

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1874  
Wednesday, March 4, 1992, 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>
Buerge	Ballard	Gardner	Linker, Legal
Carnes	Broussard	Hester	Counsel
Doherty, 1st Vice Chairman	Selph	Stump	
Horner		Wilmoth	
Midget, Mayor's Designee			
Neely, 2nd Vice Chairman			
Parmele, Chairman			
Wilson, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, March 3, 1992 at 12:31 p.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 the minutes of February 19, 1992, Meeting No. 1872:

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of February 19, 1992 Meeting No. 1872.

**REPORTS:**

Chairman's Report

Chairman Parmele announced receipt of a letter from Councilor Polishuk, in which he was copied, expressing concern over the fire hazard from wood shingle roofs. Chairman Parmele instructed staff to reply to the Councilor advising him this is not the appropriate forum to discuss wood shingles and direct him to the proper department.

Rules and Regulations Committee

Mr. Doherty updated the Planning Commission on the recommendations made by the Industry Committee for towers and antennas. After considerable deliberation they arrived at four points of difference from recommendations made by the Rules and Regulations Committee. Those differences are as follows 1) in regard to grandfathering in

the event a tower blows down whether or not an individual would be allowed to rebuild it on the site immediately, or be required to go through Board of Adjustment; 2) the size of total surface area of antennas to be permitted mounted on the roof in a residential area (Rules and Regulations Committee had recommended 7 SF and the industry committee is recommending the surface be increased to 10 SF with a tighter definition); 3) the requirement for limiting the number of antenna permitted on a tower was removed (from Chairman Polishuk's draft); 4) use by right of towers in agricultural districts as an accessory use, would have been allowed by Rules and Regulations, in a residential district by right, up to 65 ft. provided it had a minimum cross-section above 25 ft., the committee is proposing a tower of that size also be allowed by right as a principal use in an agricultural district. Mr. Doherty took issue only with the item of setback of towers from residential districts. TMAPC had proposed a setback for abutting residential districts be computed on 2 ft. for each foot of height exceeding 65 ft. The Industry Committee is proposing that be reduced to 2/3 of one foot for each foot of height. Mr. Doherty feels this does not provide enough setback and unless there is compelling reason not to he is prepared to strongly advocate the position recommended by TMAPC and the Rules and Regulations Committee. The Planning Commission urged Mr. Doherty to support the Planning Commission's recommendation regarding the setback requirement.

#### Budget and Work Program Committee

Ms. Wilson reported the Budget and Work Program met with the Chairmen of the City and County Boards of Adjustment at 11:30 today and are currently working on the workshop itinerary for April 4. She anticipates a mail out of approximately 250 invitations. They will meet again March 18, at 11:30 to finalize the itinerary.

#### Director's Report

Mr. Gardner advised House Bill 2297 is a proposal that would, in effect, allow a pre-release center to be permitted in any commercial district as a matter of right. He added the City's current Zoning Ordinances are working properly and are appropriate and the staff is opposed to such legislation. He added the Planning Commission may wish to take a similar position on the House Bill.

After discussion it was the consensus of the Planning Commission that it would be appropriate for the Planning Commission to request a public hearing be held before such locations are approved. More detail is needed before the Planning Commission can take a stand of being for or against it.

Concern was expressed that anything of this nature should not be put near anyone's neighborhood without a public hearing. It was agreed that a resolution might be in order that could be communicated to the legislature stating that when this issue is being considered the Planning Commission strongly urges provision for a public hearing before establishing anything of this nature in

order to determine what conditions may be put upon such a facility if it were permitted.

**TMAPC Action: 8 members present:**

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") that the Planning Commission express to the Tulsa legislative delegation the sense of this Commission which is to require a Public Hearing by a land use body before any decision is made on uses of this nature.

\* \* \* \* \*

WAIVER REQUEST; Section 213

Z-6215 Keim Gardens (683) (PD-18)) (CD-9) (CS, OL)  
6701 South Peoria Avenue

This is a request to waive plat on the East 193.93' of the above described tract; in Lot 2, Block 3. The west 130' of this lot was rezoned by Z-3375 (U3D) on 3/25/69 and is not subject to platting. However, it is shown on the plan since the whole lot is being utilized under the CS, OL zoning. The remainder of the lot falls within Z-6215 which was approved 3/24/89. (Ordinance # 17483).

The existing structures will be utilized. The west 20' of the lot was dedicated for right-of-way in accordance with the Street Plan, recorded Book 3527, Page 180. (Results in 50' right-of-way from centerline.) The site plan submitted by applicant was redrafted based upon information submitted. Applicant's plan shows parking that will back into E. 67th Street. An alternate plan to eliminate that type of parking is suggested by Staff and included herein. Since the property is already platted and is only partially subject to platting, Staff recommends approval of the waiver subject to the following:

1. Grading and/or drainage plan approval by the Department of Public Works, Stormwater, in the permit process. Fee-in-lieu is acceptable. Drain to streets or storm sewer.
2. Revise parking layout to eliminate backing into 67th Street.
3. Other access subject to approval of the Department of Public Works, Traffic Engineering. (Access agreement required on Peoria.)
4. Health Department approval of existing septic system is required, or if seeking a building permit/occupancy permit, connection to the sanitary sewer system is required.

Applicant noted that some similar layout of the parking lot may be used. This was agreeable with TAC as long as the parking does not require backing into 67th Street.

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **WAIVER OF PLAT on Z-6215**, subject to the conditions outlined by Staff and TAC.

Staff Comments

Mr. Wilmoth advised that staff recommended approval.

There were no interested parties present.

TMAPC Action; 8 members present:

On MOTION of NEELY, the TMAPC voted 7-0-1 (Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; Midget "abstaining"; Ballard, Broussard, Selph "absent") to **APPROVE** Waiver of Plat on Z-6215, subject to staff recommendations.

\* \* \* \* \*

LOTSPLIT FOR WAIVER:

L-17511 Hayes (2093) (PD-6) (CD-9) 3112 S. Birmingham Avenue RS-1  
Rothhammer Heights Lot 1

This request is to split off an approximate 100' by 184' lot. This lot meets the Zoning Code requirements for RS-1 zoning.

Applicant is requesting waiver of the Major Street and Highway Plan for the required 15' on the balance of the lot bordering East 31st Street South. Applicant has a fence approximately 35' from the centerline. Very little right-of-way has been granted along this portion of 31st Street and 4 lanes of paving are existing. Applicant requests waiver of additional right-of-way based upon these facts. Regardless of the circumstances of existing right-of-way, Staff feels Street Plan requirements should be satisfied. Since a license agreement could be obtained from the City to allow the fence to remain, and widening the 4 lanes is not eminent, no visible difference in the lot would occur with the dedication. Dedication of right-of-way would not reduce the remaining lot below RS-1 standards.

Staff recommends approval subject to the following condition:

1. Dedication of 15' right-of-way to meet the Street Plan and Subdivision Regulations requiring conformance with the Plan.
2. Sewer main extension required for service to the new tract, to be provided prior to new construction through the permit process.

- \*3. Provide a total of 11' utility easement along the west line for # 2 above.

The applicant was represented by Mr. Charles Norman. Mr. Norman was requesting waiver of the additional right-of-way on 31st based on the fact that this mile section is fully developed and most of the right-of-way on 31st Street is already less than 50' from centerline and contains 4 lanes of paving. TAC being consistent with previous actions regarding Major Street Plan right-of-way would not recommend waiver of the dedication requirement. Right-of-way west of this tract does have the required 50'. Providing the required right-of-way on 31st would also allow room for sidewalk construction.

\*ONG requested an 11' utility easement along Birmingham, (The 11' along the west side is sufficient.)

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of L-17511 subject to the conditions outlined by Staff and TAC, noting applicant's request to waiver right-of-way requirements and TAC recommendation to require it.

Applicant's Comments

Mr. Charles Norman, representing the applicant, Mr. and Mrs. Tim Hayes, reviewed the proposed lotsplit as presented to the TAC. Mr. Norman proposed that in lieu of right-of way dedication the applicant grant an additional 15' of easement for utility purposes on the north side. Mr. Norman expressed agreement with the requirements of the Technical Advisory Committee. He pointed out that nowhere in this area is there 50' of right-of-way except in one subdivision to the west and it only has 30' on the other side, therefore, there is not a full 100' in the entire mile.

Mr. Wilmoth noted the dimension was not on the site plan that showed the dimension to the house to the new property line. That needs to be a minimum of 5' and he has been assured that it is.

Mr. Norman added the dimension is 101' on the street and 99' on the back to provide the side yard requirement for the existing house.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to **APPROVE** L-17511 subject to conditions with the exception of easement requirement rather than right-of-way and to **WAIVE** the Subdivision Regulations requiring conformance with The Major Street and Highway Plan for the required 15' on the balance of the lot bordering E. 31st Street.

\* \* \* \* \*

L-17513 Basolo (1793) (PD-6) (CD-9) 2747 E. 22nd Street  
E. 150' L. 24, B. 1, Harters' 2nd Addition

(RS-2)

Chairman Parmele announced a request for continuance to April 1, has been made. There were no interested parties present.

**TMAPC Action; 8 members present:**

On **MOTION** of **WILSON**, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to **CONTINUE** L-17513 to April 1, 1992.

\* \* \* \* \*

L-17514 Damer (692) (PD-11) (County)  
532 N. 72nd W. Ave.

RS

This application is in response to a County Board of Adjustment application. The applicant has an oversized garage on property which is described as a separate lot. The Board has suggested the applicant split the tract and add it to the east 264' portion rather than utilize a tie contract. The proposed tract to be split is 50' x 157.5' and faces Edison. The lot size after attachment to the east 264' will meet the Zoning Code requirements for bulk and area.

The applicant is requesting waiver of the Street Plan requirements along Edison. The existing house is 30' from centerline of Edison. The street also ends at 73rd W. Avenue. The major east/west through street is south of this property and has 80' of right-of-way. Right-of-way on 72nd W. Avenue was platted at 30' and an additional 10' was obtained on a previous lot split. It would not be desirable to request additional right-of-way due to the closeness of the structure to the streets and limited use of Edison.

Staff recommends the Lot split be approved and scheduled for Planning Commission action on the Waiver of right-of-way.

The applicant was not represented.

In discussion, TAC did not wish to go on record recommending waiver of The Street Plan. However, due to the fact that buildings encroach, and that the actual traveled main road is south of this tract, there were no objections to the lot-split. A suggestion was made that when the Major Street Plan is up-dated, that a more realistic alignment in this area be utilized along the existing traveled road. (Cameron/North Road.)

On **MOTION** of **RAINS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the L-17514 noting the

comments regarding the Street Plan and alignment as shown on current maps.

Staff Comments

Mr. Wilmoth advised staff is recommending an approval of the lot split, noting that normally approval would not be recommended for waiver of the street plan, but in this case the Technical Advisory Committee has recommended to the Transportation Committee that they realign that portion and place it where the main traveled road is.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to APPROVE L-17514 subject to staff recommendation, which includes Waiver of the Subdivision Regulations requiring conformance with The Major Street and Highway Plan.

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PRIOR APPROVAL LOT SPLITS FOR TMAPC RATIFICATION OF APPROVAL:

- L-17510 TDA (3602) (PD-2) (CD-1) RS-3  
400 Block Latimer Street [Lincoln Park]
- L-17515 El Capitan (2083) (PD-18) (CD-2) RS-3  
9300 Block of S. College Court
- L-17516 Shackelford (2492) (PD-6) (CD-9) CS  
1042 E. 34th Stree S. [Burgess Acres]
- \*L-17506 Zanbergen (2592) (PD-6) (CD-9) CS  
4616 S. Peoria Ave.

\*BOA approved necessary variance #15931 on 2-11-92

Staff Comments

Mr. Wilmoth advised the above listed lot splits meet regulations. He pointed out L-17506 was a Board of Adjustment application which has been approved for a variance. Staff recommends approval of the above listed lot splits.

TMAPC Action; 8 members present:

On MOTION of WILSON, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to RATIFY the above listed lot splits having received prior approval.

\* \* \* \* \*

**OTHER BUSINESS:**

Z-5659-SP-1-A: Minor Amendment to a Corridor Site Plan -- East side of 107th East Avenue south of 65th Street South

The applicant is requesting an increase in the number and display surface area for signs allowed in this Corridor zoned apartment development. Due to defaults on mortgages, Phase II of the "Greens of Bedford" apartments is under different ownership than Phase I. Phase I originally was intended to contain the leasing office for both phases of the development. Phase II was not designed to have its own leasing office. The Phase II club house is serving as a leasing office, but the club house is difficult for newcomers to find and that has produced the request for more signs.

Four signs are proposed to be placed on 107th Avenue (Signs D, E, F, and G) and will be across from single-family dwellings zoned CO. Two additional internal signs (signs A and C) are proposed and one large sign (sign B) is proposed to be on the west gable of an apartment building which faces the Mingo Valley Expressway.

Staff **can support signs A and C** since they are small and internal. Staff **also supports sign B** since the sign can not be seen from the apartments or other residential areas. The project is zoned Corridor and the undeveloped land between the Mingo Valley Expressway and the sign is a detention pond.

Staff cannot support signs the size of D and E (4' x 8') especially across from a single-family residential area. Staff can only support two signs on 107th Avenue of the same type and size as signs F and G. These two signs if placed where signs D and E were proposed will provide adequate directions when combined with the other signs.

Applicant's Comments

Mr. Charles Norman gave a brief history of the property. He advised the leasing office of phase 2 is almost 1,000' from sign E to the entrance where the new leasing office is located which is A. Mr. Norman advised the applicant is in agreement with staff recommendation that signs **D, E, F and G** be reduced from 4' x 8' to 2' x 4'. Staff has asked that signs **F and G** be deleted and Mr. Norman is requesting that only sign **G** be **deleted**.

In summary, Mr. Norman asked that signs **D, E, and F** be approved at the 2' x 4' size and **G** denied.

Interested Parties

**Thelma Cooper, Manager, Greens of Bedford Apartments**  
**6508 S. 106th East Place 74133**

Ms. Cooper expressed concern over sign **E** being on the easement of this apartment's property. She noted that in the past signs have been placed on this easement.

Mr. Norman assured her that this would not happen and a survey has been submitted to staff.

**TMAPC Action; 8 members present:**

On **MOTION** of **WILSON**, the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to **APPROVE** signs **A, B, C**, as requested, and approve signs **D, E, and F** at 2' X 4' size and **DENY** sign **G**.

\* \* \* \* \*

**ZONING PUBLIC HEARING**

Application No.: **Z-6352** Present Zoning: **AG**  
Applicant: **Robert Getchell** Proposed Zoning: **CG**  
Location: On the east side of S. Delaware Avenue (River Road) at approximately 108th Street  
Date of Hearing: **March 4, 1992**  
Presentation to TMAPC: **Robert Getchell**

On the east side of S. Delaware Avenue (River Road) at approximately 108th Street

**Relationship to the Comprehensive Plan:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity -- No Specific Land Use and Development Sensitive on the eastern portion.

According to the Zoning Matrix the requested CG District is not in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 6.3 acres in size and is located on the east side of S. Delaware Avenue (River Road) at approximately 108th Street. It is nonwooded, gently sloping, vacant, and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by a single-family dwelling with agricultural activities zoned AG; on the east by vacant land zoned AG; on the south by a plant nursery zoned AG; and on the west by a tennis club and vacant land zoned RT.

**Zoning and BOA Historical Summary:** No commercial zoning has been allowed in this area.

**Conclusion:** The request would be spot zoning and contrary to the Comprehensive Plan. Staff can not support the requested CG zoning nor any lesser commercial district.

Therefore, Staff recommends **DENIAL** of Z-6352.

Applicant's Comments

Mr. Getchell, representing the applicant, acknowledged this requested zoning designation is not in accordance with the Comprehensive Plan; however, the history of the area and purpose of the Plan are frustrated by the location of this property and the fact that it is in a flood zone. Mr. Getchell gave a description of businesses in the area and remarked that they are similar to what the applicant is proposing. He advised the tract would be utilized for a landscape architectural firm and an irrigation company. This would be primarily a field office and storage of equipment and material. He feels the residential development the Comprehensive Plan calls for in this area is nonexistent west of Vensel Creek. Mr. Getchell displayed an aerial photograph pointing out the area Delvest owns and gave a detailed description of surrounding tracts of land. He presented a map depicting the topography of the location and pointed out the area for which rezoning is being requested. Mr. Getchell pointed out the Vensel Creek flood plain bisects the tract north and south. He noted that it would be difficult to develop the tract for any other purpose, than is being requested, since it is in a flood plain. Mr. Getchell commented the use being requested is not inconsistent with businesses already established in the area, but is just different enough to require commercial zoning compared to something that can be fitted into an agricultural zoning district. There are several impediments to development in the area such as, no city water, city sewers, most of the property lies in a designated flood plain, there are pipe line easements which criss-cross the property in question making it difficult to subdivide, the Vensel Creek situation which would frustrate any attempts at developing the eastern portion of the property and the present usage is similar to what is being proposed. The proposed use would not hinder the Comprehensive Plan, but simply recognize the fact that there is little likelihood of residential development immediately along Delaware at this location and best use of the property would be for a commercial purpose. Mr. Getchell then presented photographs showing the property to the south of the tract. These pictures were taken in 1986, when there was a large flood. He explained the property is underwater when there are heavy rains.

Chairman Parmele commented he was not inclined to approve an application for CG zoning because of those uses that are permitted under the CG zoning.

Mr. Gardner declared this is basically an undeveloped agricultural area and agricultural uses are appropriate until such time as it begins to urbanize. Only low intensity zoning is consistent with the Comprehensive Plan.

There was discussion as to the number of uses permitted under CG zoning which the Planning Commission felt was inappropriate for this tract.

**Mike Thannam**

**10833 S. Delaware 74137**

Mr. Thannam is the general manager at Riverbend at the above address. He advised being in the landscape business for ten years. Mr. Thannam pointed out other businesses in the area which deal on a commercial level. He explained the individuals purchasing the tract are aesthetically minded in the facilities they now operate and will be willing to develop the frontages so they are aesthetically pleasing. He reiterated the proposed business is similar to businesses that already exist in the area.

Interested Parties

**Barry Brune, President Philcrest Hills Tennis Club**

Mr. Brune advised the Philcrest Board of Directors has gone on record as opposing this application and asked that he attend this public hearing to represent the Board's view. They feel if the application were approved it would represent an example of spot zoning and makes a shambles of the Comprehensive Plan in this area. It will lead to more difficult problems in dealing with the issues that will arise in this area as it develops. It would be commercial amid residential and agricultural in an area never before allowed to be commercial.

Mr. Doherty read off example of zoning permitted under CG car dealerships, manufactured home sales, hotel/motel R.V. campground, and other uses of that nature. He advised having no problem with allowing a landscape operation, but he does have concerns with permitting some of the other uses by right.

Mr. Midget stated the applicant made good points on the similarities of businesses in the area; however, the Planning Commission has a responsibility to look at the impact of spot zoning. Mr. Midget also pointed out the RT zoning across the street which is townhouses residential zoning.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET** the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to **DENY** Z-6352 for CG zoning.

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**PRELIMINARY PLAT**

Food Lion/Sheridan Road Addition (PUD 206-9)(2283)(PD-18)(CD-8)  
9200 Block S. Sheridan Road (RM-1)

This is the first phase of the commercial portion of this PUD which although zoned both CS and RM-1, spreads the commercial uses on all of the remaining unplatted land. Applicant has advised Staff that the north line of this plat has been adjusted to run perpendicular to Sheridan. The amended site plan reflects this change and the plat is being reviewed on the basis of the new boundaries.

The Staff presented the plat with the applicant represented by Michael Clark.

Fire Department was not present, but applicant is advised to verify location of nearby fire hydrants and other fire protection, if needed. (Advisory)

Although not a part of this plat, the access to 91st Street was discussed in some detail. Traffic Engineer recommended realigning further west away from the 91st and Sheridan intersection. Since location of that access will have considerable bearing on how the remainder of the tract will develop, Traffic Engineering was advising that it would be a good time to establish these locations now. This will not show on the plat since it is "off-site" but is mentioned here so developers may coordinate this with the Traffic Engineer. Other items discussed are included in the conditions listed.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Food Lion/Sheridan Road Addition, subject to the following conditions:

1. If name is being shown on actual drawing of plat, be sure it is consistently the same. (It isn't necessary to put the name on the drawing since the title is at the top of the page.)
2. Omit separate dedication for street right-of-way. (Covered by Paragraph 1, Section I)
3. Paragraph 1, Section I of covenants: Add the following sentence: *"No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."*
4. The outer boundary of the plat should be a heavy dark line, including the street right-of-way line.
5. Omit paragraph 1.5 (Landscape/pavement) from covenants. (Covered in Paragraph 1 of SECTION I.)

6. Up-date or show other subdivisions on vicinity/location map. (See Staff for example).
7. Under title of plat add: "Planned Unit Development 206-9"
8. Covenants need to be expanded to include a separate section for the PUD conditions and restrictions. (Can be added as SECTION II, then re-number the TERM as SECTION III) See Staff for example or help.
9. All conditions of PUD 206-9 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code, in the covenants.
10. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. (Recommend the 17-1/2' utility easement along the south, parallel the property line instead of the pipeline right-of-way.)
11. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
12. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. PFPI required. Fee-in-lieu-of on-site detention may be paid. Drainage will need to be piped across tract and sized accordingly.
13. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
14. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
15. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic). (Coordinate off-site access to 91st Street with Traffic Engineer.)
16. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during

the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

17. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
18. All other Subdivision Regulations shall be met prior to release of final plat.

**PUD-206-9 -- Minor Amendment To Maximum Building Height And Proportionate Allocation Of Required Open Space In Development Area "A" -- south of the southwest corner of East 91st Street and South Sheridan Road.**

The proposed 37,560 SF grocery store in Development Area "A" will exceed the maximum permitted building height by 2' at the front of the building. Since this area will be over 200' from a residential area, staff can support the requested amendment.

Also, the applicant wishes to clarify the amount of open space required on his portion of Area "A" [Food Lion]. *The total amount of open space required is 10% of the net area or 17,770 SF.*

Staff recommends **APPROVAL** of the minor amendment in development Area "A" of PUD 206 subject to the following conditions:

Maximum Building Height:

Within 100' of a residential area	26'
Greater than 100' from a residential area	28'

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**PUD 206 -- Detail Site Plan For Food Lion/South Sheridan Store**

The applicants site plan for a 37,560 SF Food Lion grocery store is generally in conformance with the PUD conditions, if minor amendment PUD 206-9 is approved. Staff does, however, recommend relocating the loading docks from the rear of the store to the south or preferably north side of the store. In addition, a masonry wall at least 10' in height should be constructed to screen the loading dock and dumpster area from nearby residences to the west. All dumpsters **shall** be screened from public view. With the above changes, staff recommends **APPROVAL** of the Detail Site Plan for Food Lion Grocer in PUD 206.

### Staff Comments

Mr. Stump reported receipt of a letter in regard to the site on Sheridan with the conditions the applicant would like to submit as changes to his site from his original submittal. Mr. Stump advised staff has no problem with the changes. He pointed out there were items that addressed the hours of operation and hours of loading and unloading of merchandise and cautioned that those types of requirements are often difficult to enforce. He commented that zoning is not good for enforcing those types of requirements. Mr. Stump advised staff is in agreement that the 8' wall and trees would be a good substitute for the 10' wall at the loading area.

### Applicant's Comments

#### **Scott McCrary**

Mr. McCrary acknowledged meeting with area homeowners and addressing as many as of their concerns as possible. Mr. McCrary then read into the record the following agreement:

*After meeting with the Sheridan South Homeowners Association (SSHA), we have agreed to provide items to address the concerns of the homeowners. We propose to make these items a part of the overall Food Lion site development plans:*

1. We have relocated the loading dock area from the west side, adjacent to the homeowners, to the south side, facing Sheridan Avenue.
2. Dumpster locations will be screened with an 8' high masonry wall and locking gates.
3. We have provided a rear setback of 70', which is far in excess of the approximately 24' as allowed in the CS zoning.
4. According to the City of Tulsa Transportation Department, the intersection at 91st and S. Sheridan will be improved to provide signalized left turn lanes in all four directions. Construction of this is anticipated in the summer of this year.
5. Typical store hours of operation are from 7:00 a.m. to 11:00 p.m.
6. Loading dock hours of operation for deliveries will be approximately from 6:00 a.m. to 10:00 p.m.
7. Drainage issues and design of all drainage structures will be prepared in accordance with the City of Tulsa standards.
8. We propose screening of the Food Lion store and site with the following combinations of elements:
  - a: At the West property line:
    1. An 8' high woodcrete screen wall for the entire length of the west property line adjacent to the residential lots, and extended screening north along

- the west property line to the existing pipeline easement.
2. Provide adjacent to the west property line, landscape trees which will reach a mature height of 20' and planted at approximately 20' on center. Tree planting will extend for length of the west property line.
- b: For the south property line:
1. An 8' high woodcrete screenwall form the southwest property corner to the point where the existing pipeline crosses the south property line.
  2. Provide adjacent to the screenwall landscape trees which will reach a mature height of 20' and planted at approximately 24' on center.
  3. In addition, from the end of the 8' high screen wall, to the east, along the south property line, we will provide landscape screening with trees which will reach a mature height of 20' and planted approximately 20' on center. This landscape tree screening will extend along the south property line to a point approximately parallel with the front of the Food Line store.
9. The 8' high woodcrete screen fence will be constructed before construction begins on the bulling above foundation level.
  10. Landscaping buffer adjacent to the residential lots is approximately 35' wide.
  11. All open areas will be either landscaped or hydromulched and maintained by Food Lion.
  12. All lighting will be directed down and shielded from the residential lots. The parking lot lighting is designed for a two-foot candle average (which is within SSHA criteria).
  13. A monument sign will be provided at the Sheridan Road frontage which is 5' high and 13' in length. We have replaced the pylon sign which was 24' high.
  14. Exterior finish of the Food Lion supermarket will be concrete block, filled and painted with a light tan color.
  15. Roof top mechanical equipment will be screened on three sides by painted metal screens.
  16. All utilities will enter the site underground and enter the building underground. No poles or overhead lines will be visible. No electrical distribution boxes or conduits will be visible on the exterior of the building. The only utility above ground is a pad mounted transformer and gas meter at the rear of the store.

In regard to the request by the TMAPC that a 10' high screen wall be provided at the truck loading area, we request that due to limited truck maneuvering room in this area that the 8' screenwall and landscape screening be accepted along the south property line in lieu of the 10' high screenwall at the truck loading area. We feel what we have provided here is actually better because it is over and above what is required by the code in terms of screening that loading dock area.

We believe that all areas which can be addressed by Food Lion have been taken into consideration with the requests of the Sheridan South Homeowners Association and respectfully request our site plan be approved with the stipulations as presented in this declaration.

We would also like to thank the TMAPC, the City of Tulsa and the Sheridan South Homeowners Association for their consideration in the preparation of our development plans.

Interested Parties

<b>Jann Stafford</b>	<b>9229 S. Norwood</b>	<b>74137</b>
<b>Rod Coulter</b>	<b>9304 S Norwood</b>	<b>74137</b>
<b>Bethany Vaughn</b>	<b>9225 S Norwood</b>	<b>74137</b>
<b>Dick Alaback</b>	<b>2101 E. 25th Pl.</b>	

The above listed individuals presented the following exceptions to the proposals Food Lion has made in conjunction with SSHA:

1. Residents still request that the loading area be moved to the north side of the store away from residential property. Residents would like to see a statement advising that this cannot feasibly be done.
2. Dumpsters be completely enclosed, either in the loading area, or at its present proposed location with a roof or top.
3. No exception.
4. No exception. Be sure turn lanes exist before the store opens.
5. Within the PUD, residents request that the work typical be struck. Restricted hours for the entire piece of property. Loading dock hours of operation be written in.
6. Delete approximately.
7. Interested parties request notification of any hearing and/or meetings regarding drainage.
8. A1. Food Lion has agreed with the Homeowners Association that they will remove their back existing fences and butt up to their fence.

A2. We would like to further specify that a combination of "evergreen" and deciduous mature plantings be added.

B1. No exception.

B2. Again, further specification of mature "evergreen" and deciduous mature plantings be added. Spacing of 20' apart.

B3 Same as above item.

9. No exception.

10. No exception.

11. No exception.

12. No exception.

13. No exception.

14. No exception.

15. No exception.

16. No exception.

In regard to the next paragraph, residents still agree with the staff recommendation that a 10' screening wing wall be constructed along the side of the loading dock.

Also, within Artech's letter to the TMAPC, there is no mention of the access road behind the store. The homeowners request that this access road be eliminated and replaced with a 26' wide all weather surface for emergency vehicles only. Residents feel that eliminating this road will discourage traffic behind the store which is adjacent to their homes.

Ms. Wilson asked staff to address homeowners concerns over having the loading dock blocked from view by a wing wall.

Mr. Gardner advised it must be kept in mind there will be another commercial building built to the south of this store and next to that residential area. There is no screening between commercial uses. The applicant has proposed to screen in the interim with the fence over to the loading dock and plant trees even before another business is put in. They will screen the loading dock portion with the 8' fence and trees to be planted. Keep in mind at some point in time there will be a building there and the residents to the south won't see this building being considered today, they will be looking at another building.

Discussion ensued as to whether or not there was sufficient room for another building between the pipeline and the Food Lion store.

Ms. Vaughn presented pictures taken from her backyard of a truck taking plugs and the truck that had to be pulled out. She pointed out this is a 6' fence she is viewing from her living room. Ms. Vaughn asked the fence that separates the homeowners from the store be built before the foundation goes in and before any construction begins.

Mr. Alaback advised the Planning Commission of plans to build along the commercial strip to the south in question. He advised having no problem with building a fence or screening on the south side of this property, but was not in support of large trees being planted to the north which would block his commercial business from view.

In response to a question from Mr. Doherty, Mr. Alaback responded that he would be glad to commit to screening on the south side of this property that would be required to screen Food Lion. However, he feels it is a waste of money to do this now, if they can construct their building at the same time there is no reason for the screening to be in place.

Mr. Clark advised landscaping is normally installed at the end of the project and proposes if there is no user for this property they will place the trees when a certificate of occupancy is required. If there is a user then that user can address the landscape screening.

Mr. Carnes suggested amending the landscape plan when the time comes for that.

Mr. Gardner pointed out the Planning Commission needs to address the appropriate conditions for this item at this time. That doesn't mean the applicant to the south can't get site plan approval and modify conditions the Planning Commission places today. Until that point is reached it must be assumed that this tract will be a vacant lot for awhile.

Mr. Stump pointed out PUD conditions are not being put forth today, but approval of a detailed site plan. If conditions are incorporated in the site plan they can be removed when an amended site plan is presented.

There was discussion regarding the dumpster on the north side which plans provide for screening. The homeowners requested the dumpster area be enclosed so odors won't be offensive to the neighborhood.

There was discussion on the feasibility of providing an enclosure for the dumpster.

#### Applicant's Rebuttal

Mr. McCrary declared plans as submitted comply with or exceed all the requirements for the City of Tulsa. They have spent time with homeowners and addressed numerous concerns. They regret that all their desires can not be achieved and respectfully request that the plans be approved as submitted and revised by the TMAPC.

#### TMAPC Review Session

The Planning Commission reviewed and addressed each point of difference and discussed solutions on how to deal with each.

Points of difference are location of loading area, wing wall if loading area is on south, landscaping, and the road behind the building, dumpster.

Ms. Wilson suggested including all 16 conditions the applicant has with the following exceptions, 1) delete item 4 since the Planning Commission can not enforce public improvements; 2) item 5 delete the word typical; 3) item 6 delete the word approximately 4) item 8 add notification to be given of landscape plan to interested parties who are a matter of record.

Chairman Parmele forewarned the applicant of new parking lot landscape policies.

The Planning Commission addressed the road behind the building. It was determined there must be access behind the building in order to provide circulation for loading and unloading and for traffic that uses the store.

Mr. Gardner pointed out all the activity behind the building has been eliminated other than vehicles moving along this strip no parking or other activity will not be allowed, so everything has been eliminated but an occasional moving vehicle.

Mr. Neely asked if the wall on the south side is remaining in tact. He questioned the screening between commercial properties and mutual access should the south lot develop.

Chairman Parmele advised the wall will remain in tact until it is determined the south property will develop. Mutual access will be worked out with the adjoining property owner and a revision to the site plan will take care of this.

Chairman Parmele instructed staff to notify the interested parties of record of hearings or meetings regarding drainage.

Mr. Horner complimented both parties on the beautifully done and well managed program worked out between them

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER** the TMAPC voted 8-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Selph "absent") to **APPROVE** the Preliminary Plat of Food Lion Sheridan Road Addition subject to the below listed amendments, **APPROVAL** of the Minor Amendment as to the height variance, and **APPROVAL** of the Detail Site Plan subject to conditions as submitted and amended.

1. Relocate the loading dock area from the west side, adjacent to the homeowners, to the south side, next to future commercial and facing Sheridan Avenue.

2. Dumpster locations will be screened with an 8' high masonry wall and locking gates, but no roof over the top.
3. Provide a rear setback of 70', which is far in excess of the approximately 24' as allowed in the CS zoning.
4. Store hours of operation are from 7:00 a.m. to 11:00 p.m.
5. Loading dock hours of operation for deliveries will be from 6:00 a.m. to 10:00 p.m.
6. Drainage issues and design of all drainage structures will be prepared in accordance with the City of Tulsa standards.
7. Proposed screening of the Food Lion store and site with the following combinations of elements at the west property line:
  - a. An 8' high woodcrete screen wall for the entire length of the west property line adjacent to the residential lots, and extended screening north along the west property line to the existing pipeline easement.
  - b. Provide adjacent to the west property line, landscape trees which will reach a mature height of 20' and planted at approximately 20' on center. Tree planting will extend for length of the west property line.

For the south property line:

1. An 8' high woodcrete screenwall from the southwest property corner to the point where the existing pipeline crosses the south property line.
  2. Provide adjacent to the screenwall landscape trees which will reach a mature height of 20' and planted at approximately 24' on center.
  3. In addition, from the end of the 8' high screen wall, to the east, along the south property line, provide landscape screening with trees which will reach a mature height of 20' and planted approximately 20' on center. This landscape tree screening will extend along the south property line to a point approximately parallel with the front of the Food Line store.
8. The 8' high woodcrete screen fence will be constructed before construction begins on the building above foundation level. Notification of interested parties of record of landscape and drainage meetings.
  9. Landscaping buffer adjacent to the residential lots is approximately 35' wide.
  10. All open areas will be either landscaped or hydromulched and maintained by Food Lion.

11. All lighting will be directed down and shielded from the residential lots. The parking lot lighting is designed for a two-foot candle average (which is within SSHA criteria).
12. A monument sign will be provided at the Sheridan Road frontage which is 5' high and 13' in length. We have replaced the pylon sign which was 24' high.
13. Exterior finish of the Food Lion supermarket will be concrete block, filled and painted with a light tan color.
14. Roof top mechanical equipment will be screened on three sides by painted metal screens.
15. All utilities will enter the site underground and enter the building underground. No poles or overhead lines will be visible. No electrical distribution boxes or conduits will be visible on the exterior of the building. The only utility above ground is a pad mounted transformer and gas meter at the rear of the store.
16. An 8' screenwall and landscape screening will be accepted along the south property line in lieu of the 10' high screenwall at the truck loading area.

\* \* \* \* \*

Food Lion/Gilcrease Plaza Addition (PUD 441-1) (2702) (PD-11) (CD-1)  
NE/c West Pine and N. Union Avenue (CS, RM-1)

This plat is being filed in accordance with PUD 441-1, which is a minor amendment to the PUD to permit some variance in building height. Site plan review is also pending along with the PUD amendment and this plat.

The Staff presented the plat with the applicant represented by Michael Clark.

Fire Department was not present, but advises applicant to verify nearby hydrant locations and other fire protection needs. (Advisory)

TAC was advised that the owners may request some additional amendments to the PUD, so it may be continued or re-advertised. If so, the plat would also be continued to the same date.

On MOTION of SILVA, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Food Lion/Gilcrease Plaza Addition*, subject to the following conditions:

1. Show PUD number above title of plat. Omit the lots north of this plat, but leave the street as shown. (Block 26 of Gilcrease Hills Village II has not been filed yet, so this should be shown as "unplatted" land.) On face of plat near north arrow, show "2 lots, 10.178 acres". Omit "proposed" from the Gilcrease Hills Village II notation on plat.
2. Make sure that the title of the plat and the title designated in the restrictive covenants are the same. Written part of plat indicates "Food Lion/Gilcrease Plaza Addition" and the title on drawing is different. Either one is OK, but be sure they match.
3. Include in title of plat this is also in the City of Tulsa.
4. Show a 50' building line around the oil well on Lot 1 and dimension to property lines. (There is an additional well on the abutting land in proposed Gilcrease Hills, Village II, Block 26 that should be located in relation to this plat. A 50' building line also applies around that well. It should be shown on this plat if the building line overlaps on this property. The building lines around these oil wells was reduced from 200' to 50' by the TMAPC on 8/21/91 based upon data provided to the Planning Commission at that time.
5. Based upon the site plan for this property, the oil well on Lot 1 has access through the parking lot for maintenance, etc. However, owner of the land and the lease operator may need to create additional private easements to assure access to the well. (How this is accomplished is not a condition of the approval of this plat, but is mentioned at this time for the benefit of applicant and the lease operator.)
6. Outer boundary of the plat should be a heavy dark line as well as the street right-of-way lines. Also show a 30' property line radius at the corner of Union and Pine.
7. North Union is a collector street in this area and sidewalks are required. (Sidewalk is shown on site plan in accordance with the Regulations and the PUD conditions.)
8. Omit separate dedication for street right-of-way. (Covered by Paragraph 1, SECTION I)
9. Paragraph 1, Section I of covenants: Add the following sentence: "No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown."

10. Omit Paragraph 1.5 (Landscape/pavement) from covenants. (Covered by Paragraph 1 of SECTION I.)
11. Include a SECTION II for the PUD conditions on the plat, then renumber "TERM" as SECTION III. (Staff will assist with this part of plat if needed.)
12. The vicinity/location map needs to be up-dated. (See Staff for further information.)
13. All conditions of PUD 441-1 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
14. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
15. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
16. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
17. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. PFPI required. Fee-in-lieu-of detention is acceptable.
18. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
19. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic). Re-align access points on Pine so they do not conflict with street intersections of Pine and Rosedale Avenue. Coordinate exact locations with Traffic Engineering.
20. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.

21. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
22. All other Subdivision Regulations shall be met prior to release of final plat.

**PUD 441-1: Minor Amendment To Maximum Building Height And Partial Development Of The Site -- northeast corner of North Union Avenue and West Pine Street**

The applicant is proposing to develop the west 3.9 acres of PUD 441 for a 32,710 SF Food Lion grocery store. The facade at the front of the store would be 27' tall which exceeds the maximum height of 16' allowed in the PUD. Staff can support the increase in maximum building height if there is an increased building setback from the north boundary adjacent to the residential area.

Staff recommends **APPROVAL** of minor amendment PUD 441-1 with the following conditions:

Maximum Building Height	
Within 85' of north boundary	16'
Greater than 85' from north boundary	27'
Maximum Building Floor Area	
West 660' [Food Lion]	32,710 SF
Remainder of PUD	14,800 SF

**PUD 441 Detail Site Plan -- Grocery store at the northeast corner of West Pine Street and North Union Avenue**

The applicants site plan for a *Food Lion* grocery store is in compliance with the PUD conditions, but staff has concern about the location of the loading dock being near the residential area to the north. Staff recommends that at least a 10' screening wall be constructed on the north side of the loading area to screen the trailers parked there. With that addition, staff recommends approval of the Detail Site Plan for the west 660' of PUD 441 if the minor amendment is approved by TMAPC.

Staff Comments

Mr. Stump advised that because the site is being lowered approximately 5', the applicant is requesting the required 6' screening fence is being replaced with an 8' fence that is at the highest point on the residential lots. Staff feels this will be sufficient to screen the lots to the north from the loading area

and recommends this alternative as well with the landscaping proposed.

#### Applicant's Comments

Mr. McCrary pointed out screening exceeds code requirements and requests that the Planning Commission accept this in lieu of the 10' high wall. Mr. McCrary presented conditions proposed after meeting with the Gilcrease Hills Homeowners Association for site development of Food Lion Supermarket at NEC Pine and Union Ave.

After meeting with the Gilcrease Hills Homeowners Association (GHHA) we have agreed to provide items to address the concerns of the homeowners. We propose to make these items a part of the overall Food Lion site development plans:

1. We will provide an 8' high woodcrete screen wall for the entire length of the north property line adjacent to the residential zoning.
2. We will provide adjacent to the screen wall, landscape trees which will reach a mature height of 20' and planted at approximately 20' on center. The landscape tree screening will extend from the truck loading dock area to a point approximately parallel with the front of the Food Lion store.
3. Dumpster locations will be screened with an 8' high masonry wall and locking gates.
4. We have provided a sideyard setback of approximately 55' at the truck dock and approximately 95' at the building. Within this sideyard is a 25' landscape buffer area.
5. Typical store hours of operation are from 7:00 a.m. to 11:00 p.m.
6. Loading dock hours of operation for deliveries will be from 6:00 a.m. to 10:00 p.m.
7. All open areas will be either landscaped or hydromulched and maintained by Food Lion.
8. We will provide landscaping with a low 3-4' hedge at the perimeter of the parking lot area with accent trees at approximately 20-30' spacing.
9. Adjacent to the Pine Avenue side of the Food Lion store we will provide tree planting at 20-30' spacing adjacent to the side elevation.
10. All lighting will be directed down and shielded from the residential lots. The parking lot lighting is designed for a two-foot candle average for high visibility in the parking lot area.

11. Exterior finish of the Food Lion supermarket will be concrete block, filled and painted with a light tan color.
12. Roof top mechanical equipment will be screened on three sides by painted metal screens.
13. For the on site security, we have complete confidence in the City of Tulsa Police Department to provide adequate protection to the citizens of the area, to enforce all necessary laws and ordinances as required to maintain law and order.

In regard to the request by the TMAPC that a 10' high screen wall be provided at the truck loading area, we request that the 8' screen wall and landscape tree screen be accepted along the north property line in lieu of the 10' high screen wall at the truck loading area.

We believe the items to be provided with the Food Lion site development will provide an attractive commercial area for this part of Gilcrease Hills and request this site plan be approved with the stipulations as presented in this declaration.

Interested Parties

**Devetta Montgomery**  
**Kathryn Hinkle**  
**Leemon Peterson**  
**Laura Peeples**

1604 N. Tacoma 74127  
1730 W. Virgin St 74127  
15 E. 5th St #1120 74103  
1914 North Olympia Ave

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The above listed individuals expressed the following concerns and comments:

Opposition to the Pine and Union area being zoned commercial.

Dumpster on north be moved to the back of the store, if this is not possible completely enclose and screen the dumpster.

No deliveries after 5:00 p.m. This is due traffic concerns.

No trailers to be left in parking lot over night with the refrigerator motors running.

Should Food Lion vacate the property ensure the building be removed.

Security personnel be assigned to the store during hours of operation.

Fence to be installed at time of construction.

Fence be attached to existing privacy fence.

Residents wish to be involved in parking lot landscaping before the public hearing is held.

Fencing and landscaping around oil well.

Concerns were expressed over screening of loading dock.

Utilities to be placed underground.

Request that typical store hours be amended to read: *the store hours of operation be from 7:00 a.m. to 11:00 p.m. and loading dock hours for deliveries be from 6:00 a.m. to 10:00 p.m., and remove the word approximately.*

Installation of sidewalks.

Concerns over the need to widen Union were voiced.

Concerns were voiced over need of traffic control.

Mr. Peterson expressed concerns over the project proceeding too fast. He advised there had been individuals present at today's meeting, who had to leave, with a petition with over 200 signatures that were not aware of the ramifications of this store. Mr. Peterson explained many neighborhood associations were not aware of the fact that this store was being proposed and expressed that more input should be obtained from those in the area. He requested that this item be tabled so that individuals who have just become aware of the project will have an opportunity to study the project being proposed in this area.

Ms. Peeples also voiced concerns over insufficient advertisement of the meeting between Food Lion and homeowners. She advised the first she was aware of the store was through a newsletter. Ms. Peeples resides in Saddleback and feels the Gilcrease Homeowners Association did not give sufficient notification to residents of the meetings concerning Food Lion.

Chairman Parmele advised the Planning Commission followed prescribed procedures as to notification and advised that this item was continued for two weeks to allow the neighbors to meet with the applicant. That meeting was held and several interested parties attended. He announced that there will be a work session on April 4, to meet with District Chairs and Co-Chairs and notification procedures and policies for notifying individuals would be a good topic for discussion.

#### Applicant's Rebuttal

Mr. McCrary advised Food Lion agrees to the same conditions as to the Sheridan site where a screen fence will be constructed before any above foundation construction begins. He also expressed agreement to connect the Food Lion's screen fence with the existing fence at the northwest corner. Mr. McCrary added that they will send the landscape plan to the homeowners for their review and for

their input in selecting planting materials. Underground utilities apply same as for Sheridan store. He also affirmed the same conditions as to store hours as the Sheridan store. In regard to widening of Union he expressed being in favor of any road widening improvement there. Mr. McCrary commented that in the past Food Lion has, on some sites, contributed to the cost of installing traffic lights and signals. Mr. McCrary added that every attempt was made to notify homeowners through Mr. Larry Duke, president of the Homeowners Association, and members in attendance at the last meeting. He declared this plan meets or exceeds all the requirements in the City of Tulsa and respectfully requested the Planning Commission approve as submitted.

**TMAPC Action; 6 members present:**

On **MOTION** of **WILSON** the TMAPC voted 6-0-0 (Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Buerge, Midget, Selph "absent") to **APPROVE** the Preliminary Plat of Food Lion/Gilcrease Plaza Addition and PUD-441-1 Minor Amendment and Detail Site Plan with the following conditions.

1. Provide an 8' high woodcrete screen wall for the entire length of the north property line adjacent to the residential zoning before construction begins on the building above foundation level.
2. Provide adjacent to the screen wall, landscape trees which will reach a mature height of 20' and planted at approximately 20' on center. The landscape tree screening will extend from the truck loading dock area to a point approximately parallel with the front of the Food Lion store.
3. Dumpster locations will be screened with an 8' high masonry wall and locking gates.
4. Provide a sideyard setback of approximately 55' at the truck dock and approximately 95' at the building. Within this sideyard is a 25' landscape buffer area.
5. Store hours of operation are from 7:00 a.m. to 11:00 p.m.
6. Loading dock hours of operation for deliveries will be from 6:00 a.m. to 10:00 p.m.
7. All open areas will be either landscaped or hydromulched and maintained by Food Lion.
8. Provide landscaping with a low 3-4' hedge at the perimeter of the parking lot area with accent trees at approximately 20-30' spacing.

9. Adjacent to the Pine Avenue side of the Food Lion store provide tree planting at 20-30' spacing adjacent to the side elevation.
10. All lighting will be directed down and shielded from the residential lots. The parking lot lighting is designed for a two-foot candle average for high visibility in the parking lot area.
11. Exterior finish of the Food Lion supermarket will be concrete block, filled and painted with a light tan color.
12. Roof top mechanical equipment will be screened on three sides by painted metal screens.
13. All utilities will enter the site underground and enter the building underground. No power poles or overhead lines will be visible. No electrical distribution boxes or conduits will be visible on the exterior of the building. The only utility above ground will be a pad mounted transformer and gas meter.
14. An 8' high woodcrete fence will be constructed before construction begins on the building above foundation level.
15. A woodcrete fence will be connected to the existing wood fence at the northwest property corner.
16. The landscape plan will be sent to the Gilcrease Hills Homeowners Association for their review.

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17. An 8' screen wall and landscape tree screen along the north property line in lieu of the 10' high screen wall at the truck loading area.

Mr. Gardner pointed out the applicant stated they might be willing to participate in the capital improvements. He added that when public and private interests join forces things are done much quicker than if it is left up strictly to the public to get the job done.

Mr. Doherty advised Ms. Montgomery she might contact Councilor Roberts on this issue and assured her he would welcome her input.

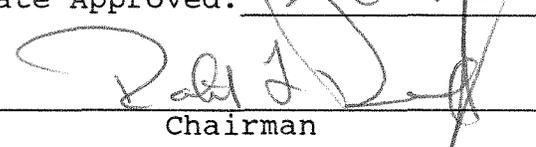
A resident from South Saddleback expressed it was unfair that they did not receive notification of any meetings in regard to this project.

\* \* \* \* \*

Chairman Parmele announced he cancelled the Committee Work Session today due to the extended length of the Planning Commission Meeting. He added Dane Matthews presented to the Boards of Adjustment the work session proposed agenda and also reviewed the work program items for next fiscal year.

\* \* \* \* \*

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

Date Approved: 3-18-92  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary

