

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1877
Wednesday, March 25, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Buerge	Gardner	Linker, Legal
Broussard	Neely	Hester	Counsel
Carnes	Wilson	Matthews	
Doherty, 1st Vice Chairman		Stump	
Horner		Wilmoth	
Midget, Mayor's Designee			
Parmeale, Chairman			
Selph			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, March 25, 1992 at 11:39 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 1:34 p.m.

Minutes:

Approval of the minutes of 1877, March 25, 1992, Meeting No. 1877:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Parmele, Selph, "aye"; no "nays"; no "abstentions"; Buerge, Midget, Neely, Wilson "absent") to **APPROVE** the minutes of the meeting of March 11, 1992 Meeting No. 1875.

REPORTS:

Committee Reports

Comprehensive Plan Committee

Ms. Matthews reported the Comprehensive Plan Committee reviewed the City's Capital Improvement requests for this fiscal year and finds that most are in accord with the Comprehensive Plan. Ms. Matthews highlighted the following projects: Gunboat detention/storm sewer improvements is not in accord with the adopted plan for District 1; Central Park north detention/storm sewers improvements are not in accord with the draft 11th Street Corridor Revitalization Study; TU Phases 1 & 2 Detention/storm sewers are not in accord, as presently described, with the Kendall-Whittier Neighborhood Master Plan; and finally the police property room warehouse which is proposed for an area in District 7 at 12th and Guthrie is not in accord with the Planning District 7 Plan which calls for residential redevelopment on this site.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") to find the Capital Improvements Projects in COMPLIANCE except for the three listed above.

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Rules and Regulations Committee

Mr. Doherty reported the City Council is expected to take final action on the towers and antennas recommendation. The remaining issue for the Council to decide is spacing in AG where it is near residential property.

Budget and Work Program

Chairman Parmele reported the TMAPC workshop is scheduled for April 4, at the Helmrich Center at Hillcrest Medical Center at 8:00 a.m. and encouraged attendance and participation.

Director's Report

Mr. Gardner advised the Planning Commission he has distributed to them a comparison of recommendations made by the TMAPC, Communications Committee, and existing Zoning Code concerning the regulation of towers and antennas.

CONTINUED SUBDIVISIONS:

PRELIMINARY PLAT:

Hillside (PUD-190)(1083)(PD-18)(CD-8)

East 76th Court & S. Joplin Avenue

(RS-3)

This is the third subdivision on this tract. The first being The Hill which included only one dwelling unit/clubhouse on top of the hill and its accompanying private street out to connect with S. Joplin Avenue. The remainder of the tract was also platted as "Lot 2" of the same subdivision. Subsequently, Lot 2 of The Hill was re-subdivided and platted as Minshall Hill with 89 single-family lots. (90 units were allowed in Development Area CL-2. The other unit is the one dwelling on Lot 1 of The Hill). Utilities and private street construction was completed in Minshall Hill as well as the construction of a wall around the subdivision. A few homes were constructed, but most lots remain vacant. The current re-subdivision will increase the size of the lots, reducing the total to 66 dwelling units. (1 in The Hill, 13 in Minshall Hill not part of this resubdivision, and 52 in Hillside.) This is well under the 90 allowed in the PUD. The PUD also included single-family uses so this plat will not create a need for an amendment to the PUD.

The Staff presented the plat with the applicant not represented.

On MOTION of MATTHEWS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of *Hillside*, subject to the following conditions:

1. Not a condition for approval of plat, but applicant should assure that previous platting does not constitute a cloud on the title in this plat. The two previous plats may need to be vacated, but that is not a process through TMAPC. This is only mentioned to advise owner to consult with his attorney regarding chain of title.
2. Since this plat does not include any of The Hill, which platted the majority of the private street system, applicant/owners should assure themselves that they have the right to use the street within The Hill.
3. Plat format:
 - (a) Make sure the legal under the title agrees with the legal in the written portion of the plat.
 - (b) It is suggested that a heavier outline be drawn around the lots being included in this plat, so that it is clear what is or is not included.
 - (c) It may be simpler to retain the block numbering system so that the block numbers remain the same, with the changes in the actual lot numbers.
 - (d) Correct north arrow since plat is rotated 90°.
4. Covenants/Deed of Dedication:
 - (a) Section I:
Add language regarding no structures on the easements.
Add paragraphs E & F, for Landscape repair, etc., and LNA paragraph.
 - (b) Section III: Separate out the PUD restrictions and put them all in one section.
 - (c) Section IV: put all the private restrictions together separate from the PUD. (see staff for sample...)
5. All conditions of PUD 190 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.
6. 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.

- *7. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat.
- 8. 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).
- *9. 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.
- *10. 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.
- *11. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
- *12. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
- *13. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
- *(If required)
- 14. A mandatory Homeowners Association should be created for maintenance of the private streets and to insure erosion control and maintenance of the drainage.
- 15. Relocation of any existing utilities (including all public and all private) and or facilities shall be done at owners expense. Final plat will not be released until arrangements have been made to satisfy this condition.
- 16. 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.
- 17. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comments

Mr. Wilmoth explained this item was continued from last week to allow the applicant and interested party time to confer. Staff has not heard any response from either party. Mr. Wilmoth advised staff recommends preliminary approval subject to conditions.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") **APPROVE** the Preliminary Plat of Hillside, subject to conditions as recommended by staff.

* * * * *

Mingo Marketplace (PUD-481)(Z-5970-SP-2) (684) (PD-18)(CD-8)
NW corner of E. 71st Street and Mingo valley Expressway (CO, CS)

This plat was reviewed by the TAC on 1/14/92 and recommended for preliminary approval, subject to a number of conditions as listed in the minutes of that meeting. Since a Corridor Site Plan and a PUD Site Plan are also required, the plat has been re-scheduled to follow those zoning/site plan procedures as soon as possible.

After the TAC meeting on 1/14/92 and as a result of the approval of the PUD by TMAPC, a corridor collector street was required as follows:

(Excerpt from TMAPC minutes 1/29/92)

"4. ACCESS

A corridor collector street shall be provided on the western portion of the PUD extending from 71st Street to the north boundary of the PUD. The corridor collector shall be designed to accommodate the anticipated traffic generated on site and from future development on tracts to the north. It should also intersect 71st Street near the midpoint between Mingo Road and the Mingo Valley Expressway. In addition, a frontage road should be provided extending from the northeast corner of the property to an intersection with the corridor collector street."

This condition of the PUD is to be substituted for condition # 1 in the TAC minutes of 1/14/92 in this up-dated review on 3/10/92.

A copy of the minutes of the TAC meeting 1/14/92 with Staff comments in the margin was provided. The conditions also shall still apply unless noted otherwise.

The Staff presented the plat with the applicant represented by Ted Sack, Engineer, and two representatives of the Developer.

On **MOTION** of **HILL**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY** plat of *Mingo Market Place*, subject to the following conditions:

1. The collector street as required by the PUD is shown on the plat. It should also be noted that the frontage service road

to the east/northeast along the perimeter of the subdivision does not have to be a dedicated street, but must remain open for public access.

2. On face of plat show the PUD and CO Site Plan reference numbers. (PUD 481, Z-5970-SP-2)
3. Lots 4 & 5 do not actually abut any utility easement unless the Mutual Access Easement is also shown as a utility easement. Specific easements may be necessary. (Verify requirements with utilities, including the Department of Public Works, Water & Sewer) (This will not apply if service road is dedicated as a public street as an option.)
4. Fire Department advises that access to individual buildings must meet their approval. (See Fire Department for maximum distances from hydrants, driveways, etc.) Interior waterlines and hydrants subject to approval of the Department of Public Works (water and Sewer) and Fire Department.
5. Oklahoma Department of Transportation (ODOT) recommends no direct access to 71st be allowed on Lot 3 (Tract "C") since a perimeter road is planned which provided adequate access to this lot. (Per letter dated 12/20/91) (Traffic Engineering the Department of Public Works, did not object to an access point at that location.)
6. All conditions of PUD 481 and Corridor District Site Plan (Z-5970-SP-2) shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include references to the applicable section of the Zoning Code. (1100-1107 and/or 800-805)
7. 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. (Mutual access easement should also be utility easements.)
8. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat.
9. 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).
10. 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. (Some off-site work is required.)
11. 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.

- 12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
- 13. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). (Also see #5 above)
- 14. It is recommended that the developer coordinate with the Department of Public Works (Traffic during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
- 15. 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.
- 16. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
- 17. The Zoning Application Z-6345 and CO District Site Plan Z-5970-SP-2 shall be approved and the ordinance therefore published before final plat is released. Plat shall conform to the applicable zoning and site plan approved.
- 18. 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.
- 19. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comments

Mr. Wilmoth advised there are two conditions on the plat, that it meet the PUD conditions and site plan review conditions. There are no waivers and staff recommends preliminary approval of the plat.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") **APPROVE** the Preliminary Plat of Mingo Marketplace subject to conditions as recommended by staff.

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FINAL APPROVAL AND RELEASE:

True Life Tabernacle (3472) (PD-21) (County) (IL)
NW/corner W. 181st St. & U.S. Highway #75

Holland Pointe (PUD 457-1) (PD-18) (CD-8) (RS-3)
E. 81st St. & s. Hudson Ave.

Staff Comments

Mr. Wilmoth advised that all releases have been received and staff is recommending approval.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") to APPROVE the Final Plat of True Life Tabernacle and Holland Pointe and RELEASE same as having met all conditions of approval as recommended by staff.

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PUD MINOR AMENDMENTS:

PUD 202-B-3 Minor amendment to increase signage --
7633 East 63rd Street South

The subject tract is located west of the southwest corner of South Memorial Drive and East 63rd Street South and contains a 5-story office building known as "One Memorial Place". The applicant is requesting a minor amendment to permit two additional wall signs. One sign of 84 square feet (4' X 21') to be located on the top floor with a northeast exposure and one sign, approximately 15 square feet (1.5' X 10'), on the ground floor with a southwest exposure.

After review of the PUD standards, staff does not find the request consistent with the original PUD. The tract already has 2 ground signs which is the maximum number of signs allowed. These signs also use all the allowable sign display surface area allowed for an OM District.

Therefore, Staff recommends DENIAL of Minor Amendment 202-B-3.

PUD 202-B-3 Detail Sign Plan --

Since staff cannot support the minor amendment, staff recommends DENIAL of the Detail Sign Plan.

Applicant's Comments

Rosemary Burgher, attorney representing the applicant, requested the minor amendment be approved, at least the illuminated sign to distinguish the building. Ms. Burgher explained the proximity of the building and informed the Planning Commission the illuminated sign will aid in distinguishing this building from the other buildings located in the park.

Mr. Doherty asked if the applicant would consider removing one of the ground signs for increased wall signage.

Ms. Burgher conferred with her client and advised having no problem with removing some of the ground signage in order to have the illuminated sign.

Interested Parties

Richard Hasting

6342 S. 70th E. Ave, 74133

Mr. Hasting, president of the Shadow Mountain Homeowners Association, voiced objection to the minor amendment. He explained that Shadow Mountain and Shadow Mountain Estates, residential single-family homes, are located to the west and southwest of the Triad Center, where Nanci Realty is located. Homeowners feel that allowing additional signs would set a bad precedent for the complex and could lead to a billboard jungle in the area and depreciation of property. The Shadow Mountain Homeowners Association would like to register a strong opposition to approval of the proposed amendment.

Mr. Doherty asked if there would be any objection to moving the existing signage from ground sign to wall sign.

Mr. Hasting advised having no objection.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") CONTINUE PUD 202-B-3 to April 1, 1992 to allow staff to make a new recommendation

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PUD 213-1 Disciples Village

PUD 213-1 -- Minor amendment to modify the screening requirements -- South side of East 31st Street South at South 90th East Avenue.

PUD 213 is a 2.3 acre development located east of the southeast corner of East 31st Street South and South 89th East Avenue and has been approved for multifamily dwelling units occupied by the

elderly. The subject tract is abutted to the west and south by single-family dwellings, to the east by commercial uses and to the north by both a public school and single-family dwellings. The applicant is requesting a minor amendment to modify the approved six foot wood screening fence to permit a six foot tall fence on the south and west property lines and a ten foot tall fence on the eastern boundary and to permit the fence to be a wire cyclone fence with metal slats.

After review of the applicant's proposal, Staff is not supportive of the request and does not find the alternative screening consistent with the original PUD. The proposed screening would not be as compatible with the abutting single-family residence. The proposed ten foot height on the east boundary would also take away from the residential character. Cyclone fence with metal slats has been substituted for conventional screening in some instances, but usually when separating an industrial use.

Therefore, Staff recommends **DENIAL** of minor amendment PUD 213-1.

Applicant's Comments

Barbara Almon

9014 E. 31st St 74145

Ms. Almon, executive director of Disciples Village, declared the need to replace the existing fence with one 10' tall to discourage vandals from scaling it and from cutting across this property. This business houses poor, frail, elderly people and she is attempting to protect her property with this fence. Ms. Almon presented a brochure to the Planning Commission of the type of slat fence being proposed for the property. Ms. Almon stated the life of a cyclone fence of this nature is estimated for 40-50 years and a wood fence has an estimated life of 10 years. Ms. Almon went on to explain the features of the slat fence.

Interested Parties

Henry Brandt

9007 E. 32nd Street 74145

Mr. Brandt asked if the new fence would follow the same line as the old fence and expressed concern that it was located on the utility easement.

Ms. Almon assured Mr. Brandt of their intention to install the fence along the same location, but if that is in violation it will be corrected.

In response to a question from Mr. Parmele, Mr. Brandt advised having no objection to the proposed fence.

TMAPC Action: 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted 7-1-0 (Ballard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; Broussard "nay"; no "abstentions"; Buerge, Neely, Wilson "absent") to **APPROVE** the Minor Amendment for PUD 213-1 for a 6' fence on the south and west and a 10' fence on the east with material as presented in the brochure.

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PUD 478-1 Minor amendment to change screening fence material and permit a home occupation -- located west of the northwest corner of East 15th Street South and South Peoria Avenue.

PUD 478 is a 7.34 acre development (The Cloisters on Cherry Street) that has been approved for 24 single-family dwellings and accessory uses. The applicant is requesting a minor amendment to change the material for the screening fence from solid masonry to masonry and wood in combination. In addition, the applicant is requesting a minor amendment to permit a home occupation, furniture design and showing, on Lot 9 and part of Lot 10, Block 14, Broadmoor Addition.

Staff is supportive of the minor amendment to vary the fence materials finding the request to be consistent with the original PUD. Since no fence elevations were submitted, Staff would condition the approval to review of the screening fence design at the time of detail landscape plan review.

Staff is also supportive of the proposed home occupation subject to the following conditions:

1. The home occupation must meet all home occupation guidelines in Section 402.B.6.a. of the Tulsa Zoning Code.
2. Primary access to the residence shall be from Norfolk Avenue.

There were no interested parties present wishing to speak.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") to APPROVE the Minor Amendment for PUD 478-1 to change screening fence material and permit a home occupation on Lot 9 and part of Lot 10, Block 14, Broadmoor Addition.

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PUD 306-8: Minor Amendment to reduce required front yard -- 3127 E. 91st Place -- Lot 1, Block 1, Woodside Village IV

The applicant is requesting a minor amendment to reduce the required front yard on E. 91st Place S. from 15' to 10' and a waiver of the notice requirement. Because the private street easement is generally wider in front of this lot than in many other areas of the development, a reduction in the front yard would still place the proposed house a similar distance from the street as

other dwellings in the area. Therefore, Staff would recommend **APPROVAL** of minor amendment PUD 306-8 for Lot 1, Block 1, Woodside village IV, subject to the submitted site plan.

Staff Comments

Mr. Stump explained the applicant misunderstood the PUD requirements and asked this be put on today's agenda in an effort to speed up the process. Mr. Stump pointed out no notification has been given.

Mr. Linker advised notice should be given in a consistent matter and cautioned it could be an invalid action without notice.

Mr. Stump pointed out that giving notice is a policy of TMAPC and in the past they have waived notice requirements.

Mr. Doherty commented that he could not approve without evidence that abutting property owners were notified.

Mr. Gardner added that in this particular plat, all yards are platted at 10' even though the PUD stated 15'. This is the last structure to be built and would conform to the existing building line.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **5-2-1** (Ballard, Carnes, Doherty, Horner, Parmele, Selph "aye"; Broussard, Midget "nay"; Doherty "abstaining"; Buerge, Neely, Wilson "absent") **APPROVE** the Minor Amendment for PUD 306-8 to reduce the front yard from 15' to 10', per the submitted plot plan, and to **WAIVE** the notice requirement.

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COMPREHENSIVE PLAN PUBLIC HEARING:

Public Hearing to consider adoption of the Historic Preservation Plan as an element of the Comprehensive Plan for the Tulsa Metropolitan Area.

Chairman Parmele announced request for continuance of this item to April 8, 1992.

There were no interested parties present.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") to CONTINUE the public hearing to consider adoption of the Historic Preservation Plan and an element of the Comprehensive Plan for the Tulsa Metropolitan Area to April 8, 1992.

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ZONING PUBLIC HEARING:

PUD 486 (PD-26) (CD-8) (Forest Meadows) RS-2 to PUD/RS-2
South Side of East 101st Street South, East of South Hudson Avenue
(Forest Meadows).

Chairman Parmele announced the applicant has requested a one week continuance to April 1, 1992.

Interested Parties

Frank Hill 10117 South Hudson 74137

Mr. Hill advised that he made an extra effort to be in attendance and feels the developer's request is unfair.

In response to a question from Mr. Parmele, Mr. Gardner revealed the request was not timely.

Mr. Roy Johnsen, representing the applicant, asked the Planning Commission to delay the request while he confers with Mr. Hill.

After conversation with Mr. Hill, Mr. Johnsen advised he and Mr. Hill have agreed for continuance to April 22.

Mr. Hill wanted to make clear there are homes currently under construction on this property and expressed concern over conformance of the 5' and 10' setbacks.

TMAPC Action; 8 members present:

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, Selph "aye"; no "nays"; no "abstentions"; Buerge, Neely, Wilson "absent") CONTINUE PUD 486 to April 22, 1992.

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Application No.: Z-6344-SP-1

Present Zoning: (CO)

Applicant: Cannon Construction

Location: South of the intersection of 107th E. Ave. & 61st St. S.

Date of Hearing: March 25, 1992

The applicant is requesting Corridor Site Plan Approval for a retail/wholesale sprinkler system business at 61st Street South and 107th East Avenue. The site would contain a 100' X 100' steel building with a second floor office of 2,625 sq. ft. This building would be used for retail and wholesale sales of merchandise, warehousing, repair and assembly of irrigation equipment and office space. There would be considerable outside storage of straight and coiled pipe, valve boxes and other supplies. The outside storage area would be screened by an 8' high cedar fence. A 6' X 30' X 30' high ground sign is proposed on the northwest portion of the site and a wall sign of undetermined size would be placed on the north face of the building.

Because of the extensive warehousing and outdoor storage proposed in this site plan, staff does not think this type of use is appropriate for this location. Industrial and warehousing uses are planned north of this site across 61st Street, but south of 61st Street is developed residentially with 107th East Avenue being the collector street providing access from 61st Street to this residential area. Staff feels the type of use proposed would be incompatible with existing development and set a precedent for more incompatible uses in the future. Therefore, staff recommends **DENIAL** of Corridor Site Plan Z-6344-SP-1.

If the TMAPC determines the use is appropriate, staff would suggest making the site plan approval contingent upon the recently submitted revised corridor site plan, including the landscape plan, site plan elevations and text. Staff would also suggest that the maximum permitted wall sign display surface area be 2 sq. ft. per linear foot of wall to which they are attached. Also prohibit wall signs on the east, west and south sides of the building and require that the gates on the north side of the tract screen the storage area from view.

There were no interested parties present wishing to address the Planning Commission.

Staff Comments

Mr. Stump advised staff can agree with most of what is being proposed and noted the amount of signage and that the applicant has submitted a revised proposal on signage that meets the suggested criteria. The applicant modified the landscaping by placing a lower tree by the ground sign. Mr. Stump declared if the Planning Commission finds the use to be appropriate then staff finds this detail site plan for the corridor district to be appropriate and would recommend approval subject to all the stated conditions.

Applicant's Comments

The applicant expressed agreement with staff recommendation.

TMAPC Action; 7 members present:

On MOTION of DOHERTY, the TMAPC voted 7-0-0 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, "aye"; no "nays"; no "abstentions"; Buerge, Neely, Selph, Wilson "absent") to APPROVE Z-6344-SP-1 Corridor Site Plan subject to staff conditions.

* * * * *

Application No.: Z-5970-SP-2

Present Zoning: CO

Applicant: Roy Johnsen

Location: NW/c of 71st St. & Mingo Valley Expressway

Date of Hearing: March 25, 1992

The applicant has submitted a corridor site plan and text for the portion of PUD 481 zoned CO. It is his intent to provide a generalized description and site plan for the proposed shopping center and allow detailed review by the TMAPC of the final design of buildings, landscaping, and signs under the PUD Detail Plan review process. Staff can support such a process because it has been successful in the other instances where it was used in the past. Therefore staff recommends APPROVAL of the Corridor Site Plan and Text conditioned upon meeting all PUD 481 conditions for Detail Site, Sign, and Landscape Plan review and approval.

Applicant's Comments

Mr. Johnsen advised this PUD was the subject matter earlier of a rezoning of part of the frontage to CS accompanied by an overall PUD application. The central issue of those hearings was the provision of a corridor collector along the west boundary of the property which has now been included in this plan. Mr. Johnsen acknowledged agreement with staff procedure and, to present a final detail site plan on each of the development areas.

Interested Parties

Richard deJongh

7523 S. 85th E. Pl. 74133

Mr. deJongh, president of the Woodland Homeowners Association, disclosed that residents in the area are concerned with the traffic problems they anticipate will be generated on 71st Street. He voiced having no objection to the project, but does object to the current traffic problems along 71st Street and asked the Planning Commission to base approval on the opening of Highway 169. He detailed the current traffic problems and advised traffic is expected to increase greatly when Sam's Club opens for business. Mr. deJongh reported that the intersection at 71st Street and the exit of Highway 169 is currently the most accident prone intersection in the City of Tulsa. He asked the Planning Commission to address the traffic problem this will create.

Applicant's Rebuttal

Mr. Johnsen reported that there was an extensive traffic review through the review of the PUD. There were a number of meetings held with the traffic engineer's office and a traffic report was submitted. Mr. Johnsen asked the Planning Commission recognize that 71st Street is identified as a primary arterial and pointed out an expressway is under construction. He stated that there will be considerable length of time before occupancy due to the process that must be followed in a construction project. He asked that no condition be placed on this project that occupancy be dependant upon the extension of Highway 169 being completed.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 7-0-1 (Ballard, Broussard, Carnes, Doherty, Horner, Midget, Parmele, "aye"; no "nays"; Selph "abstaining"; Buerge, Neely, Wilson "absent") to APPROVE the Corridor Site Plan for Z-5970-SP-2, Mingo MarketPlace.

* * * * *

Application No.: PUD 480 Present Zoning: CH, CS & RM-2
Applicant: American Store Property
Location: NE/c E. 41st Street & South Peoria
Date of Hearing: March 25, 1992
Presentation to TMAPC: Charles Norman

Albertson's is proposing redevelopment of a tract near the northeast corner of East 41st Street and South Peoria Avenue. The proposal would remove a group of commercial buildings at the southeast corner of East 39th Street and South Peoria Avenue, as well as two apartment complexes on the south side of East 39th Street, east of Peoria. In their place a major grocery chain would construct a store in the northeast corner of the tract.

The Albertson's request reduces the size of the original Jewel Osco store by approximately 30%. They have also eliminated the loading door on the north side of the grocery and added a free standing restaurant on 41st Street next to the new Git-N-Go store. Their plans also include a 10' "Truck Bar" on the 39th Street access drive to prohibit any trucks from using E. 39th Street.

The Comprehensive Plan designates the frontage along 41st Street and also Peoria Avenue as Medium Intensity-Commercial. The two apartment complexes which are to be demolished are designated Medium Intensity-Residential. The existing zoning is CH, CS and RM-2 and no change in underlying zoning is requested. To the north across 39th Street are commercial uses zoned CH fronting Peoria and further east multifamily dwellings zoned RM-1; to the east are multifamily dwellings zoned RM-2; to the south are commercial

buildings zoned CH and CS; and to the west are commercial buildings zoned CH.

Staff finds the uses and the proposed intensities of development to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 480 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 480 subject to the following conditions:

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

2. **Development Standards:**

Land Area	
(Gross)	5.93 acres
(Net)	5.35 acres

Permitted Uses:	Use Units 11, 12 (excluding Entertainment and/or Drinking Establishments) 13 and 14 and customary accessory uses.
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Maximum Building Floor Area:	49,750 SF
Grocery Store Building	46,250 SF
Restaurant Building	3,500 SF

Maximum Building Height:	25'*
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Minimum Off-street Parking:	As required by the applicable use unit
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Minimum Building Setback:

Principal Grocery

From the centerline of Peoria Avenue	350'
From the centerline of 39th Street	80'
From the centerline of 41st Street	290'
From the east internal boundary	10'
From the south internal boundary	10'

Detached (Restaurant) Building

From the centerline of 41st Street	105'
From Git-N-Go parcel boundary	50'
From Olde Village Center boundary	50'

**Minimum Setback of Loading Areas
and Trash Receptacles**

From the east internal boundary	50'
From the centerline of 39th Street	300'

*Additional building height to a maximum of 35' if determined to be appropriate by TMAPC at site plan approval.

Minimum Landscaped Open Space (net land area) 10%

3. Landscape area shall generally be as shown on the amended landscape concept plan with the addition of 3' high shrubs to provide a vegetative screen between the residences to the north and the parking lot and provision of shrubs and trees on the east side of the proposed store in place of a 6' screening fence.
4. The east and north sides of the proposed building shall comply with the following design requirements:
 - a. No openings except for emergency exit doors.
 - b. Building facade materials similar to those used on the west side of the building.
 - c. No lighting of the building (east side only).
5. Only one access drive to East 39th Street shall be permitted and it shall be no closer than 200' from the east boundary line.
6. An access point should be provided between the PUD parking lot and the parking lot of the Olde Village Shopping Center if agreement can be reached between the owners.
7. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
9. No sign permits shall be issued for erection of signs within the PUD until a Detail Sign Plan for the grocery and for the restaurant has been submitted to the TMAPC

and approved as being in compliance with the approved PUD Development Standards.

10. All trash, mechanical and equipment areas shall be screened from public view.
11. The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
12. No Building Permit shall be issued until the requirements of Section 1107 E 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 beneficiary to said Covenants.
13. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

Staff Comments

In response to a question from Chairman Parmele, Mr Gardner advised that under the PUD the limitation of floor space is .75 floor area ratio and if it were not a PUD, under CH zoning there would be unlimited size and height, contingent on parking provision.

Applicant's Comments

Mr. Charles Norman, attorney for the applicant, advised that he transmitted copies of letters, complaints, criticisms, comments, and petitions filed with TMAPC regarding this proposal to Albertson's executives. After review, they suggested changes in the original PUD as presented. This was responsive to Albertson's method of operation and concerns expressed by area residents. Mr. Norman pointed out that by downsizing the grocery store it created a substantial surplus of on-street parking. The plan submitted today provides in excess of 40 parking spaces of that required by the Zoning Code.

The Albertson proposal also responded to concerns about traffic penetrating the residential area to the north and east. The installation of a "truck bar" was proposed over the 39th Street access point to prevent any large truck from entering the facility from 39th Street. Albertson's also authorized the proposal to state the facade of the grocery building be designed in English Tudor style architecture to compliment and continue the style of the *Old Village Shopping Center* on 41st Street. This amended PUD also eliminated the second access point at the northeast corner of the site to 39th site and eliminated a proposed loading area at the northeast corner of the building.

Mr. Norman reminded everyone there has been no request for any zoning change; this is merely a proposal to reorganize and relocate the uses presently permitted by existing zoning in a more efficient and organized way at this location. He stated this PUD represents a private redevelopment of a part of Brookside that has suffered substantial deterioration. Mr. Norman advised CH zoning on the South Peoria frontage permits a variety of uses such as machine shops, heavy automotive repair, body work, paint shops, lumber yards, heating and air-conditioning facilities and a number of very heavy uses that boarder on light industrial. The PUD, as submitted, represents an effective downzoning of the property by eliminating from those permitted uses anything that would not be permitted in an ordinary commercial shopping area. Under the PUD, in effect, the entire block has been downzoned from 39th Street to 41st. This proposal also eliminates aerial billboards. Mr. Norman noted this represents a restrictive use of property that is presently zoned for much heavier uses. He advised this proposal is taking the permitted density under existing zoning, relocating it in a way that is consistent with suburban development practice and with contemporary planning requirements.

Mr. Norman gave a detailed overview of the zoning in this area. He reported completion of the traffic analysis study of the area. Mr. Norman reported those reports were very favorable insofar as the present operation of the 41st and Peoria intersection and the operation of the entries and exits to the planned Albertson's store. He remarked that City of Tulsa Traffic Engineer, John Eshelman, has reviewed that report and expressed agreement with the methodology used by DeShazo-Starek-and Tang, Inc. and with their conclusions that there is ample capacity on the streets to handle the traffic expected to be generated by the Albertson store.

Mr. Norman then gave a slide presentation depicting an artist's rendering of the proposed store and how it would fit into the neighborhood, surrounding properties in the Brookside area, and condition of exiting structures presently existing on the proposed site.

Interested Parties

Jill Tarbel	3111 S. Madison	74105
Bill Watson	4108 S St Louis Ave	74105
Robert N. Jones	1030 E. 32nd Pl	74105
Dorothy Watson	4108 S. St. Louis	74105
Jill Iwata	3648 S. Wheeling	74105
Mary Brown	1321-A E. 39th St	74105
Michael Bates	3823 Riverside Dr	74105
Pamela Deatherage	1516 E. 36th	74105
Jan Slater	1417-A E 39th St	74105
Dorothy Dillard	1504 E. 33rd St	74105
Caroline Harper	1534 E 33rd St	74105
Bill Short	1522 E. 37th St	74105
George Wise	3927 S Troost	74105
Patty Manning	1320D E. 38th Pl	74105
David Hanover	4719 S Cincinnati	
John Hedge	3841 S St Lewis	

The above listed individuals spoke at the public hearing or were opposed to PUD 480. Their primary concerns were:

The PUD is not consistent with the Comprehensive Plan.
Provides commercial use in a residential area.

Not in harmony with the surroundings.

Intrusion into residential area.

Concerns over increase in traffic and advised of problems with traffic congestion even now.

Proper land use was questioned.

This may result in designation of additional residential land for development as commercial rather than the redevelopment of existing commercial areas.

PUD may result in commercial services in excess of that necessary to support residential activities.

Concerns were voiced over the competition with the other stores in the area and over the viability of three grocery stores and three full service pharmacies surviving in this proximity.

Much concern was voiced over increased traffic flow being hazardous to pedestrians, especially school children.

Concern for those living in the apartments who will be displaced.

Influx of possible criminal activity which seems to follow large parking lots and large developments.

Residents do not feel a third grocery store will benefit the area.

Comprehensive Plan 2.1.2.1. speaks to improving the quality of life as a necessity, insuring individuals health, safety, and well being and minimizing any adverse effects of growth and development on the environment, residential areas should be properly buffered, design and development of the transportation system should be consistent with pedestrianways and bicycles and feel this PUD application will do nothing to help any of those goals stated above, but be detrimental.

Safety of school age children walking to and from school with increased traffic was of great concern. Rockford Avenue and 36th Street and 36th Place was mentioned as being particularly dangerous.

Parking for condominiums across from the proposed site along 39th Street was mentioned. Condo residents use the street for parking. Parking problems along 39th Street from Peoria Avenue to Rockford

was noted. Peak parking periods have made 39th Street a one way passage, due to parking on both sides of the street.

Danger to children playing who reside on 39th Street.

Security of proposed parking lot and residents being exposed to a possible criminal element who will frequent this proposed store.

Concerns that noise along 39th Street will increase from traffic accessing the proposed store.

Quality of life in Brookside being threatened.

Size will overwhelm nearby residences and the building is outscaled for the neighborhood.

Concerns were expressed of further penetration into residential area by commercial development.

It was pointed out that similar type developments are urban developments that were built before or at the same as the adjoining residential developments. At these locations major street adjustments were made to handle the traffic. Service truck access drives and parking on the property separate from the customer drives and parking happened at those locations. A greenbelt between adjoining residential development, and truck drives such as parks or drainage areas, to separate them from the residential areas. Residential developments are separate from the commercial developments. There are no common or connecting streets.

Most similar facilities are not within four blocks of an elementary school. It is estimated there are 1,200 school age children playing in the neighborhoods of the area within a mile radius of this site. These children will be endangered by acceptance of this plan as presented.

Lacks required separation from surrounding residential zoning.

A suggestion to provide for a median to divide opposing lanes of traffic at 41st Street and Peoria for a distance of 500' from the center of the intersection out in all directions. The lane divider should be a 6' high curb to separate directional traffic and control access and egress. It was suggested the developer pay for street improvements.

This structure would be the tallest structure in the area completely alien to the adjoining properties. Additional purchase of property to provide adequate separation, greenbelt, or reduce further the size of the building should be required.

Replacement of the temporary fence shown on the plans with a 10' high 24" thick reinforced brick wall to help shield the neighborhood. The back wall of the building should have no

openings and no lighting. It should be painted a neutral color to create a compatible back drop to the apartment complex.

This would allow a commercial development too close to the residential area.

Eliminate access to 39th Street.

Concerns of discrepancies with the traffic study was expressed in reporting there would be no adverse impact on traffic and an average delay for vehicles traveling through 41st and Peoria intersection of 11.8 seconds. Residents conducted their own timed travel through this intersection and found it to take 22 seconds to 1 minute and 12 seconds.

The number of large trucks making deliveries to the proposed store should be considered.

The proposed development will alter the nature of Brookside, a mixture of small shops and quiet safe residential neighborhoods.

Concerns that property values abutting the store would decrease.

Detrimental to safety of children.

Opposed to 24-hours nonresidential traffic that will be brought into the area.

Concerns that Homeland and Bud's may be run out of business were expressed.

Opponents asked the Planning Commission to not bend the rules so American Store Property can push their way into Brookside. It was pointed out the side and rear of the proposed store, that adjacent residents will be forced to view, is a very dramatic and imposing intrusion into the neighborhood. Residents questioned the traffic consultant's report that the added 45,000 shoppers expected to shop this proposed store will not impact traffic materially in terms of volume or pattern. They felt the development would increase Tulsa's already deplorable inventory of vacant commercial space while at the same time decrease south Tulsa's already waning inventory of affordable housing. It would force displacement of dozens of senior citizens living on fixed incomes.

A map was displayed depicting locations of the larger grocery stores in the area.

Mrs. Dorothy Watson presented the Planning Commission with a petition opposing the Albertson's store.

The area at 51st and Peoria was given as an example of an area that at one time supported three grocery stores and now only one has survived, leaving two empty buildings.

Applicant's Rebuttal

Mr. Norman commented that Brookside is different from many areas of the city because of absence of commercial zoning along South Peoria. There are very few alternatives to larger shopping that are available in other parts of the city. The issue of competition has been injected in the sense that there are too many stores of this type in the area. This is inappropriate of the Planning Commission to make such a decision. The area between 11th Street and the Skelly Dr. bypass Harvard and Riverside contains 45,000 people that have no shopping alternative for groceries, except Bud's, Homeland, and Petty's. Mr. Norman advised there have been problems with parking expanding into the residential area. This redevelopment proposal plans to push the building back into a multifamily zoned area and put parking in the front in an amount which will exceed the requirements of the zoning code. Mr. Norman declared the traffic analysis was conducted by an independent Dallas firm and indicates 41st Street and Peoria is one of the lower volume intersections in the community. The analysis of the intersection was concluded to operate at level of service "B" which means an average delay, going through the intersection of between 5 and 15 seconds. Entrances to the store would operate between levels "A" and "C" depending on the turning movements made. The study indicated reserve capacity for making exit turns well in excess of requirements to serve the store during peak hours. It concluded that those using 39th Street would be individuals living in that immediate area.

Mr. Norman addressed concerns of this project intruding into a residential area. He pointed out that multifamily development is considered an acceptable buffer or transition between commercial development and single family areas. He pointed out the nearest single family house to the proposed store is almost a quarter of a mile away because of the separation by existing multifamily development. Mr. Norman reiterated that this proposal takes two 1950's apartment complexes and replaces them with a modern development that addresses all of the appropriate and legitimate concerns for the relationship on the north and east side, between the store building and the remaining multifamily development in the area. He believes the landscape architect has done an outstanding job in planning for that separation and transition. The limitations and restrictions placed on the application by responsible developers and responsible store operators reflect concerns the Planning Commission has had for many years.

TMAPC Review Session

Mr. Doherty questioned the discrepancy of traffic flow through the intersection from the Study, compared to residents informal analysis.

Mr. Norman described the method by which the traffic study was conducted. He advised that data is in the report submitted to the traffic engineer and to the Planning Commission.

In regard to the truck traffic a representative from Albertson's advised there would be between 11 and 17 18-wheel semi truck deliveries per week.

Mr. Doherty addressed traffic concerns on 39th Street and voiced sharing residents concerns that traffic will travel along 39th Street to frequent the store.

Mr. Norman advised that because of convenience it was determined motorists would find it best to travel 41st Street or Peoria. He mention the small shops will benefit from additional traffic because in other areas where there are anchor stores the smaller retailers benefit from traffic spinning off to them. He cited the example of Hanovers Meat Market, a small shop with specialized service competing with two large grocery stores in the area.

Mr. Parmele inquired if Traffic Engineering commented as to access onto 39th Street.

Mr. Norman responded that in the traffic engineer's opinion only residential traffic to the immediate north and east would use 39th Street. John Eshelman advised that because of neighborhood stop signs, it would be easier for traffic leaving the store to make a right turn with virtually no delay, go north to 36th Street, or north to 31st on the arterial street systems.

Mr. Doherty expressed concern of placing a tall building so close to the apartments will limit the viability, rentability, therefore, the maintenance on those apartments and perhaps create a rolling blight to the east.

Mr. Norman assured that Albertson's has no intention of constructing any building over one story. The only thing to possibly exceed 22' is decorative mansards or towers.

Mr. Doherty expressed concern with minimizing the impact on the apartments.

Mr. Broussard questioned the impact on the residential area. He did agree it would be an improvement over the existing commercial buildings.

Mr. Norman stated he believes the residential property values to the east will not be hurt and the individual selling that portion of the apartments has been sensitive to that issue. He reiterated that multifamily by nature is considered to be compatible with commercial if the transition is screening or landscaping.

Mr. Doherty referred to the sketch presented by Ms. Deathridge where a masonry wall is indicated at several places to the north of the store. One of her suggestions is to extend the wall to the north to make a clean separation between commercial and residential.

Mr. Norman advised that possibly could be discussed.

TMAPC Review Session

Mr. Midget commented that in some other neighborhood this development may be desirable, but these residents have raised several concerns and he does not believe it meets the expectations of the neighborhood. He contends, for the sake of consistency, new development should occur in harmony with the existing neighborhoods and not in an adversarial role. Mr. Midget divulged that he will be voting against this proposal; however, if the Planning Commission does approve this they should be mindful of additional safeguards which would protect the integrity of the Brookside area.

Mr. Doherty commented on the Planning Commission's charge of focusing land use and not to regulate competition. The issue of competition with the existing stores does not have any bearing on this decision. He reminded the Planning Commission their decision is the appropriateness of land use in the area. Mr. Doherty addressed controlled access and circulation to the neighborhood, pedestrian access and safety. Particular attention must be paid to including sidewalks and pedestrian access in this project. He noted the difficult point of balancing the rights of the property owner with the desires of the neighbors. He believes under the PUD process the needs of the neighborhood can be protected and at the same time accommodate the legitimate rights of the property owner. Mr. Doherty indicated support of the concept of a PUD to provide for a grocery store at this location. He cautioned to proceed with care to insure conditions are attached that minimize any impact on the neighborhood.

Commissioner Selph commended the applicant on working with the residents to try to find something that is acceptable and try to be responsive to the needs of the people that live in that area. He agreed planning decisions are not made on competition or lack thereof. Sound planning principles must be applied and look at the appropriateness of land use. Commissioner Selph feels this land use may be encroachment or intrusion into a neighborhood with this PUD. He supports the PUD concept, but believes this is an intrusion and incompatible with what is trying to be done to the Brookside area. Because of his concerns he will have a difficult time voting for this PUD.

Mr. Parmele feels the physical facts support the application and he has concerns the underlying CH zoning would permit uses that would be objectionable to the neighborhood. The intensity permitted under CH zoning would not blend in with the neighborhood. He finds the proposed development to be consistent and in harmony with the development already in existence. He noted the existing apartments about *Olde Village Shopping Center* and what is being proposed is a store that abuts the existing apartments. He sees no difference in the physical facts. Mr. Parmele feels the treatment of the rear of the building will blend in with the apartments. The landscaping proposal is something not often seen in Brookside. He noted that landscaping requirements can be imposed on the PUD and encourage

the planting of trees, ask for and demand sidewalks. If this is approved the Planning Commission can control and limit access to 39th Street. He sees a chance to encourage future growth of other businesses in Brookside. Mr. Parmele declared approval of the project with sufficient conditions imposed to assure compatibility.

Mr. Doherty commented that traditionally multifamily is used to wrap around a commercial shopping area as a buffer from single family. He pointed out that this is the pattern of development we have in this area by accident and there are no single family residences adjacent to the proposed commercial development.

Reference was made to the Homeland at 41st and Peoria which has an apartment complex to the rear of that store.

Mr. Horner made a motion to approve PUD 480. Mr. Doherty made a motion to amend the motion to provide no access to 39th St.

TMAPC Discussion on Amended Motion

Mr. Parmele stated he understands and supports the residents point of not wanting access to 39th Street.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-2-1** (Broussard, Carnes, Doherty, Parmele, Selph "aye"; Ballard, Midget, "nay"; Horner "abstaining"; Buerge, Neely, Wilson "absent") to **AMEND** PUD 480 to prohibit access to 39th Street.

* * * * *

Mr. Parmele expressed concerns over the building height.

Mr. Norman advised the applicant could agree to 25' unless it were for decorative features to be approved as part of the detail site plan, or to screen mechanical roof equipment.

TMAPC Action; 8 members present:

On **AMENDED MOTION** of **HORNER**, the TMAPC voted **5-3-0** (Ballard, Carnes, Doherty, Horner, Parmele, "aye"; Broussard, Midget, Selph "nay"; no "abstentions"; Buerge, Neely, Wilson "absent") to **APPROVE** PUD 480 subject to staff recommendation and as amended with no access to 39th Street.

* * * * *

Legal Description PUD 480

A PORTION OF U.S. GOVERNMENT LOT 4 OF SECTION 19, TOWNSHIP 19 NORTH, RANGE 13 EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 185 FEET NORTH AND 35 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 19, ON THE EASTERLY RIGHT-OF-WAY OF SOUTH PEORIA AVENUE;

THENCE NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH PEORIA AVENUE, A DISTANCE OF 90.00 FEET;

THENCE EASTERLY AND PARALLEL TO THE SOUTH BOUNDARY OF SECTION 19, A DISTANCE OF 155.00 FEET;

THENCE NORTHERLY AND PARALLEL TO THE WEST BOUNDARY OF SECTION 19, A DISTANCE OF 200.00 FEET;

THENCE WESTERLY AND PARALLEL TO THE SOUTH BOUNDARY OF SECTION 19, A DISTANCE OF 140.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH PEORIA AVENUE;

THENCE NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH PEORIA AVENUE, A DISTANCE OF 161.56 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF EAST 39TH STREET SOUTH;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF EAST 39TH STREET SOUTH, A DISTANCE OF 558.50 FEET;

THENCE S 00 00'00"E A DISTANCE OF 361.56 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF LOT 1, BLOCK 1, "OLDE VILLAGE SHOPPES", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, PLAT NO. 2613;

THENCE WESTERLY ALONG THE NORTHERLY BOUNDARY OF LOT 1, BLOCK 1, "OLDE VILLAGE SHOPPES", A DISTANCE OF 223.50 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, "OLDE VILLAGE SHOPPES";

THENCE SOUTHERLY ALONG THE WESTERLY BOUNDARY OF LOT 1, BLOCK 1, "OLDE VILLAGE SHOPPES" A DISTANCE OF 240.00 FEET;

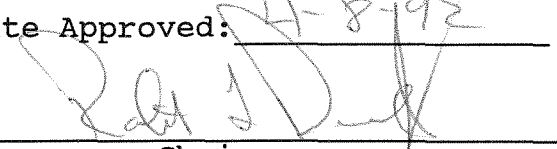
THENCE WESTERLY AND PARALLEL TO THE SOUTH BOUNDARY OF SECTION 19, A DISTANCE OF 200.00 FEET;

THENCE NORTHERLY AND PARALLEL TO THE WESTERLY BOUNDARY OF SECTION 19, A DISTANCE OF 150.00 FEET;

THENCE WESTERLY AND PARALLEL TO THE SOUTH BOUNDARY OF SECTION 19, A DISTANCE OF 150.00 FEET TO THE "POINT OF BEGINNING".

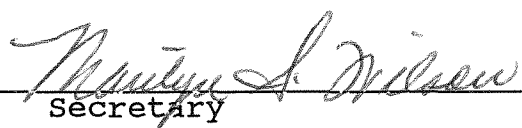
There being no further business, the Chairman declared the meeting adjourned at 4:55 p.m.

Date Approved: _____

4-8-92


Chairman

ATTEST:



Secretary

