would be allowed from the Class A Watershed Permit.

In regard to comments made by Mr. Jones as to actions taken by Place One Apartments to curb erosion along the creek bank, Staff clarified that construction of this complex took place before the DSM requirements were effective.

Ms. Carter stated she had several problems with the zoning change and the PUD, one being the building height. Ms. Carter voiced concerns as to traffic and noise control, and drainage. She did not feel office buildings fit the residential nature of the neighborhood.

Applicant's Rebuttal:

Mr. Norman, to address concerns as to drainage, reiterated the applicant was working closely with Stormwater Management and would comply with their requirements. With respect to the bank stabilization, Mr. Norman stated this would be addressed, first of all, by the developer and, more importantly, by the Subdivision Regulations, the review process and DSM criteria in order to make this property usable. In regard to the 35 foot building height, Mr. Norman commented that this was standard for single-family homes and there were many Williamsburg styled homes that have this height restriction. In relationship to building size, Mr. Norman assured that the buildings will have a residential character and were designed with this purpose in mind. To address Ms. Carter's concerns about traffic and noise, Mr. Norman stated the general atmosphere of low intensity office structures does not contribute to noise, pollution, traffic, etc.

Additional Comments and Discussion:

Mr. Paddock asked Staff to comment on the fact that the rezoning requested, in effect, changes the current RS-3 zoning to the equivalent of OM, insofar as the two stories being allowed. Mr. Gardner clarified the OL zoning was restricted to one-story in height, but the OM zoning and development would be .5 FAR and this application was not even close to that. Therefore, in terms of allowing more than one story, it does allow this.

As requested by Mr. Draughon, Mr. Jack Page of DSM, reviewed the various class permits issued by DSM, the "beat the peak" approach, permit exemptions, maintenance categories, etc. Mr. Page clarified the Class A permit for the Place One Apartments was not waived (as stated by Mr. Jones) but fell under a exempt category on the basis of a decision that it was maintenance, as Place One was attempting to replace soil eroded in the May 1984 flood, and had hired an engineer to work with DSM on this. Mr. Jackere inquired if there was any way that DSM could waive the requirements of notification on a permit or exception. Mr. Page advised he knew of no way to waive requirement of notification. Mr. Paddock asked as to the importance of the minimum 15 foot setback from Crow Creek in regard to new construction. Mr. Page stated he thought there might be an even greater distance than the 15 feet and referred to condition 6 of the TAC minutes directing provision of drainage easements, as needed. In reply to Ms. Wilson, Mr. Page clarified the 15 foot width was for vehicular access, as well as providing for a storm sewer system of some type to pick up the water approaching the creek in a controlled manner. Ms. Wilson then inquired as to the projected improvements for Crow Creek and the time frame for completion of the Master Drainage Plan. Mr. Page informed the Drainage Plan would probably not be completed by the time this PUD intends to develop. However, DSM's approach on these type of developments and projects, was to get them to a consultant on the Master Drainage Plan for a determination as to any effect on the Master Drainage Plan, and imposition of restrictions if needed.

Ms. Wilson recognized Mr. Norman to respond to comments by Mr. Page. Mr. Norman requested that a final decision not be made as to setbacks that were established from atop the creek bank until it is known what must be dealt with, which will come during the Class A permitting process and platting process. Mr. Norman suggested the Commission look at whether this was an appropriate setback with respect to the other land uses of the area. He reiterated the applicant's willingness to provide access to the creek and channel in any way that was practical to meet both objections through easements that might be greater or less than the standards. In response to Mr. Paddock, Mr. Norman stated his objection to setting a 15 foot setback was based upon the plan that was developed by the architect. Mr. Norman reviewed the proposed building layout, and continued by stating, should the TMAPC feel inclined to impose the 15 foot setback, and was agreeable to a consideration of a minor amendment in Detail Site Plan

process with respect to the buildings, then he would not have objections to attempting to meet the setback. He would, however, like to have the opportunity, on a building-by-building basis when more information is available, to ask the Commission to consider what would be a final plan.

Ms. Kempe moved for approval of the zoning request and PUD. Mr. Paddock stated he could not support the motion as he had questions about the zoning, he did not agree with the setbacks and he had a problem with the height of the buildings, although he might reconsider if the landscaping could provide screening. Mr. Draughon stated he basically agreed with Mr. Paddock, but he preferred to have further information from Stormwater Management before approving a PUD such as this. Commissioner Selph commented he thought it was, basically, an attractive development and would be an improvement over the existing use; however, he agreed with Mr. Paddock as to concerns about drainage/flooding and maximum heights allowed in a residential neighborhood. Chairman Parmele remarked the Commission might be forgetting the maximum height allowed in RS-3 (single-family) was 35 feet.

Mr. Gardner stated that, when the Staff looked at this particular proposal, they had the same concerns as expressed by the Commission. However, Staff has seen other proposals for this tract, and had informed these applicants that, regardless of what was being proposed, the **entire** isolated area must be considered. Mr. Gardner commented that these other proposals had been much worse for the neighborhood, and the subject application was a good plan. He stated he felt the Commission was having a problem with the single-family area west of the commercial area on Peoria. In looking at the subject tract, Mr. Gardner pointed out that it was not a part of the single-family area as it was not accessible by any other street, which isolated it and made it unique. This standpoint was how Staff reviewed the request, not as encroachment. Mr. Gardner commented that, in terms of what else might be considered, this application was a much better proposal as it addressed redevelopment on a problem tract, and did what could reasonably be expected to be done to help the abutting property owners in terms of keeping their property values and maintaining compatibility.

TMAPC ACTION: 8 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **3-4-1** (Kempe, Parmele, Woodard, "aye"; Draughon, Paddock, Selph, Wilson, "nay"; Carnes, "abstaining"; Doherty, VanFossen, Crawford, "absent") to **APPROVE Z-6128 Norman for OL, OMH and the related PUD 422**, as recommended by Staff.

That motion failing, Mr. Paddock moved for denial of the zoning application and the PUD.

TMAPC ACTION: 8 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **4-4-0** (Draughon, Paddock, Selph, Wilson, "aye"; Carnes, Kempe, Parmele, Woodard, "nay"; no "abstentions"; Doherty, VanFossen, Crawford, "absent") to **DENY Z-6128 Norman for OL, OMH and the related PUD 422.**

Therefore, due to the tie vote for denial, the application will be forwarded to the City Commission with no recommendation by the TMAPC.

Legal Description:

Z-6128: All of Lots 8 and 9, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION, Tulsa county, Oklahoma, LESS street right-of-way and more particularly described as follows to-wit: BEGINNING at the NE corner of Lot 9, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION; thence due south along the east line of Lots 8 and 9, Block 5, a distance of 116.42' to a point; thence S 6°32'02" W a distance of 101.94' to a point on the south line of Lot 8, and 11.60' west of the SE corner thereof; thence N 89°59'18" W a distance of 128.40' to the SW corner of Lot 8; thence due north a distance of 217.70' to the NW corner of Lot 9; thence S 89°59'18" E a distance of 140.00' to the POB and containing 29,890.58 square feet and 39,220.50 square feet to the centerline of adjacent streets.

AND, ALL of Lots 2 and 3, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION, and a part of Lots 5, 6 and 7, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: BEGINNING at the SE corner of Lot 7, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION; thence N 89°59'18" W along the south line of Lots 5, 6 and 7, and the north right-of-way line of East 33rd Street South a distance of 254.65'; thence N 48°08'51" W a distance of 0.00'; thence along a curve to the left, with a radius of 50.00' and an angle of 91°40'24" a distance of 80.00' to the SW corner of said Lot 5; thence N 35°58'35" E a distance of 51.34' to a point; thence N 49°32'56" E a distance of 113.36' to a point; thence N 83°09'59" E a distance of 120.64' to a point on the mutual line of Lots 6 and 7; thence due South along said mutual lot line of distance of 18.50' to a point; thence N 68°12'31" E a distance of 96.93' to a point on the east line of Lot 7; thence due south a distance of 142.00' to the POB, both tracts together containing 55,491.02 square feet net and 70,262.24 square feet gross to the centerline of adjacent streets.

PUD 422: All of Lots 2, 3, 4 and a part of Lots 5, 6, 7, 8 and ALL of Lot 9, and a part of Lot 18, ALL in Block 5, and that part of East 33rd Street South lying between Lots 2 - 7 (inclusive) AMENDED PLAT OF BROOKSIDE ADDITION, an addition to the City of Tulsa, Tulsa County, Oklahoma according to the recorded plat thereof and being more particularly described as follows, to-wit: BEGINNING at the NE corner of Lot 9, Block 5, AMENDED PLAT OF BROOKSIDE ADDITION; thence due south along the east line of Lots 8 and 9 a distance of 116.42' to a point; thence S 6°32'02" W a distance of 101.94' to a point, said point being 11.50' west of the SE corner of Lot 8; thence N 89°59'18" W along the south line of Lot 8 a distance of 128.90' to the SW corner of Lot 8; thence due south 130.00' to

Comments & Discussion:

Mr. Paddock inquired if any action had been taken on the subject tract. Mr. Gardner clarified the BOA application (#14223) was approved pending TMAPC action. Mr. Carnes moved for approval. Chairman Parmele called for any interested parties that wished to speak.

Interested Parties:

Ms. Marsha Lybarger (3137 East 84th) read a letter submitted by Mr. John Dismukes (3106 East 84th Street) as representative of the Walnut Creek Homeowners Association requesting notification of any future action(s), such as plot plan approval, etc. Ms. Lybarger confirmed with Mr. Gardner the RS-3 zoning would remain on the subject tract.

Applicant's Comments:

Mr. Adrian Smith advised that at the previous BOA meeting the concerns of the interested parties, as voiced at that hearing, had been addressed and agreements had been reached, i.e. fencing, no access to Harvard along 84th, mowing of the property, etc. Mr. Paddock inquired as to why this request for abandonment was being made. Mr. Smith stated this was an entirely different type development than originally planned under the PUD.

Additional Comments and Discussion:

Ms. Wilson recalled that one of the major concerns of PUD 395 had to do with the street, and inquired if the any of BOA action(s) took into account the TMAPC recommendations of last September. Mr. Gardner stated the plot plan that he had seen had two or three lots on 84th Street where it physically existed and did not go through (i.e. a dead end) and the church had the balance of the property. Therefore, these homes would have access to 84th Street and Gary Avenue, but would be cut off from the rest of the property.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE PUD 395-A Smith, Abandonment of PUD 395 Retaining RS-3 zoning**, as recommended by Staff.

Legal Description:

A tract of land in the SE/4 of the NE/4 of Section 17, Township 18 North, Range 13 East of the IBM, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit: Beginning at the NE corner of the SE/4 of the NE/4; thence south along the east line of said SE/4 of the NE/4 a distance of 210.00' to a point; thence S 0°12'21" E a distance of 105.00' to a point;

thence S 0°12'21" W a distance of 54.24' to a point; thence N 88°55'33" W a distance of 210.02' to a point; thence N 0°12'21" E a distance of 50.30' to a point; thence N 0°12'21" E a distance of 53.5' to a point; thence due west a distance of 210.00' to a point; thence N 0°12'21" E a distance of 104.00' to a point; thence N 0° 12'21" E a distance of 105' to a point; thence N 0°12'21" E a distance of 52.5' to a point; thence due east a distance of 210.00' to a point; thence due east a distance of 210.00' to the POB.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Woodland Glen Ext. Two (PUD 268-4)(2483) East 93rd & South 94th East Avenue

On **MOTION** of **KEMPE**, the Planning Commission voted **6-0-1** (Carnes, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; Draughon, "abstaining"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Final Plat of Woodland Glen Ext. Two** and release same as having met all conditions of approval.

OTHER BUSINESS:

Z-4900-SP-3-C: NE/c of East 73rd Street South and Mingo Road
Lot 1, Block 1, Stonecreek III

Staff Recommendation: Minor Amendment to Increase Signage & Detail Sign Plan

The subject tract is 2.89 acres in size and is located on the northeast corner of East 73rd Street South and South Mingo Road. It was approved by the TMAPC in October, 1985 for a 37,400 square feet mail courier service and various other uses on September 10, 1986 per conditions. The applicant is now requesting a minor amendment to increase the permitted monument sign from 64 square feet to 78 square feet, as well as Detail Sign Plan approval for two existing signs (one monument sign and wall sign).

After review of the applicant's submitted plot plan and sign elevations, Staff finds the request to be minor in nature and consistent with the original Site Plan. Staff can support the increase signage and location of the existing signs. Under the sign provisions of the Zoning Code, the display area for ground signs could be as large as 440 square feet.

Therefore, Staff recommends APPROVAL of Minor Amendment Z-4900-SP-3-C and the Detail Sign Plan per plot plan and elevations submitted.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Minor Amendment and Detail Sign Plan for Z-4900-SP-3-C**, as recommended by Staff.

* * * * *

PUD 298-6: 8634 South 90th East Avenue, Lot 19, Block 2 of Shadow Ridge Est.

Staff Recommendation: Minor Amendment

The applicant is requesting a minor amendment to PUD 298 to permit a 3.2 foot setback on the south side of Lot 19, Block 2 of Shadow Ridge Estates (8634 South 90th East Avenue). A plot plan is attached which shows the location of the dwellings (proposed and existing) on Lots 19 and on Lot 20 which abuts the subject tract on the south. The setback from the south lot line of Lot 19 to the dwelling on Lot 20 is indicated to be 5 feet. The plot plan for Lot 19 indicates that the 3.2 foot dimension and other dimensions are, "dimensions shown over frame". This means that if masonry or other veneer material is placed on the dwelling exterior, the 3.2 foot dimension would be reduced accordingly.

A similar application was approved by the TMAPC on August 6, 1986 in which it was indicated the dwelling unit had a 16" maximum roof eave overhang (1.3 feet). This would mean the actual setback from the furthest point of the roof eave to the south property line of Lot 19 with a 3.2 foot building setback, would be 1.3 feet. A similar 1.3 foot roof eave overhang on the north side of the dwelling on Lot 20 with a 5 foot building setback leaves 3.7 feet from the overhang to the common property line between Lots 19 and 20. The total distance between roof overhangs between Lots 19 and 20 would then be 5 feet. The smallest such separation staff has supported is 6 feet between roof overhangs based on the Zoning Code provisions (Section 240.2) which assumes 10 feet between buildings and permits a 2 foot overhang from each building.

Therefore, Staff recommends APPROVAL of the requested 3.2 foot sideyard setback from the south boundary of Lot 19, Block 2, of Shadow Ridge Estates only if the following conditions are met:

- 1) Subject to meeting all applicable codes and ordinances, and in particular, the Building Code and Fire Code.
- 2) A minimum of 6 foot separation between the roof eave overhangs on Lots 19 and 20.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Minor Amendment for PUD 298-6**, subject to the conditions as recommended by Staff.

* * * * *

PUD #166-D: East of the NE/c of South Sheridan Road & East 93rd Street South

Staff Recommendation: **Minor Amendment, Detail Site Plan and Detail Landscape Plan**

Development Area 4 of PUD #166-D is .82 acres in size and is located 225 feet east of the northeast corner of South Sheridan Road and East 93rd Street South. The subject tract is abutted to the south and east by a developing single-family subdivision. The applicant is now requesting a Minor Amendment and as required by Section 1170 of the Zoning Ordinance Detail Site Plan and Detail Landscape Plan approval.

MINOR AMENDMENT: The applicant is proposing a Minor Amendment to the approved 65 foot setback requirement from the south property line to 58 feet. Notice of the application was given to abutting property owners north and east of East 93rd Street South.

Review of the applicant's submitted plot plan indicates only a small portion, 15.25 feet, of the structure encroaches into the required setback with the majority of the building meeting the requirement. Staff finds the request to be minor in nature and consistent with the original PUD and therefore, recommends **APPROVAL** of the Minor Amendment per plot plan submitted.

DETAIL SITE PLAN: Staff recommends **APPROVAL** of the proposed Detail Site Plan for Area 4 subject to the following conditions:

1) That the applicant's submitted Detail Site Plan, Text and PUD become conditions of approval, unless modified herein.

2) Development Standards:	Approved	Submitted
Net Area	.8 acres	.8 acres
Permitted Uses	Childrens' Day Care	same
Maximum Floor Area	6,700 sf	6,674 sf
Maximum Building Height	23'	18.5'

	Approved	Submitted
Maximum Stories	1 story	same
Maximum Building Setback		
from property line of 93rd	65'	58' *
from east property line	40'	40.5'
from north development area line	8'	10.3'
from west development area line	75'	87'
Parking:	15 spaces plus circular drive	Meets

* Subject to TMAPC approval of PUD 166-D-1 as recommended by Staff.

Hours of Operation: The hours of operation of the childrens' day care center shall be limited to Monday through Friday, 6:00 a.m. to 7:00 p.m.

Building Specifications: Accompanying this submittal is a rendering depicting the facade of the proposed building materials and general residential character of the depicted building shall be incorporated within the subsequent submittal of the required Detail Site Plan.

- 3) That all trash, utility and equipment areas shall be screened from public view. A 6' screening fence shall be provided along the east and west boundary with a combination of screening and landscaping along the south boundary of Areas 3 and 4 as designated in the landscape requirements.
- 4) That all parking lot lighting shall be directed downward and away from adjacent residential areas. All lighting along the west boundary of Areas 2 and 4, and the south boundary of Areas 3 and 4 shall be shielded and directed away from the adjacent residential areas.
- 5) All signage shall be in accordance with Section 1130.2(b) of the PUD Chapter of the Zoning Code as further restricted by the "Outline Development Plan Amended Text". A Detail Sign Plan shall be submitted to the TMAPC for review and approval prior to installation.
- 6) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to issuance of an Occupancy Permit. All landscaping and screening shall be installed according to the standards contained in Section V of the "Outline Development Plan Amended Text", which includes, but is not limited to screening along the south and east boundaries, a 40' landscape buffer along the east side of Area 4 and a 25' buffer with screening fence and berming along the south boundary of Area 4.

- 7) Subject to review and approval of conditions, as recommended by the Technical Advisory Committee.
- 8) That a Detail Site Plan shall be submitted to and approved by the TMAPC prior to issuance of a Building Permit for each Development Area or by phases within an Area. Elevations of building facades shall be required.

NOTE: The applicant has submitted renderings depicting the facade of the proposed building which along with the materials used retains a residential character.

DETAIL LANDSCAPE PLAN: Review of the submitted Detail Landscape Plan indicates a schedule of plant types and sizes to be used in accordance with the PUD to buffer the surrounding residential areas. The applicant proposes a 40 foot buffer along the east boundary and a 25 foot buffer along the south which includes landscaping on the site and street right-of-way.

Staff recommends **APPROVAL** of the Detail Landscape Plan as submitted.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Minor Amendment for Setback, Detail Site Plan and Detail Landscape Plan for PUD 166-D**, subject to the conditions as recommended by Staff.

* * * * *

PUD 417: NE/c of East 19th Street and South Victor Avenue

**Staff Recommendation: Detail Site Plan, Detail Landscape Plan and
Detail Fence Plan Review - Development Area B**

Development Area B is 2.75 acres in size and is located at the northeast corner of East 19th Street and South Victor Avenue. It is part of a 26.32 acre PUD approved by the TMAPC in May 1986 for hospital and accessory uses. Area B was specifically approved for "Medical offices, clinic..., exercise and fitness facilities, parking and customarily related facilities." The subject tract is abutted on three sides by various development areas of the PUD and is also abutted on the west by South Victor Avenue which is in the process of being vacated by District Court at this time. The applicant is now requesting Detail Site Plan and Detail Landscape Plan approval for Area B which would expand an existing structure to be utilized for an exercise and fitness facility and also make use of the existing dwelling at the north end for office use on a temporary basis as approved in the original PUD. In accordance with the PUD approval, notice of this application has been given to those interested parties that spoke at the PUD hearing.

Staff recommends **APPROVAL** of the proposed Detail Site Plan for Development Area B subject to the following conditions:

1) That the applicant's submitted Detail Site Plan, Text and PUD become conditions of approval, unless modified herein.

2) Development Standards:	Approved	Submitted
Land Area:		
Net	92,400 sf	92,400 sf
Gross	119,790 sf	119,790 sf
Permitted Uses:	Medical offices, clinic, laboratories, education, preventative and conference facilities, outpatient rehabilitation facilities, exercise and fitness facilities, parking and customarily related facilities.	

Max. Bldg. Floor Area:	115,000 sf	9,740 sf existing structure
		<u>100,720</u> sf proposed expansion
		110,460 sf total
		1,500 sf existing dwelling (to be removed)

Maximum Building Height:	45'	44'8"
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Maximum Building Setbacks:		
from centerline of Victor Ave	25'	25'2"
from centerline of East 19th	30'	30'0"
from centerline of Wheeling Ave	118'	189'0"
from the west 85' of north boundary	58'	58'4"
from the east 223' of north boundary	70'	70'4"

Off-Street Parking Requirement: *		
As required by the applicable use unit	410	410

Minimum Internal Landscaped Open Space:	15%	22%
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* Required Off-Street Parking for 308 vehicles shall be located in either Area A, B, C or G.

Signs: Two ground identification signs which shall not exceed 6 feet in height, or 32 square feet in surface area. Signs shall be subject to Detail Sign Plan review and approval by the TMAPC prior to installation.

Screening: All trash, utility and equipment areas shall be screened from public view and any roof-mounted equipment shall also be screened from public view of persons standing on ground level in adjacent residential areas.

Lighting: Parking lot lighting shall be directed downward and away from adjacent residential area. No light standard within 100 feet of the north boundary of Area B shall exceed 12 feet in height.

Landscaping: A landscape buffer shall be developed and maintained along the eastern and northern boundaries of Area B as shown on Exhibit G, Landscape Buffer Concept, and Exhibit H, Landscape Buffer Detail. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval and installed prior to the issuance of an occupancy permit.

DETAIL LANDSCAPE/DETAIL FENCE PLAN: Review of the applicant's Detail Landscape/Detail Fence Plan indicates a 15 foot landscaped buffer on the east side of the screening fence separating the parking area and South Wheeling Avenue. Also, a six foot screening fence and 15 foot landscaped area along the north boundary. All landscaped areas are similar to that approved by the original PUD. A plant material schedule is included which contains plant types and sizes. Staff recommends **APPROVAL** of the Detail Landscape/Detail Fence Plan as submitted.

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Detail Site Plan, Detail Landscape Plan/Detail Fence Plan for PUD 417**, subject to the conditions as recommended by Staff.

* * * * *

Mr. Gardner opened discussion as to the upcoming Zoning Institute Conference in November and advised it may be difficult to get a quorum for the November 12, 1986 TMAPC meeting. The optional meeting date of October 29th was discussed in regard to placing business on an agenda this date, and Staff advised that there was not time meet advertising and notification requirements. Chairman Parmele commented that five or six members had indicated an interest in attending the conference. After further discussion, Mr. Gardner advised it would take a motion and vote to cancel the TMAPC meeting of November 12, 1986.

TMAPC ACTION: 7 members present

On **MOTION** of **WILSON**, the Planning Commission voted **7-0-0** (Carnes, Draughon, Kempe, Parmele, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Doherty, VanFossen, Woodard, Crawford, "absent") to **APPROVE** the **Cancellation of the TMAPC meeting of November 12, 1986**, due to a lack of quorum.

There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date Approved Oct 8, 1986
Rent J D G
Chairman

ATTEST:
Marilyn A. Wilson
Secretary 1st vice-chmn.